

Please note that this meeting will be held remotely

Monday 12 June 2023 - 2.00pm

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of meeting of the Fife Planning Review Body of 24th April, 2023. 5 – 6
4. **APPLICATION FOR REVIEW - 57 CHAPEL ROAD, KIRKCALDY (APPLICATION NO. 22/01302/PPP)** – Planning permission in principle for erection of dwellinghouse.
 1. Notice of Review 7 – 38
 2. Decision Notice and Report of Handling 39 – 52
 3. Representations 53 – 63
 4. Consultee Comments 64 – 74
 5. Planning Case Officer's Position Statement on National Planning Framework 4 (NPF4) 75 – 77
 6. Comments on Planning Case Officer's Position Statement on NPF4 78 - 80
5. **APPLICATION FOR REVIEW - LAND 350M NORTH EAST OF EDENBANK FARMHOUSE, DRON, DAIRSIE (APPLICATION NO. 22/03199/PPP)** – Planning permission in principle for the erection of dwellinghouse including formation of access
 1. Notice of Review 81 – 131
 2. Decision Notice and Report of Handling 132 – 145
 3. Consultee Comments 146 – 154
 4. Planning Case Officer's Position Statement on National Planning Framework 4 (NPF4) 155 – 157
 5. Comments on Planning Case Officer's Position Statement on NPF4 158 - 161
6. **APPLICATION FOR REVIEW - 10 ST. CLAIRS COURT, KINGHORN (APPLICATION NO. 22/04273/FULL)** – Installation of replacement windows
 1. Notice of Review 162 – 184
 2. Decision Notice and Report of Handling 185 – 193
 3. Representations 194 – 196
 4. Consultee Comments 197 - 198

7./

7. APPLICATION FOR REVIEW – 2 KILRIE COTTAGES, AUCHTERTOOL, KIRKCALDY (APPLICATION NO. 22/03283/PPP) – Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development	
1. Notice of Review	199 – 300
2. Decision Notice and Report of Handling	301 – 317
3. Representations	318 – 330
4. Consultee Comments	331 – 343
5. Planning Case Officer's Position Statement on National Planning Framework 4 (NPF4)	344 – 346
6. Comments on Planning Case Officer's Position Statement on NPF4	347 - 330

Plans and papers relating to the applications and the review can be viewed online at www.fife.gov.uk/committees

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services
Fife House
North Street
Glenrothes
Fife, KY7 5LT
5 June 2023

If telephoning, please ask for:
Michelle McDermott, Committee Officer, Fife House, North Street, Glenrothes
Telephone: 03451 555555, ext. 442238; email: Michelle.McDermott@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on www.fife.gov.uk/committees

Local Review meeting

Guidance Notes on Procedure

1. Introduction by Convener

- Convener introduces elected members and advisers; both there to advise the Review Body and not argue the officer's case; planning adviser in particular independent of the planning officer who made the decision.
- Convener advises members that photos/powerpoint are available
- Convener clarifies procedure for meeting and asks members if they have any points requiring clarification

2. Minutes of previous meeting

Review Body requested to approve minute of last meeting

3. Outline of first item - Convener

4. Powerpoint presentation of photos/images of site

Convener advises other documents, including Strategic Development/Local Plan and emerging plan(s) are there for Members to inspect if necessary, and asks members to ask Planning Adviser points of clarification on the details of the presentation.

5. Procedural agreement.

Members discuss application and decide whether –

- decision can be reached today
- if there is any new information, whether this is admissible or not in terms of the legislation
- more information required, and if so, if
- written submissions required
- site visit should be arranged (if not already happened)
- Hearing held

6. Assessment of case. Convener leads discussion through the key factors (assuming we can proceed)

Members should recall that planning decisions should be taken in accordance with the Development Plan, unless material considerations indicate otherwise. Accordingly, it is important the Members debate each point fully and explain whether they are following policy, or, if not, what material considerations lead them to depart from it. If they are taking a different view of policy from the officer who made the original decision they should make this clear.

a) Convener asks the LRB to consider

- Report of Handling and
- the applicant's Review papers

to establish the key issues pertinent to this case

- b) Detailed discussion then takes place on the key issues with specific regard to
 - Strategic Development Plan
 - Local Plan
 - Emerging Plan(s)
 - Other Guidance
 - National Guidance
 - Objections

Legal/Planning Advisers respond to any questions or points of clarification from elected members

- c) Convener confirms the decision made by the LRB. At this stage if a conditional approval is chosen then additional discussion may be necessary regarding appropriate conditions

7. Summing Up by the Convener or the Legal Adviser identifying again the key decision reached by the LRB

8. Next stages Convener confirms the next stages for the benefit of the audience:

- Draft decision notice
- Agreed by Convener
- Issued to applicant and interested parties (posted on Idox)
- Approximate timescale for issuing decision. (21 days)

9. Closure of meeting or on to next item

Version 5
31.10.2017

THE FIFE COUNCIL - FIFE PLANNING REVIEW BODY – REMOTE MEETING

24th April, 2023.

2.00 p.m. - 4.50 p.m.

PRESENT: Councillors David Barratt (Convener), Fiona Corps, Alycia Hayes, Jane Ann Liston and Lynn Mowatt.

ATTENDING: Mary McLean, Team Manager (Legal Services), Legal and Democratic Services; Steve Iannarelli, Strategic Development Manager and Katherine Pollock, Lead Professional, Planning Service.

Prior to the start of business, the Convener intimated the intention to vary the sequence of items from that on the agenda.

25. DECLARATIONS OF INTEREST

- Councillor Jane Ann Liston declared an interest at para. 27 - Application for Review - 41 Learmonth Place, St. Andrews (Application No. 21/02318/FULL) - as the application was within her Ward.
- Councillor David Barratt declared an interest at para. 29 - Application for Review - 14 Mortimer Court, Dalgety Bay (Application No. 21/02523/FULL) - as the application was within his Ward.

26. MINUTE

The minute of the Fife Planning Review Body of 13th February, 2023 was submitted.

Decision

The Review Body approved the minute.

Councillor Jane Ann Liston, having declared an interest in the following item, left the meeting at this stage.

27. APPLICATION FOR REVIEW - 41 LEARMONTH PLACE, ST. ANDREWS (APPLICATION NO. 21/02318/FULL)

The Review Body considered the Application for Review submitted by Sunshine Design and Planning, on behalf of Mrs. Maureen Penman, in respect of the decision to refuse planning permission for the installation of an air source heat pump (amendment to 19/02448/FULL) (Application No. 21/02318/FULL).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be approved, subject to conditions (reversing the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

Councillor Jane Ann Liston/

Councillor Jane Ann Liston rejoined the meeting following consideration of the above item.

**28. APPLICATION FOR REVIEW - 25 ELM GROVE, DUNFERMLINE
(APPLICATION NO. 22/02622/FULL)**

The Review Body considered the Application for Review submitted by Andrew Megginson Architecture, on behalf of Ms. Julie Hickey, in respect of the non-determination of planning permission for a two storey extension to side of dwellinghouse (Application No. 22/02622/FULL).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (varying the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

Having declared an interest in the following item, Councillor David Barratt left the meeting at this stage. Councillor Jane Ann Liston thereafter took the chair.

**29. APPLICATION FOR REVIEW - 14 MORTIMER COURT, DALGETY BAY
(APPLICATION NO. 21/02523/FULL)**

The Review Body considered the Application for Review submitted by 1st Architects, on behalf of Mrs. Catherine Chorley, in respect of the decision to refuse planning permission for alterations to an existing rear extension including installation of a roof lantern (Application No. 21/02523/FULL).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (varying the appointed officer's determination) and that the content of the Decision Notice be delegated to the Head of Legal and Democratic Services, in consultation with the Convener.

Agenda Item 4(1)

**57 Chapel Road, Kirkcaldy, KY2 6TT
Application No. 22/01302/PPP**

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100616223-001

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

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:	A.S Associates ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Alison	Building Name:	
Last Name: *	Arthur	Building Number:	85
Telephone Number: *	01337 840 088	Address 1 (Street): *	High Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newburgh
Fax Number:		Country: *	Fife
		Postcode: *	KY14 6DA
Email Address: *	info@asassociatesltd.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Glen"/>	Building Number:	<input type="text" value="57"/>
Last Name: *	<input type="text" value="McGuire"/>	Address 1 (Street): *	<input type="text" value="Chapel Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kirkcaldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY2 6TT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@asassociatesltd.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="57 CHAPEL ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KIRKCALDY"/>
Post Code:	<input type="text" value="KY2 6TT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="693556"/>	Easting	<input type="text" value="325397"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning permission in principle for erection of dwellinghouse.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to submitted Statement of Reasons for Seeking Review

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement of Reasons for Seeking Review, Location Plan, Indicative Block Plan, Photographs

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/01302/PPP

What date was the application submitted to the planning authority? *

16/05/2022

What date was the decision issued by the planning authority? *

17/11/2022

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

A site inspection will enable members of the Planning Review Body to fully appreciate the site and its surroundings.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Alison Arthur

Declaration Date: 08/02/2023



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088



www.asassociatesltd.co.uk/
info@asassociatesltd.co.uk

Fife Planning Review Body

Statement of Reasons for Seeking Review

Application 22/01302/FULL

Planning permission in principle for erection of Dwellinghouse

57 Chapel Road, Kirkcaldy, KY2 6TT



Prepared for Mr G McGuire

January 2023

View of application site



View of application site



Introduction

This statement is prepared on behalf of Mr McGuire who is seeking planning permission in principle for the erection of a dwellinghouse on land to the rear of 57 Chapel Road, Kirkcaldy. The application, 22/01302/FULL, was refused planning permission on 17th November 2022.

The Reasons for Refusal were:

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of residential amenity and road safety; by virtue of its under-provision of garden ground, the development would not provide an acceptable standard of garden ground for the existing dwellinghouse and proposed new dwellinghouse, thereby constituting overdevelopment, contrary to the SPP (2014), and Policies 1 and 10 of the Adopted FIFEPlan (2017).
2. In the interests of road safety, the development would not provide an acceptable standard of off-street parking for the existing dwellinghouse and the proposed new dwellinghouse, thereby constituting overdevelopment, contrary to the SPP (2014), and Policies 1 and 3 of the Adopted FIFEPlan (2017).

Extract from Fife Council Decision notice

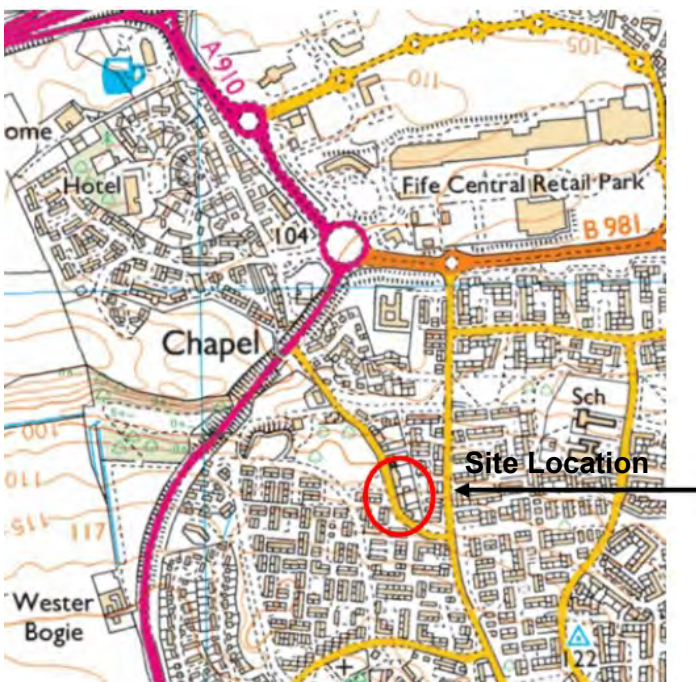
In summary we make the following points in support of our client's case:

- The approval of this proposal would make good use of surplus urban land to provide for a modestly sized house to contribute to the local housing market—aimed at being a starter home or older age accommodation.
- We believe that the proposal merits approval and demonstrate the case in relation to sufficiency of garden ground, plot ratio and parking, set in the context of the surrounding residential area in Kirkcaldy.
- We believe that the issues of concern to the case officer in assessing the application have been addressed and overcome.
- There appears to have been confusion in the case officer's assessment of the application. An email/ revised plan sent to the case officer prior to the case officer concluding the assessment appears not to have been taken into account in writing the Report of Handling, and reaching its conclusion and recommendation. An email reply from the case officer did indicate that points that we had made were accepted in resolving issues. This correspondence does not appear in the public online file. We have attached this correspondence to this statement and referred to it in our case.
- We request that the Fife Planning Review Body give full consideration to the submissions we had made to the case officer during the application process, demonstrating that the proposal can meet with the Council's FIFEplan Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 10: Amenity.
- With respect, Mr McGuire seeks the support of the Local Review Body in approving this application.

Site Context and Description

The site is located in Chapel, in the north west of Kirkcaldy, within an extensive surrounding area of high density housing. This application relates to an area of land to the rear of 57 Chapel Road and its garden/patio area. The site is accessed from Broomside and contains a garage, timber shed and area of hardstanding. The site is bounded with high timber fencing.

The property at 57 Chapel Road, to the west (front) of the site, is a small one-bedroom cottage and was formerly semi-detached. Its neighbouring property was demolished and the site re-developed for 2 two-storey dwellinghouses (now 59 and 61 Chapel Road). A modern dwellinghouse and substantial one and a half storey garage lies adjacent at 55 Chapel Road.



Aerial View of Site Location
(Google Maps)

Grounds for Seeking Review of the Application—Introduction

The FIFEplan Local Development Plan 2018 provides the basis for determining planning applications along with reference to guidance, including the Planning Guidelines on Garden Ground. The application was refused for two reasons. We contend that, contrary to these reasons, the proposal can be justified as compliant with FIFEplan and its policies.

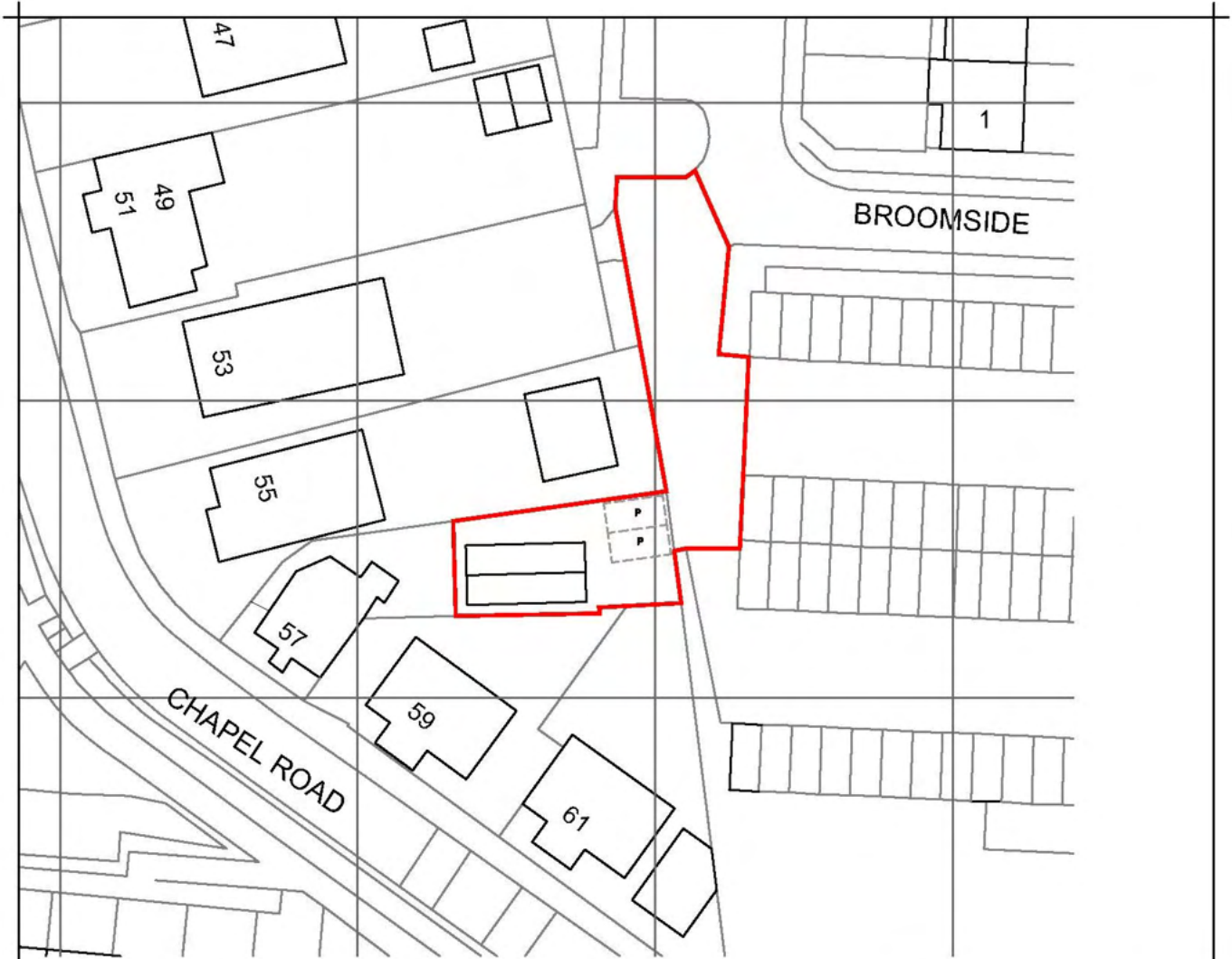
We have included overleaf the revised proposed site plan that accompanies the comments made in our email, dated 14 September 2022 to the case officer and the case officer's reply of 22 September 2022. (The email correspondence is attached in Appendix 1). We highlight that the application is for planning permission in principle and therefore the proposed site plan is **indicative only**. We had realised that the original submitted indicative plan had a error with its scale and was therefore not accurately representing what could be achieved on the site. We submitted this revised plan during the assessment of the application to demonstrate to the case officer the capability of the site to accommodate the proposal.

We clarified in the email and revised plan that the proposed dwellinghouse would be one bedroom and that the existing dwellinghouse at 57 Chapel Road is one bedroom and therefore 2 parking spaces were provided, one for each property. The revised indicative site plan showed a bungalow of 50 sqm (sufficient for one bedroom house with open plan living area). This information does not appear to have been taken through into the Report of Handling, although acknowledged in the case officer's email to us, following discussion with senior colleagues.

We highlight the following inconsistencies:

- The case officer in the email of 22/09/22 accepts the case we made for reduced garden ground for a one bedroom dwelling.
- The case officer in the email of 22/09/22 accepts the case we made for the parking provided being adequate - a single space for a one bedroom dwelling, (therefore two spaces in total for both properties), compliant with the Council's guidelines.
- **However**, the Report of Handling (para 1.2) refers to the application being for a 2-bedroom dwellinghouse with parking for 3 vehicles and the bungalow covering an estimated 80 sqm (this was the size indicated on the originally submitted indicative plan).
- **Also**, the case officer indicated in the email of 22/09/22 that the proposal continued to be unacceptable based on the reduction of the garden ground of the existing property, no. 57. However, this contradicts the case officer's acceptance of reduced garden ground for a single bedroom property. Although that property's overall current area will be reduced, it will retain the majority of the area currently providing 'garden', to the front and rear of the property.

We note that a site visit had not been carried out by the case officer and although we had provided photographs we believe that visiting the site would have assisted in envisaging its possibilities for accommodating a small bungalow. The assertion in the Report of Handling that the proposed bungalow would be 'squeezed' onto the site is not borne out by the calculations. In addition, the characteristics of the site, including its slope down from the rear of the houses on Chapel Road and the higher one and a half storey garage (of the same floor area) adjacent to the site, would ensure that the proposal was not over bearing or out of character with the surrounding area.



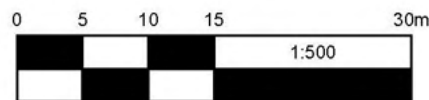
As per notes from client	A	020822
REVISION	INT	DATE

THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL SIZES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FROM THESE DRAWINGS.
 E: INFO@ASASSOCIATESLTD.CO.UK T: 01337 840088
 A: 85 HIGH STREET, NEWBURGH, KY14 6DA



PROJECT:
 Erection of Single Dwelling House
 Land to the Rear, 57 Chapel Road
 Kirkcaldy
 KY2 6TT

TITLE:
 Proposed Site Plan



TECHNICIAN: KD	SCALE(S): 1:500	SHEET: A4
DATE: 16.06.22	PROJECT NO: 3272	REV: B

Response to Reasons for Refusal :

Residential Amenity —Provision of Garden Ground and Car Parking

We have set out the following case based on our measurements of the site. (We seek the Committee to note that the measurements referred to in paragraph 2.3.2 of the Council's Report of Handling are incorrect.)

Proposed Site

Proposed Site Area—165sqm

Footprint of one-bedroom bungalow—50sqm

Available garden ground (165sqm—50sqm) = 115sqm

Useable garden ground (115sqm —25sqm for car parking for both properties) = **90sqm**

Existing Property—57 Chapel Road

Site Area after proposed development—160sqm

Footprint of bungalow at no.57—62sqm

Useable garden ground 160sqm—62sqm = **92 sqm** (car parking provided within site of proposed house)

- The Council's Guidelines indicate the provision of 50sqm of garden ground for a flat and 100 sqm for a house. In the context of these requirements, we believe that the proposed and existing properties, both single bedroom and therefore not accommodation for families with children, will be provided with ample garden ground.
- The case officer had indicated in the email of 22/09/22 the acceptability of a reduced garden ground for a one bedroom property.
- We make the case that these modestly sized properties, with a single bedroom will have sufficient garden space to provide to provide for everyday activities—hanging out washing, outside seating, area for gardening, bin storage. The photos in the submitted Planning Statement of the rear of no. 57 show that area for these uses is retained. There is also extensive open space for recreation nearby. Sufficient parking is provided for the proposed house and for the existing house at no. 57. Its parking provision is currently in this location to the rear, and therefore there is no change in this respect.
- We believe that the potential occupants of this property—from the younger or older age groups—are likely to feel that the garden size is ample for their needs.
- The Council's Planning Guidelines on Garden Ground state '*Gardens should fit the needs of the people who live there; they should not be too large or too small. We must remember that land is an important natural resource and we must use it carefully.*'
- Contrary to the Report of Handling, paragraph 2.3.3, we contend that an acceptable layout is demonstrated, in terms of acceptable garden ground provision and off-street parking.

We wish to make the following additional comments regarding the issues raised in the assessment of the application:

Garden Ground

We believe that the information provided on pages 6 and 7 demonstrates that the proposal, and existing house, can achieve sufficient garden ground to meet with the Council's guidelines.

Transportation—Parking Provision

We highlight that para 2.4.4. is incorrect as it does not refer to the proposed and existing dwellinghouse being one-bedroom. As indicated on page 8, adequate parking is provided to meet the requirements for 2, one-bedroom houses. (2 spaces). These have been shown on the indicative plan located at the entrance to the rear of the development area of the site. We understand that turning area would not be required within the garden ground given that the entrance to the property is not from the public road. This is similar to the parking arrangement for the adjacent garage (shown in photographs in the submitted Planning Statement).

Design/Visual Impact

We note that the Report of Handling, in paragraph 2.5, does refer to the indicative proposal for a 50 sqm footprint single storey dwellinghouse on the site. The Report of Handling did not raise any concern with design and visual impact, acknowledging that this is a planning permission in principle application and concluding that *'It is considered, therefore, that a proposal could be designed to comply with the above guidance on design and visual amenity.'* (para 2.5.4)

Residential Amenity

Representations were submitted indicating some concern with residential amenity in relation to neighbouring properties. We addressed these comments in a submission and the case officer was content that it had been demonstrated that the proposal would cause no adverse impact in terms of residential amenity. We highlight that the proposed dwellinghouse would be single storey and therefore windows would be screened by boundary fencing/walls. The Report of Handling acknowledges that this is an application for planning permission in principle and states that *'...it is considered that the proposed dwellinghouses [sic] could be designed in such a way to ensure that there would be no significant or additional residential amenity issues raised with regard to loss of privacy and overlooking, nor daylight and sunlight on neighbouring properties'* (para 2.6.5)

Drainage/Flood Risk

The Report of Handling indicates that there are no issues with regard to this topic and that, subject to a condition, the proposal would comply with Development Plan policy in this respect.

Low Carbon Policy

The Report of Handling notes that addressing renewable energy technology requirements would be part of a future detailed submission.

Conclusion

- We contend that the proposal for a modestly sized bungalow on this area of unused urban land is shown to provide adequate garden ground, parking space and in terms of its overall assessment meets with the Council's related policies and guidance: Policy 1: Development Principles, Policy 3: Infrastructure and Services, and Policy 10: Amenity.
- With respect, Mr McGuire seeks the support of the Fife Planning Review Body in approving this application.

Appendix 1 Email correspondence with Case Officer

From: [Martin Mackay](#)
To:
Subject: Re: 22/01302/PPP: Erection of dwellinghouse, 57 Chapel Road, Kirkcaldy
Date: 22 September 2022 15:32:48
Attachments: [image001.png](#)

Jenny

I have now had an opportunity to read through the comments in conjunction with the policy and guidance currently available and the matter has been discussed with more senior colleagues.

Firstly, on plot ratio I would concur that the properties on Brookside do fall short of the current standard but obviously these were designed based on previous guidance that no longer exists and in any event the proposed plot would be smaller overall than the identified properties by around 40 sqm.

The garden ground I can accept the argument for reduced garden ground in a one-bedroom dwelling however the existing property would lose 170 sqm of the existing 323 sqm and this again would breach the current policy on garden ground. I also consider that the site is not of sufficient size to accommodate the additional dwelling. I can however accept the argument for reduced parking and a one-bedroom bungalow would clearly only require a single space would be required.

Therefore, I remain of the view that the proposal is unacceptable and cannot be supported. In this instance should the application remain live on the planning register, I will progress the application to refusal. Should you wish to withdraw the application then I will require your written confirmation by no later than 4pm on Monday 26 September 2022.

I appreciate that this is not the outcome you were looking for however I consider that we have reviewed various alternatives.

I look forward to your confirmation of withdrawal or whether you wish to progress the application in its current form.

Best Wishes

Martin

From: Martin Mackay <Martin.MacKay@fife.gov.uk>
Sent: 15 September 2022 11:31
To: <jenny@arthurstoneplanning.co.uk>
Subject: Re: 22/01302/PPP: Erection of dwellinghouse, 57 Chapel Road, Kirkcaldy

Hi Jenny

I will review your comments and once I reached a view I will discuss with senior colleagues.

I will update you in due course and advise on whether this can supported.

Kind Regards

Martin

From: <jenny@arthurstoneplanning.co.uk>
Sent: 14 September 2022 07:42
To: Martin Mackay <Martin.MacKay@fife.gov.uk>
Subject: RE: 22/01302/PPP: Erection of dwellinghouse, 57 Chapel Road, Kirkcaldy

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Martin

Thanks for making time to call to discuss this application. We have reviewed the proposal and I've put together points below to address the comments you have made regarding plot ratio, garden ground and parking space. We realise there was an issue with the scaling of the plan and a revision is attached (and we will also submit through eplanning).

Plot ratio

We believe that an acceptable plot ratio can be achieved, given the dense residential character of the surrounding urban area. The application plot is short of a 1:3 ratio by 13%. However, there are adjacent properties that fall short of the Council's 1:3 guidance for plot ratio to a greater extent (no. 55 by 18%, no. 59 by 15%, no. 61 by 24%). No. 57 is 15% short of the requirement due to the garage/shed buildings occupying the application site. The nearby properties on Broomside are around 40% short of the required plot ratio.

Garden Ground

We are aware that available garden ground falls short of the 100sqm guidance for dwellinghouses. However, the proposed dwellinghouse would be a very modest scale, single bedroom property. We believe that the property would achieve appropriate amenity and highlight that, as a one bedroom property, it would not be occupied by families with children and therefore the available private garden ground (approx. 88 sqm, not including the parking area) could ideally meet the requirements of a single person or couple. In addition, the site is close by a range of open spaces within the surrounding area. Detailed siting of a house, along with its garden design/landscaping/boundary treatment would facilitate the creation of private space within the plot. We note that the Council's guidance indicates that 50 sqm is appropriate garden ground for a flat and therefore we believe that the available space for this small property should be considered acceptable. The existing house at 57 Chapel Road would retain approx. 70 sqm and, again, as a one bedroom property we believe that this can be considered an appropriate level of garden ground. In addition, parking space for the property is available within the proposal site and does not reduce the area of garden ground.

NB Typing error - should read 90 sqm

Parking

The site plan shows two parking spaces within the site – one would be for the proposed

dwellinghouse and one for the existing house at no. 57. We believe that turning space is not required within the site as the access is not from a public road. We note that the adjacent property at no. 55 does not have turning space within its plot.

I'd appreciate your further consideration of this proposal and trust that we've made a sufficient case to demonstrate that, in principle, a modest single bedroom property (akin to a granny annexe scale) can be accommodated on the site.

Kind regards
Jenny



A.S. Associates
85 High Street, Newburgh, Fife. KY14 6DY

01337 840 088
07855 538 906
07972 920 357

admin@asassociatesltd.co.uk
info@asassociatesltd.co.uk

<https://asassociatesltd.co.uk/>

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57, Chapel Road, Kirkcaldy, Fife, KY2 6TT



Plan shows area bounded by: 325279.21, 693431.79 325514.79, 693680.21 (at a scale of 1:1250), OSGridRef: NT25399355. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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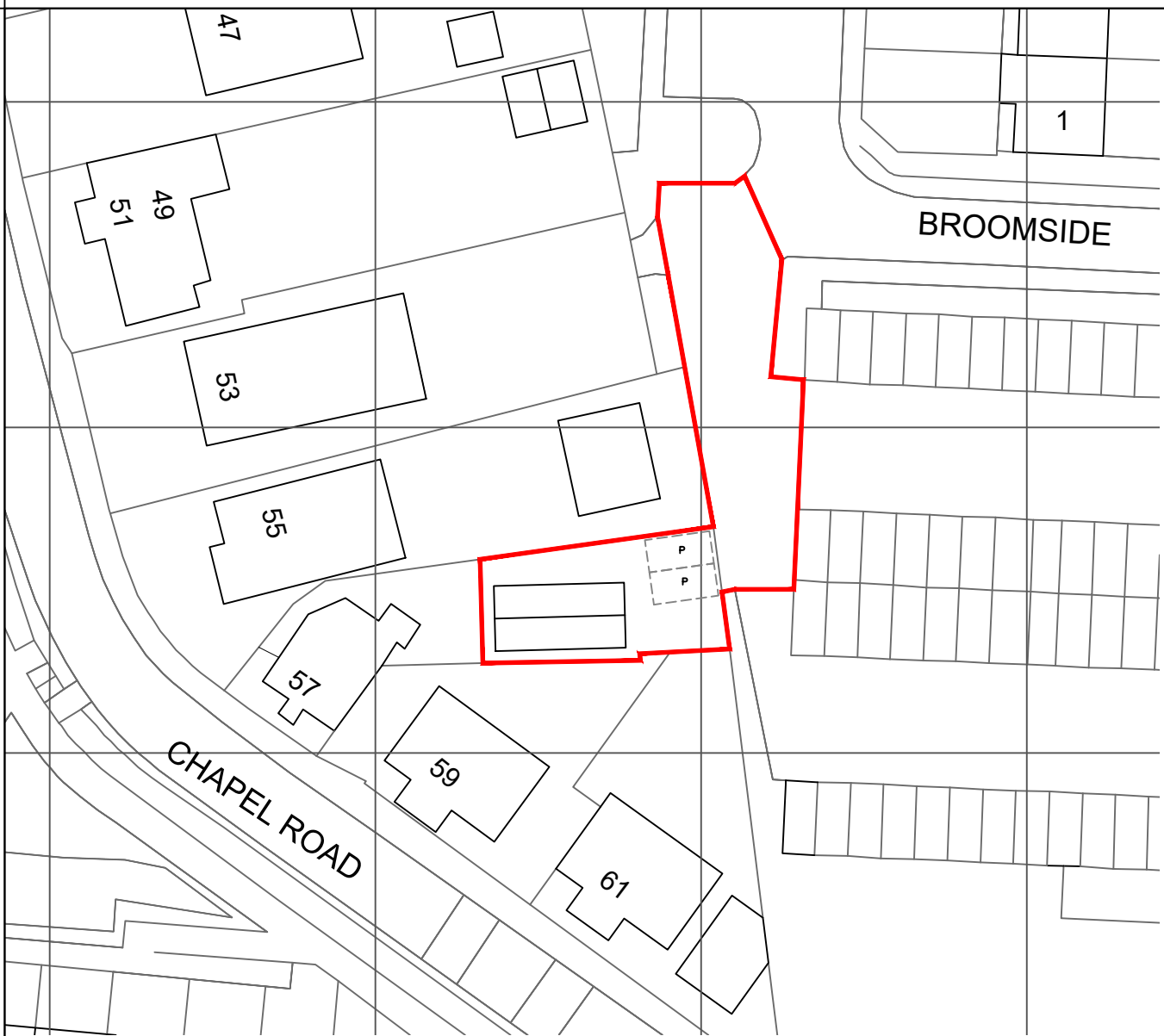








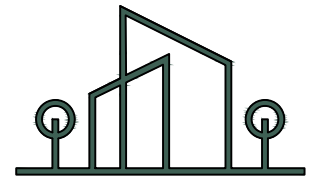
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 REVISION

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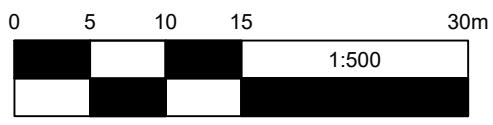
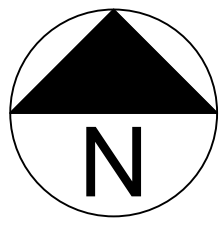
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 A: 85 HIGH STREET, NEWBURGH, KY14 6DA



A.S. ASSOCIATES

PROJECT:
 Erection of Single Dwelling House
 Land to the Rear, 57 Chapel Road
 Kirkcaldy
 KY2 6TT

TITLE:
 Proposed Site Plan



TECHNICIAN: KD	SCALE(S): 1:500	SHEET: A4
DATE: 16.06.22	PROJECT NO.: 3272	REV B 37

Proposal Details

Proposal Name	100616223
Proposal Description	3272_McGuire_ChapelRoad_Kirkcaldy_LRB
Address	57 CHAPEL ROAD, KIRKCALDY, KY2 6TT
Local Authority	Fife Council
Application Online Reference	100616223-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Statement of Reasons for Seeking Review	Attached	Not Applicable
Site Photographs	Attached	Not Applicable
Proposed Indicative Site Plan Revision B	Attached	A4
Location Plan revised	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Agenda Item 4(2)

**57 Chapel Road, Kirkcaldy, KY2 6TT
Application No. 22/01302/PPP**

Planning Decision Notice

Report of Handling

Arthur Stone Planning & Architectural Design
Limited
Alison Arthur
85 High Street
Newburgh
United Kingdom
KY14 6DA

Planning Services

Martin Mackay

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/01302/PPP

Date 17th November 2022

Dear Sir/Madam

Application No: 22/01302/PPP
Proposal: Planning permission in principle for erection of dwellinghouse
Address: 57 Chapel Road Kirkcaldy Fife KY2 6TT

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Martin Mackay, Planning Assistant, Development Management

Enc



DECISION NOTICE PLANNING PERMISSION IN PRINCIPLE

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION IN PRINCIPLE** for the particulars specified below

Application No: 22/01302/PPP
Proposal: Planning permission in principle for erection of dwellinghouse
Address: 57 Chapel Road Kirkcaldy Fife KY2 6TT

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/01302/PPP on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of residential amenity and road safety; by virtue of its under-provision of garden ground, the development would not provide an acceptable standard of garden ground for the existing dwellinghouse and proposed new dwellinghouse, thereby constituting overdevelopment, contrary to the SPP (2014), and Policies 1 and 10 of the Adopted FIFEPlan (2017).
2. In the interests of road safety, the development would not provide an acceptable standard of off-street parking for the existing dwellinghouse and the proposed new dwellinghouse, thereby constituting overdevelopment, contrary to the SPP (2014), and Policies 1 and 3 of the Adopted FIFEPlan (2017).

Dated: 17th November 2022

Alastair Hamilton

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02	Floor Plan Proposed
03	Photographs
04	Block Plan
05A	Supporting Statement

Dated:17th November 2022

Alastair Hamilton

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	57 Chapel Road, Kirkcaldy, Fife		
PROPOSAL	Planning permission in principle for erection of dwellinghouse		
DATE VALID	16/05/2022	PUBLICITY EXPIRY DATE	17/06/2022
CASE OFFICER	Martin Mackay	SITE VISIT	None
WARD	Kirkcaldy North	REPORT DATE	07/10/2022

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and

associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

Having assessed the current application against the policy provisions of the finalised NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 BACKGROUND

1.1 The application site is an area of land currently forming part of the garden ground of 57 Chapel Road which is accessed to the rear of the site from Broomside. The total site area of the proposed plot would be around 153 sqm. The site is located within a residential area with residential properties located to the north, south and west with a garage block located to the east. The site is located within the settlement boundary of Kirkcaldy and Dysart as defined by FIFEplan and is not located within a Conservation Area.

1.2 This application is for planning permission in principle for the erection of a two-bedroomed single storey dwellinghouse with associated access and parking within the rear garden ground of 57 Chapel Road. Parking provision would be provided for three vehicles and bungalow would cover an estimated 80 sqm.

1.3 There is no planning history associated with the site.

1.4 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application, which has included photographs provided by the applicant as well as Google Streetview imagery, therefore it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

2.0 ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:

- Principle of Development
- Garden Ground
- Transportation
- Design/Visual Impact
- Residential Amenity
- Drainage/Flood Risk

- Low Carbon Policy

2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan.

2.2.2 As the proposal lies within the settlement boundary of Kirkcaldy and Dysart as defined in the Adopted FIFEplan (2017) there is a presumption in favour of development subject to satisfactory details. The proposal is for a residential development in an area where residential is the predominant surrounding land use and is therefore acceptable in land use terms. The proposal would therefore comply with the Development Plan in this respect and would be acceptable. The overall acceptability of such a development must, however, also meet other policy criteria as detailed in 2.1 above and these issues are considered in detail below.

2.3 GARDEN GROUND

2.3.1 SPP (2014) FIFEplan (2017) Policies 1 and 10 and Fife Council's Planning Customer Guidelines on Garden Ground (2016) apply. The SPP states that policies and decisions should be guided by a series of principles, including avoiding over-development, and protecting the amenity of new and existing development. Policy 10 of the Local Development Plan states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity. Supporting text for policy 10 states that the impact on amenity of development proposals will be judged on a case-by-case basis taking into account the requirements of existing uses and also ensuring future proposed land uses are not compromised. Development types that will always require an assessment of amenity impact include development on garden ground. Fife Council's Planning Customer Guidelines on Garden Ground state that all new detached dwellings should be served by a minimum of 100 square metres of private useable garden space, with a building footprint to garden space ratio of 1:3. minimum garden ground standards do not include space for garages, parking or manoeuvring vehicles.

2.3.2 Objections have been received from local residents noting that the proposed site does not provide sufficient garden ground and would result in an overdevelopment of the site. Taking into account the required parking space allocation, the proposed private garden ground provision for the existing dwellinghouse would be approx. 52 sqm. Overall, this would represent a reduction of approx. 163 sqm from the approx. 217 sqm of garden ground that is currently available for the existing house and represent a significant under-provision of private garden ground (45 sqm) according to the minimum standard. The 52 sqm of garden ground provision for the new house, also represents a significant under-provision of garden ground (of approx. 48 sqm), which does not comply with guidelines for garden ground provision. It is furthermore noted that little adjustment could be made for garden ground for the proposed dwelling, given that significantly less than the minimum standard has been provided in terms of the garden ground for the existing dwellinghouse, once the parking requirement has been taken into account.

2.3.3 While it is noted that these are indicative drawings only, this proposal has failed to demonstrate an acceptable layout in terms of acceptable garden ground provision, once the required off-street parking has been taken into account. This assessment takes into account the

prevailing surrounding settlement pattern and garden ground provision which whilst there are examples of garden ground provision which do not meet the current standards locally (Broomside) it is recognised that the plot size overall is acceptable in terms of amenity provision to these residential units.

2.3.4 Therefore it is concluded that the proposal has not demonstrated in principle that the site can accommodate an acceptable layout for the proposed development: it could not comply with terms of the Development Plan and its associated guidance in terms of Residential Amenity (Garden Ground) and also provide the requisite off-street parking spaces. The site comprises a rear garden area in an existing and long-established residential scheme into which the proposed dwelling would be an anomalous intrusion, squeezed onto a site that is too small to accommodate the development. As such, it is considered that the proposal represents overdevelopment as detailed in the SPP.

2.3.5 In conclusion, it is considered that the proposal has not demonstrated that the site could accommodate a layout that could comply with the residential amenity (garden ground) terms of the Development Plan and associated guidance. Instead, it is considered that the proposal represents overdevelopment, contrary to the SPP, and Policies 1 and 10 of the Adopted FIFEPlan (2017).

2.4 TRANSPORTATION

2.4.1 SPP (2014), Policies 1, 3 and 10 of the Adopted FIFEPlan Local Development Plan (2017) and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply regarding this proposal.

2.4.2 The SPP states that policies and decisions should be guided by a series of principles, including avoiding over-development, and protecting the amenity of new and existing development. Policy 1 of FIFEPlan states that development proposals must provide the required on-site infrastructure or facilities, including transport and design measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEPlan states that new developments must demonstrate how they address any resultant impacts on road safety. It also advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Making Fife's Place's Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for new access arrangements.

2.4.3 Objections were submitted regarding under-provision of off-street parking, and the impact this might have on nearby on-street parking provision.

2.4.4 An indicative plot layout has been submitted to demonstrate how the proposed development would be accommodated within the site. The proposed development is for the erection of a dwellinghouse and must demonstrate that road safety concerns can be addressed. Among other matters, this includes demonstrating that sufficient off-street parking provision for the new development could be accommodated within the site without any other detrimental impacts. The submitted indicative layout plan provides details of the garden ground and parking provision that would be provided. Guidelines state that 2- and 3-bedroom dwellinghouses must be provided with a minimum of 2-off-street parking spaces per property. Three off-street parking spaces have been proposed for both the new property and for the existing dwellinghouse at no.57. Access for both residential units would be via the access road linking the garages with Broomside.

2.4.6 Fife Council's Transportation Development Management team were consulted regarding this application. They noted that the submitted drawings shows the off-street parking layout to be inadequate to meet with the current Fife Council Parking Standards, because one of the parking spaces would be unusable as it would not be of sufficient size and its limited access would result in a space that cannot be successfully used as intended and therefore refusal has been recommended on the grounds that there would be a shortfall of one parking space as required by Fife Council Transportation Development Guidelines.

2.4.7 it is considered that because of the constrained nature of this plot, the development could not comply with the terms of the Development Plan and its associated guidance and would not provide the requisite number of off-street parking spaces for both the existing and proposed properties. As such, it is considered that the proposal represents overdevelopment as detailed in the SPP, and that the off-street parking requirements could not be adequately met by any future planning application, contrary to Policies 1 and 3 of the Adopted FIFEplan.

2.4.8 In conclusion, it is considered that the proposal has not demonstrated that the site could accommodate a layout that could provide the off-street parking provision required by the terms of the Development Plan and associated guidance. Instead, it is considered that the proposal represents overdevelopment, contrary to the SPP, and Policies 1 and 3 of the Adopted FIFEplan (2017).

2.5 DESIGN/VISUAL IMPACT

2.5.1 Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) apply.

2.5.2 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 14 of FIFEplan (2017) sets out that developments are expected to achieve the six qualities of successful places; distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond. By distinctive, Policy 14 sets out that distinctive design is such that makes the best use of site attributes and respects and enhances the character of surrounding buildings, streets and green networks to create places that have a sense of identity. FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area. Making Fife's Places states that proposals must reflect the pattern of the local settlement form - street widths, building setbacks, block sizes, street patterns, density and mix etc.

2.5.3 An indicative plot layout has been submitted to demonstrate how the proposed development would be accommodated within the site.

2.5.4 Indicative drawings submitted propose a single storey dwellinghouse with a footprint of approx. 50 sqm. No details have been provided of the internal layout or appearance of the dwelling, but this is not required for a PPP application. It is assumed, however, that the design would reflect the massing and scale of the existing property at 57 Chapel Road. The applicants have stated that the proposed dwelling would be designed to be appropriate to the character of the surrounding residential area. Although limited information has been provided, in terms of materials and finishes it is considered that a dwellinghouse could be constructed on this site that would not raise any concerns in terms of visual amenity and the character of the streetscape,

assuming that appropriate materials and finishes to match the existing were used. However, these elements of the proposal are unable to be fully considered without further detailed design information. Such detailed design would need to comply with FIFEPlan policies 1, 10 and 14 and Making Fife's Places.

2.5.6 It is considered, therefore, that a proposal could be designed to comply with the above guidance on design and visual amenity. These issues, however, would be assessed as part of a future detailed design proposal. Because this is an application for planning permission in principle, however, this is not therefore the main determining factor in this instance.

2.6 RESIDENTIAL AMENITY

2.6.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017), Fife Council Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

2.6.2 The above FIFEPlan policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing dwellings, and that they should not adversely affect the privacy and amenity of neighbours with regard to the loss of privacy, sunlight and daylight.

2.6.3 As per the guidance, sunlight is considered to be the rays of light directly from the sun from a southerly direction, whereas daylight is the diffuse light from the sky that can come from any direction. The guidance considers these two forms of natural light as follows; sunlight received by residential properties' main amenity spaces; and daylight received by neighbouring windows serving habitable rooms. The guidance details the 25 degree and 45-degree assessments to measure the impact of loss daylight as a consequence of a development. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the angle between the windows increases. Fife Council's Planning Customer Guidelines on Garden Ground advises that plain, glazed windows directly opposite each other in different buildings must be at least 18 metres apart to make sure residents have privacy. If there is a road or pavement between the buildings, or a permanent, high barrier that blocks the view, this distance can be less.

2.6.4 Objections were submitted regarding potential loss of sunlight to neighbouring amenity spaces as well as potential overlooking of neighbouring amenity spaces.

2.6.5 The limited information provided with a planning permission in principle application means that it is difficult to assess at this stage what impact a proposal may have on the residential amenity of adjacent properties. While the concerns of the submitted representations are acknowledged, taking into account the indicative plans provided and the distance and layout of neighbouring properties, it is considered that the proposed dwellinghouses could be designed in such a way to ensure that there would be no significant or additional residential amenity issues raised with regard to loss of privacy and overlooking, nor daylight and sunlight on neighbouring properties. It is recognised that the west and southern elevations would face towards the garden ground and rear elevations of 57 and 59 Chapel Road. It is noted that it is intended that the dwelling would be single storey and as such it is anticipated there would be sufficient screening by way of any agreed boundary treatment. In any event the proposed dwelling would be around 10m away from the rear elevation of the nearest affected properties.

2.6.6 It is further considered that there would be no additional loss of sunlight to the amenity spaces of the neighbouring properties. Whilst it is noted that the proposed dwelling would be adjacent to the boundary it is recognised that it would replace an existing garage and therefore it is considered that any increase in overshadowing would be negligible. Furthermore, given the sun path of east to west it is noted that there would already be an existing shadow prevalent given the existing buildings onsite. Therefore, these amenity spaces would continue to receive at least two hours of direct sunlight in accordance with the recommendations set out in the relevant BRE guidance and therefore there would not be a significant impact on amenity as a result.

2.6.7 It is considered, therefore, that a proposal could be designed to comply with the above guidance on residential amenity. These issues, however, would be assessed as part of a future detailed design proposal. Because this is an application for planning permission in principle, however, this is not therefore the main determining factor in this instance.

2.7 Drainage/Flood Risk

2.7.1 Policies 1 and 3 of the FIFEplan state that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.7.2 Policy 12 of the FIFEplan advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.7.3 Any future detailed proposal could be designed to incorporate sufficient measures to adequately deal with surface water attenuation and Scottish Water also advise that they have no objections. The proposal subject to a condition in respect of this, would be acceptable would comply with Development Plan Policy in this respect. However, this is not the determining factor in this instance given the proposal is not supported.

2.8 LOW CARBON POLICY

2.8.1 Policies 1 and 11 of FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply with regards to the low carbon requirements expected of this proposal.

2.8.2 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning application applicants are expected to submit a completed sustainable building statement (Appendix B of the guidance).

2.8.3 The applicant has indicated that a proposal for renewable energy technology would be submitted at detailed design stage, which would comply with the Development Plan and associated guidance in this regard. This issue, however, would be assessed as part of a future detailed design proposal. This is not therefore the main determining factor in this instance.

CONSULTATION RESPONSES

Scottish Water	
Environmental Health (Public Protection)	22.01302 57 Chapel Rd Kdy.docx
TDM, Planning Services	2201302PPP.docx
Land And Air Quality, Protective Services	Thank you for your consultation. The Land & Air Quality Team has no comment.
Transportation And Environmental Services - Operations Team	
TDM, Planning Services	2201302PPP revised 230822.docx

REPRESENTATIONS

Four letters of objection have been received raising the following matters

Overdevelopment and insufficient garden ground - This has been addressed in paragraph 2.3.1 - 2.3.5

Impact on parking provision and highway safety - This has been addressed in paragraph

Privacy and overlooking - This has been addressed in paragraph

CONCLUSION

This planning permission in principle application has been considered in terms of its compliance with the development plan and associated guidance with respect to its impact on road safety, residential amenity, design, and the low carbon policy. It has been found that the development would not provide an acceptable standard of garden ground for the existing and proposed new dwellinghouse and also cannot comply with requisite off-street parking requirements, thus representing overdevelopment, contrary to the SPP, and Policies 1,3 and 10 of the Adopted FIFEPlan (2017).

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of residential amenity and road safety; by virtue of its under-provision of garden ground, the development would not provide an acceptable standard of garden ground for the existing dwellinghouse and proposed new dwellinghouse, thereby constituting overdevelopment, contrary to the SPP (2014), and Policies 1 and 10 of the Adopted FIFEPlan (2017).

2. In the interests of road safety, the development would not provide an acceptable standard of off-street parking for the existing dwellinghouse and the proposed new dwellinghouse, thereby constituting overdevelopment, contrary to the SPP (2014), and Policies 1 and 3 of the Adopted FIFEPlan (2017).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

National Guidance:

Scottish Planning Policy (2014)

Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Making Fife's Places Transportation Development Guidelines (2018)

Low Carbon Fife: Supplementary Guidance (2019)

Other Guidance:

Fife Council Planning Customer Guidelines - Garden Ground (2016)

Fife Council Planning Customer Guidelines - Daylight and Sunlight (2018)

Fife Council Planning Customer Guidelines - Minimum Distances between Window Openings (2011)

Agenda Item 4(3)

**57 Chapel Road, Kirkcaldy, KY2 6TT
Application No. 22/01302/PPP**

Representation(s)

Comments for Planning Application 22/01302/PPP

Application Summary

Application Number: 22/01302/PPP

Address: 57 Chapel Road Kirkcaldy Fife KY2 6TT

Proposal: Planning permission in principle for erection of dwellinghouse

Case Officer: null

Customer Details

Name: Mr Paul Campbell

Address: 55 Chapel Road, Kirkcaldy, Fife KY2 6TT

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Hello please can we get a detailed location plan of where this dwelling will be located also the heights and where the windows will be facing there is an existing garage to our boundary what is to happen with that .what is the height of the dwelling i am concerned that this house from where I think it will be will overshadow our whole back garden please can you get some detailed information to us as soon as possible we can be contacted by e mail as we will be on holiday from the 30th May to the 10th of June.

Paul Campbell

Comments for Planning Application 22/01302/PPP

Application Summary

Application Number: 22/01302/PPP

Address: 57 Chapel Road Kirkcaldy Fife KY2 6TT

Proposal: Planning permission in principle for erection of dwellinghouse

Case Officer: null

Customer Details

Name: Mr abbas ramez

Address: 53 Chapel Road, Kirkcaldy, Fife KY2 6TT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: this application has caused stress and concerns for my neighbors and i believe its completely out of proportion.

i object because of privacy concerns to immediate properties and also my property.

2022-39

2nd June 2022

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED

22/01302/PPP

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE
57 CHAPEL ROAD KIRKCALDY FIFE KY2 6TT**

On behalf of Mr Michael Maxwell, of 59 Chapel Road, Kirkcaldy KY2 6TT, we write the below objection to the planning permission in principle application, on the following grounds:

- The proposal for a detached 2-storey dwelling within the garden ground of an existing dwelling within a tight boundary is considered over-development. The scale of the footprint of the new dwelling would not result in reasonable retention of the required existing garden space nor provide for new garden space associated with the proposed new dwelling (100 sq m). This would result in over-development, which would create an incongruous development with a negative visual impact, reduced amenity for existing and future residents and a reduction in private amenity space for existing and future residents. The over-development would be contrary to FIFEplan Policy 1 (Development Principles) part C7 and FIFEPlan Policy 10 (Amenity) and Policy 14 (Built Environment) as it does not follow best practice advice of the 'six successful places' for quality built environment, in Making Fife's Places Supplementary Guidance
- The proposal appears to include bedrooms over 2 storeys, although the number is unspecified. We note that Fife Council's Transportation Development Management Guidelines in Making Fife's Places Supplementary Guidance advises development of this nature to provide for at least 2 car parking spaces per dwelling – when including this requirement in the proposed area of land for development, there would be further reduction (over development) in the available space to comply with FIFEplan Policy 1 (Development Principles) and Policy 3 (Infrastructure) through lack of parking space availability, also not complying with the Making Fife's Places Supplementary Guidance.
- With regard to detailed matters, we appreciate that the application is submitted for approval in principle, i.e. testing only if the concept of building a dwelling on the site is acceptable in planning terms. There are consequently no details provided for matters of privacy, daylight/sunlight and window to window distances; which are also of relevance to us, as nearest neighbours from which our principal living rooms to the rear would look out onto the development site (as would our immediate neighbours face the same issues). We are therefore concerned about overlooking (from an existing dwelling (and a neighbouring dwelling) into the proposed new dwelling and its garden space); about daylight and shadowing owing to the 2-storey height of the proposed new dwelling and its effect on loss of daylight to the forementioned properties; about the use and effectiveness of the existing boundary fencing

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which is in fact formed over two curtilages, (the applicant's own fencing formed within their own curtilage and our fencing formed onto our curtilage) leaving a space in our ownership of about 0.5m. This fact also adds into the concerns about over-development, as the space available would be further reduced to allow for retention of this boundary treatment which separates and affords privacy to the occupants of the proposed new dwelling. The objectors' garden also suffers from minimum lighting over winter months with it being north facing. This proposed development would cast a shadow over the whole garden extending over further months. Therefore, the proposal is contrary to FIFEPlan Policy 10 (Amenity) as the information provided with the planning application does not demonstrate that the proposal can accommodate or mitigate risks of overlooking, privacy, loss of daylight and sunlight. The proposal does not demonstrate that an effective separation distance of at least 18m can be achieved window-to-window from the proposed to existing property windows, therefore not complying with Fife Council's Customer Guideline on Minimum Distances between window openings as the distance to the proposed is approximately 10-15m distance.

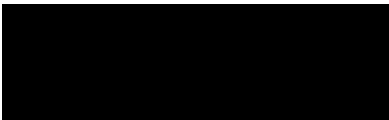
- We have attached a few images to illustrate the context of the proposed development with the existing layout of garden space and distances which confirms the close proximity coupled by the proposed 2-storey height would impose unreasonably on the private amenity space associated with the objectors' property.

One of the reasons Mr Maxwell and his family bought their home 5 years ago was principally for the fact that they have no-one over looking their garden or looking into another property's windows which gives high privacy.

On the basis of the above, the planning permission in principle application should be refused.

If you require any further assistance, please contact me.

Yours sincerely,



Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director
GRAY PLANNING & DEVELOPMENT Ltd
E: neil@grayplanning.co.uk
M: 07514 278498

Images overleaf:/



General Proposed New House Location



General Proposed New House Location



General Proposed New House Location



General Proposed New House Location

2022-39

10th June 2022

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED

22/01302/PPP

**PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE
57 CHAPEL ROAD KIRKCALDY FIFE KY2 6TT**

On behalf of Mr T Watson, of 61 Chapel Road, Kirkcaldy KY2 6TT, we write the below objection to the planning permission in principle application, on the following grounds:

- The proposal for a detached 2-storey dwelling within the garden ground of an existing dwelling within a tight boundary is considered over-development. The scale of the footprint of the new dwelling would not result in reasonable retention of the required existing garden space nor provide for new garden space associated with the proposed new dwelling (100 sq m). This would result in over-development, which would create an incongruous development with a negative visual impact, reduced amenity for existing and future residents and a reduction in private amenity space for existing and future residents. The over-development would be contrary to FIFEplan Policy 1 (Development Principles) part C7 and FIFEPlan Policy 10 (Amenity) and Policy 14 (Built Environment) as it does not follow best practice advice of the 'six successful places' for quality built environment, in Making Fife's Places Supplementary Guidance
- The proposal appears to include bedrooms over 2 storeys, although the number is unspecified. We note that Fife Council's Transportation Development Management Guidelines in Making Fife's Places Supplementary Guidance advises development of this nature to provide for at least 2 car parking spaces per dwelling – when including this requirement in the proposed area of land for development, there would be further reduction (over development) in the available space to comply with FIFEplan Policy 1 (Development Principles) and Policy 3 (Infrastructure) through lack of parking space availability, also not complying with the Making Fife's Places Supplementary Guidance.
- With regard to detailed matters, we appreciate that the application is submitted for approval in principle, i.e. testing only if the concept of building a dwelling on the site is acceptable in planning terms. There are consequently no details provided for matters of privacy, daylight/sunlight and window to window distances;
- The objector is concerned about overlooking (from their existing dwelling at No 61 (and a neighbouring dwelling at No 59) into the proposed new dwelling and its garden space at No 57); about daylight and shadowing owing to the 2-storey height of the proposed new dwelling and its effect on loss of daylight to the forementioned properties. Therefore, the proposal is contrary to FIFEPlan Policy 10 (Amenity) as the information provided with the planning application does not

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demonstrate that the proposal can accommodate or mitigate risks of overlooking, privacy, loss of daylight and sunlight at No 61 nor the neighbouring property. The proposal does not demonstrate that an effective separation distance of at least 18m can be achieved window-to-window from the proposed to existing property windows, therefore not complying with Fife Council's Customer Guideline on Minimum Distances between window openings as the distance to the proposed is approximately 10-15m distance.

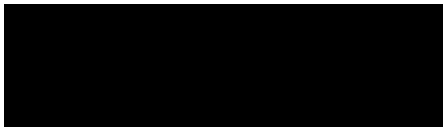
- We have attached a few images to illustrate the context of the proposed development with the existing situation of No 61 Chapel Road which confirms the close proximity coupled by the proposed 2-storey height would impose unreasonably on the private amenity space of the objector. The objectors property includes an external south facing raised patio and decking area. This currently overlooks the proposed development site, as seen from the images. The raised level of the external area would be directly in line with the proposed development.

One of the reasons Mr Watson bought their home was principally for the fact that they have no-one overlooking their garden or looking into another property's windows which gives high privacy.

On the basis of the above, the planning permission in principle application should be refused.

If you require any further assistance, please contact me.

Yours sincerely,



Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director
GRAY PLANNING & DEVELOPMENT Ltd
E: neil@grayplanning.co.uk
M: 07514 278498

Images overleaf/



View from raised patio and decking area towards proposal site



View from upper floor habitable room towards proposal site

View from raised decking towards proposed development site



Agenda Item 4(4)

**57 Chapel Road, Kirkcaldy, KY2 6TT
Application No. 22/01302/PPP**

Consultee Comments



Protective Services

Town and Country Planning (Scotland) Act 1997
Application for Permission to Develop Land

Response from Environmental Health (Public Protection)

PPT Reference No:	22/06810/CONPLA		
Name of Planning Officer dealing with the matter:	Not Yet Specified		
Application Number:	22/01302/PPP		
Proposed Development:	Planning permission in principle for erection of dwellinghouse		
Location:	57 Chapel Road Kirkcaldy Fife KY2 6TT		
Date Required By Planning:	---	Decision Notice Required?	---

COMMENTS

Further to your email received on 18 May 2022 regarding the above planning permission in principle application, I have reviewed the documentation available to me for the proposal and I have no comments or objections to make.

These comments do not cover Contaminated Land under PAN 33 or Air Quality under PAN 51, the Land & Air Quality Team will provide comment for those issues.

Date:	18/05/2022	Officer:	Tracy A Welch Environmental Health Officer
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Thursday, 26 May 2022



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

57 Chapel Road, Kirkcaldy, Fife, KY2 6TT
Planning Ref: 22/01302/PPP
Our Ref: DSCAS-0065583-MK2
Proposal: Planning permission in principle for erection of dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glenfarg Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Kirkcaldy Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Kerry Lochrie

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Consultee Comments for Planning Application 22/01302/PPP

Application Summary

Application Number: 22/01302/PPP

Address: 57 Chapel Road Kirkcaldy Fife KY2 6TT

Proposal: Planning permission in principle for erection of dwellinghouse

Case Officer: null

Consultee Details

Name: Dr Donald Payne

Address: Fife House, North Street, Glenrothes, Fife KY7 5LT

Email: Not Available

On Behalf Of: Land And Air Quality, Protective Services

Comments

Thank you for your consultation. The Land & Air Quality Team has no comment.

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	22/01302/PPP
	Planning Permission in Principle for the Erection of a Dwellinghouse to the Rear of 57 Chapel Road, Kirkcaldy
Date:	17th June 2022
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 This PPP application is for the erection of a dwelling within the rear garden of the existing house.
- 1.2 A domestic garage and off-street parking for the existing dwelling are currently within the red application site boundary and these would be lost if approval was granted.
- 1.3 The submission doesn't advise how many bedrooms the existing dwelling has nor how many would be within the proposed dwelling. According to the current Making Fife's Places Appendix G, a dwelling with 2 bedrooms or more must have 2 off-street parking spaces, therefore, it is reasonable to conclude that a minimum of 2 off-street parking spaces per dwelling must be provided.

1.4 As this is a PPP application, the agents have chosen not to provide an indicative block plan showing the proposed garden for the new dwelling and whether it would benefit from any off-street parking.

However, it is clear from the submission that the existing dwelling would lose its off-street parking resulting in shortfall of 2 off-street parking spaces.

2.0 CONCLUSIONS

2.1 The proposal would create a minimum shortfall of 2 spaces, potentially 4 spaces resulting in an increase in on-street parking on the surrounding public roads, all to the detriment of road safety.

3.0 RECOMMENDATIONS

3.1 Refusal.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 17/06/2022

E-mail: andy.forrester@fife.gov.uk

Number: 03451 55555 extension 480211

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	22/01302/PPP
	Planning Permission in Principle for the Erection of a Dwellinghouse to the Rear of 57 Chapel Road, Kirkcaldy
Date:	23rd August 2022
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 The following is an update to my previous recommendation for refusal dated 17th June 2022 and is based on the supporting statement and the proposed indicative site plan that the applicant's agent has recently submitted.
- 1.2 The supporting statement advises that the existing dwelling at 57 Chapel Road has 1 bedroom and I have no reason to doubt this.
- 1.3 According to the current Making Fife's Places Appendix G, the existing dwelling must have the provision of 1 off-street parking space. Although this is only a PPP application, the supporting statement advises

that a modest 2 bedroom bungalow is now envisaged for the site and this would require the provision of 2 off-street parking spaces within the curtilage of the site.

1.4 The revised indicative site plan shows the creation of a new parking space at the frontage of the existing dwelling, however, the position of this space is unrealistic as it would not be possible to park a vehicle within this area, so I have discounted this proposed space from my assessment.

Three parking spaces have been shown on the revised plan between the proposed new dwelling and the boundary fence at the rear of the site. The parking space nearest the proposed new dwelling is intended for the use of the occupants of the existing house with a pedestrian access shown to 57 Chapel Road.

Unfortunately, it appears that the agent has just shown 3 parking spaces within the curtilage of the site without giving much thought as to whether these spaces would be practical or usable for the residents of the existing and proposed additional dwellings.

For example, due to the building line of the proposed dwelling, it would be very difficult to open the doors of a car parked within the proposed space for No 57. Similarly, the most easterly of the 3 spaces is shown hard against the existing boundary fence, which would make manoeuvring in and out of the space challenging for drivers and would again make it difficult for people trying to get in and out of a vehicle.

Off-street parking must be provided within an acceptable layout that is easy to manoeuvre vehicles and is attractive to use, otherwise drivers will be more likely to park elsewhere.

2.0 CONCLUSIONS

2.1 I am prepared to accept that two off-street parking spaces could be provided within an acceptable layout in the curtilage of the site. As a result, there would be a minimum shortfall of 1 off-street parking space leading to an increase in on-street parking on the surrounding public roads, all to the detriment of road safety.

3.0 RECOMMENDATIONS

3.1 Refusal.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Service team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 23/08/2022

E-mail: andy.forrester@fife.gov.uk

Number: 03451 55555 extension 480211

Agenda Item 4(5)

**57 Chapel Road, Kirkcaldy, KY2 6TT
Application No. 22/01302/PPP**

**Planning Case Officer's Position Statement
on National Planning Framework 4 (NPF4)**

Application Ref. 22/01302/PPP – 57 Chapel Road, Kirkcaldy
Fife Local Review Body – Monday, 12th June, 2023
Request for Comments on National Planning Framework 4

NPF4 Position Statement: Planning Case Officer

National Planning Framework 4 (NPF4) was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application process and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan Fife Local Development Plan (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's letter adds that provisions that are contradictory or in conflict would likely be considered incompatible.

The case officer has identified the following issues for assessment against NPF4.

Design/Visual Impact

NPF4 Policy 14 Design, Quality and Place states that proposals that are poorly designed or detrimental to the amenity of the surrounding area will not be supported. Subject to approval of matters specified in conditions, the proposal has been considered to accord with similar provisions of FIFEplan relating to design/visual impact and is considered to accord with the provisions of NPF4 relating to design/visual impact in turn, again subject to such approval of matters specified in conditions.

Flood Risk and Water Management

NPF4 Policy 22 Flood Risk and Water Management states proposals at risk of flooding or in a flood risk area will only be supported in certain instances; will not increase the risk of surface water flooding to others, or itself be at risk, managing all rain and surface water through sustainable urban drainage systems (SuDS); should presume no surface water connection to the combined sewer; and seek to minimise the area of impermeable surface. Proposals will be supported if they can connect to the public water mains.

Subject to approval of matters specified in conditions, the proposal has been considered to accord with similar provisions of FIFEplan relating to flood risk and drainage. As such, and noting that Scottish Water has confirmed sufficient public water capacity, the proposal is considered to accord with the above provisions within NPF4 relating to flood risk and water management.

Sustainability

NPF4 Policy 1 Tackling the Climate and Nature Crises states that significant weight will be given to the global climate and nature crises. NPF4 policy 2 Climate Mitigation and Adaptation states that proposals will be sited and designed to minimise lifecycle greenhouse gases as far as possible. NPF4 policy 3 Biodiversity states that proposals for local development will include appropriate and proportionate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 Policy 13 Sustainable Transport states, amongst other things, that development proposals will be supported where they provide vehicle charging, if appropriate. NPF4 Policy 14: Liveable Places states that development proposals will be supported where they are compliant with the qualities of successful places, including 'Sustainable' - supporting the efficient use of resources, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

These policy provisions add to the principally operational greenhouse gas emissions/low and zero carbon generating technology and sustainable construction provisions referred to in the Report of Handling, now giving significant weight to lifecycle greenhouse gas emissions as a whole and biodiversity enhancement; and requiring vehicle charging, if appropriate. Subject to any approval of matters specified in conditions being also required to address these additional provisions, the proposal is considered to accord with the above provisions of NPF4 relating to sustainability.

Quality of Place

NPF4 Policy 14: Liveable Places states that development proposals will be designed to improve the quality of an area, with proposals that are inconsistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.

In light of the under-provision of garden ground referred to in the decision, it is not considered that proposal accords with the provisions of NPF4 relating to quality of place, particularly in relation to being 'pleasant'.

NPF4 can be viewed at <https://www.gov.scot/publications/national-planning-framework-4/>

Agenda Item 4(6)

**57 Chapel Road, Kirkcaldy, KY2 6TT
Application No. 22/01302/PPP**

**Comments on Planning Case Officer's
Position Statement on NPF4**



85 High Street
Newburgh. KY14 6DA

Tel: 01337 840088

www.asassociatesltd.co.uk/
info@asassociatesltd.co.uk

22/01302/PPP
57 Chapel Road, Kirkcaldy

Fife Local Review Body – 12/06/23

Comments on National Planning Framework 4 (NPF4)

We note that the planning case officer, in commenting on NPF4, refers to assessment of: 'Design/Visual Impact'; 'Flood Risk and Water Management', and 'Sustainability'. The case officer **raises no issues** regarding the compliance of the proposal in terms of these topics, indicating that the proposal accords with NPF4, given that there are similar provisions in FIFEplan.

NPF4 Policy 14 Design, quality and place

The planning case officer refers to 'Quality of Place' and NPF4 Policy 14. This policy supports proposals where they are consistent with the six qualities of successful places. The case officer states that the proposal is not considered to accord with the policy in terms of one of the qualities - being 'pleasant' - due to under-provision of garden ground.

We note that NPF4 defines 'pleasant' as 'Supporting attractive natural and built spaces'. Further details on delivering the 'six qualities' is set out in Annex D to NPF4. This indicates that 'pleasant' is achieved through designing for 'positive social interactions', 'protection from the elements to create attractive and welcoming surroundings', 'connecting with nature', 'variety and quality of play and recreation spaces for people of all ages and abilities and 'enjoyment'.

The proposal can readily align with these requirements in its future detailed design. The 'under-provision' of garden ground referred to by the planning case officer (**only approx. 10% less** than the Council's general guidance) will not be a constraint to achieving a successful, 'pleasant' place.

The Council's Garden Ground Guidelines refer to 100sqm garden ground provision for a house (with no reference to different sizes of house), and for a flat, 50 sqm. This proposal is for a small, one-bedroom, house. Given that 50 sqm is considered appropriate for a flat, it seems reasonable that 90 sqm + for a one-bedroom house is ample.

We re-iterate further points highlighted in the submitted Statement of Reasons for Seeking Review:

- The case officer had indicated in the email of 22/09/22 the **acceptability of a reduced garden ground for a one-bedroom property.**

- The potential occupants of a one-bedroom property—from the younger or older age groups—are likely to feel that the garden size is ample for their needs.
- The garden space available can readily provide for everyday activities—hanging out washing, outside seating, area for gardening, bin storage. For example, the recommended size for a patio, to accommodate a table and chairs to seat 4 people is 3m x 3m (9sqm). A rotary washing line can be accommodated in a space with a diameter of 3m (7sqm). Gardening, including vegetable and fruit growing can be readily carried out in smaller spaces. ‘Square foot gardening’ is a popular planting method using raised beds (typically 1.2m x 1.2m) divided into squares to plan planting and maximise space. An enclosed timber bin store, for 4 x 140l bins, can be accommodated on a space of approx. 1.5sqm (2.4m x 0.6m). **The garden ground available is therefore ample to allow for a range of outside activities.**
- The Council’s Planning Guidelines on Garden Ground state ‘*Gardens should fit the needs of the people who live there; they should not be too large or too small. We must remember that land is an important natural resource and we must use it carefully.*’

We contend that the proposal aligns with NPF4 Policy 14 Design, quality and place, consistent with achieving a successful place in terms of being ‘pleasant’.

NPF4 Policy 15 Local Living and 20 minute neighbourhoods

The intent of this policy is stated as ‘To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.’

The policy supports development proposals contributing to local living. **This proposal, lying within a well-located area of Kirkcaldy aligns with this policy.**

NPF4 Policy 16 Quality Homes

The intent of this policy is ‘To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. The policy detail supports ‘**smaller scale opportunities within an existing settlement boundary**’. **This proposal, making use of urban land, aligns with this policy.**

Summary

Overall, we contend that the proposal contends with the provisions of NPF4, and the provisions of related policies in FIFEplan.

In particular, with reference to achieving successful places, it can be readily envisaged that a future detailed layout and design for a small bungalow on the site **can achieve a ‘pleasant’ place**, for both the proposed, and existing, houses.

Agenda Item 5(1)

**Land 350m North East of Edenbank Farmhouse,
Dron, Dairsie**

Application No. 22/03199/PPP

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100600261-004

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

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:	Wardrop Associates Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jane	Building Name:	Cupar Business Centre
Last Name: *	Wardrop	Building Number:	
Telephone Number: *	07850 108617	Address 1 (Street): *	East Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Cupar
Fax Number:		Country: *	Scotland
		Postcode: *	KY15 4SX
Email Address: *	jane@wardropassociates.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Blacketyside Farm"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Blacketyside Farm"/>
Company/Organisation	<input type="text" value="R. Todd and Co."/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Leven"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY8 5PX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="The site is to the south of the A91 and to the east of Dairsie. it sits directly adjacent to the east of the existing woodland."/>
--

Northing	<input type="text" value="717697"/>	Easting	<input type="text" value="342306"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Planning Permission in Principle for the erection of dwellinghouse including formation of access.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Planning Review Statement submitted as supporting document.

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Planning Review Statement Planning Application Supporting Statement SAC Agricultural Justification Report Site Plan, Cross Sections and Rural Location Plan Location Plan and Site Plan Application Form Low Carbon Sustainability Checklist Low Carbon Sustainability Statement Topographical Survey Photo Presentation

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/03199/PPP

What date was the application submitted to the planning authority? *

18/10/2022

What date was the decision issued by the planning authority? *

10/02/2023

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

An inspection of the land and proposed access is required to allow assessment of the proposed access arrangements.

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

The main part of the site is currently accessed through agricultural fields. The access driveway proposed is accessed from the farm track.

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Jane Wardrop

Declaration Date: 03/03/2023



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100600261-001

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

Type of Application

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

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

Description of Proposal

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

Proposed dwellinghouse.

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Wardrop Associates Limited		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Jane	Building Name:	Cupar Business Centre
Last Name: *	Wardrop	Building Number:	<input type="text"/>
Telephone Number: *	07850 108617	Address 1 (Street): *	East Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Cupar
Fax Number:	<input type="text"/>	Country: *	Scotland
	<input type="text"/>	Postcode: *	KY15 4SX
Email Address: *	jane@wardropassociates.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Blacketyside Farm
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	Blacketyside Farm
Company/Organisation	R. Todd and Co.	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Leven
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	KY8 5PX
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Fife Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

The site is to the south of the A91 and to the east of Dairsie. it sits directly adjacent to the east of the existing woodland.

Northing

717697

Easting

342306

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

8230.00

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)

Agricultural

Access and Parking

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

Yes No

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

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) REGULATION 2013

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

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

Yes ≤ No

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

Yes ≤ No

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.

Name:

Address:

Date of Service of Notice: *

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

Signed: Jane Wardrop

On behalf of: R. Todd and Co.

Date: 20/09/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	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: Mrs Jane Wardrop

Declaration Date: 21/09/2022

Payment Details

Pay Direct

Created: 21/09/2022 10:48



Fife Local Review Body
Fife Council

3rd March 2023

Dear Sir / Madam,

Planning Review Statement

Planning Permission in Principle for the erection of dwellinghouse including formation of access

Land 350m North East of Edenbank Farmhouse, Dron, Dairsie (22/03199/PPP)

For R. Todd & Co.

This submission is made in support of the request for Local Review of the refusal of the above application for planning permission in principle for the erection of a farmhouse at Edenbank. The decision notice was issued on 10th February 2023. This statement is additional to the Supporting Planning Statement submitted with the application and to the Agricultural Justification report by Hugh Ironside of the SAC also submitted at that time. All documents submitted with the application are also submitted in support of this request for Local Review.

Principle of Development

The proposed house is required for agricultural occupancy by Stewart Todd who is one of the partners in the wider fruit growing business of R. Todd and Co. including Blacketyside Fruits. This is a very well established, modern, progressive business which has grown significantly in recent years and provides significant employment and revenue to the local economy. The proposed house at Edenbank is needed to allow Stewart Todd and his young family to live on site and to manage and fully maximise the fruit production capacity of the Edenbank agricultural unit.

There is no other accommodation available at Edenbank.

All of this is confirmed in a detailed examination and review of the business operations and needs set out in Hugh Ironside's Agricultural Justification Report dated March 2022.

The agricultural need for a house at Edenbank was accepted in the Report of Handling dated 30th January 2023 and it is agreed that the principle of building a dwellinghouse in this location is in complete compliance with the relevant policies of FIFEplan and national policy and guidance.

The Proposed Site

Given the justification for a house for operational needs, the proposed site was selected to ensure site security, landscape considerations, services and access. The specific reasons for choosing the selected site are detailed in the Supporting Planning Statement (September 2022) Section 4. All matters of site selection and landscape impact are accepted in the officer's Report of Handling which agrees that a house on this site could be designed in such a way as would not harm visual character of the rural setting.

The officer also agreed that all policies and guidance relating to residential amenity, garden ground, low carbon requirements and drainage can be complied with and will be covered in detail at the design stage.

Access

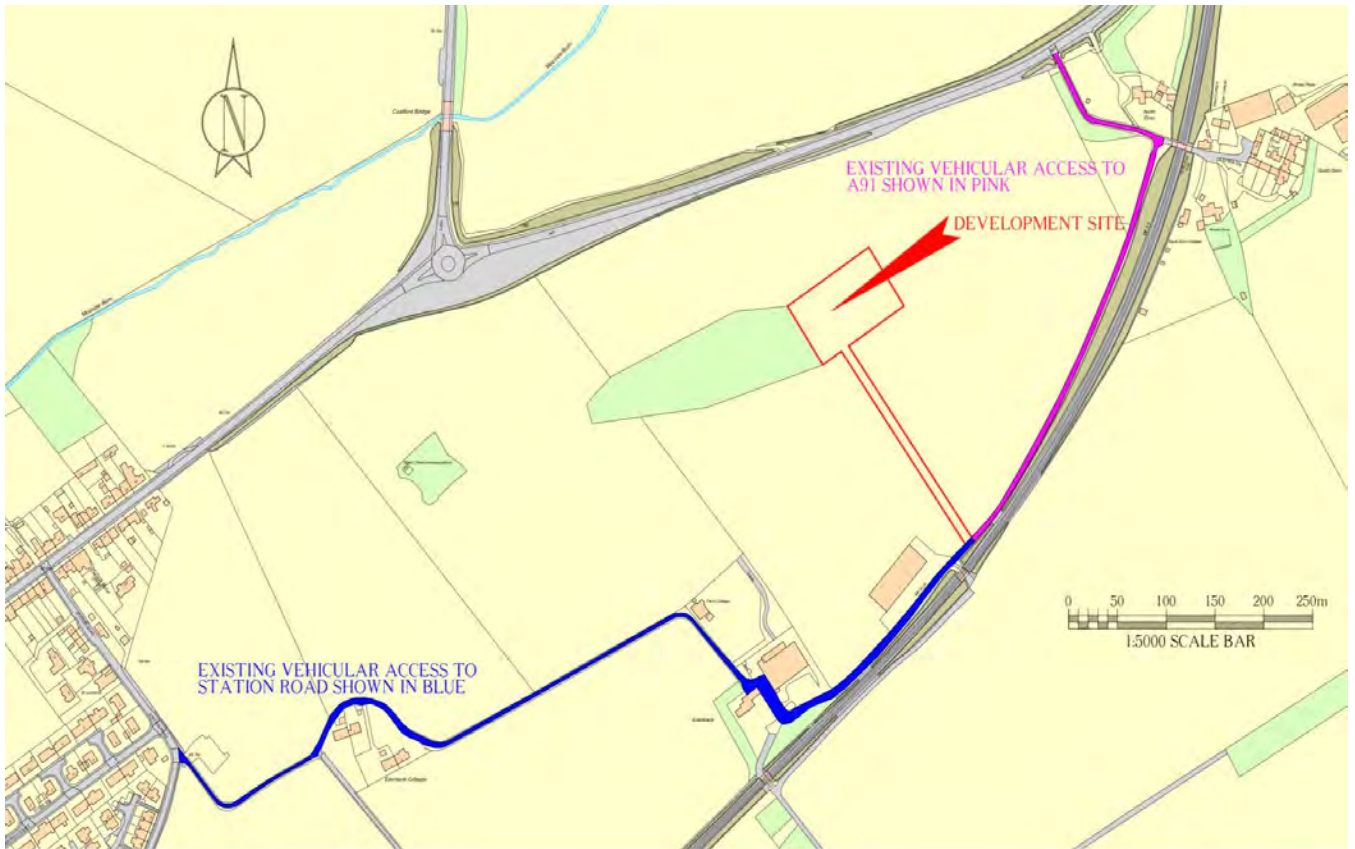
Access to the site will be via a proposed new driveway to be formed from the existing farm track which links Station Road, Dairsie to the A91. This existing farm track, which is a through road, starts within the 30mph limit on Station Road and runs eastwards past 9 existing houses and a shed, which all use it as their means of access to the adopted public road network. It then reaches the point of proposed access to the new house. At that point the existing Edenbank farm shed also accesses the farm track. Beyond the point of the new driveway, to the east, the farm track is used by a further 17 houses at Dron which also use it as their only access to the adopted road network. It then emerges onto the A91 at an existing junction.

In total, the existing farm road linking Dairsie to the A91, we understand, serves 26 houses and two farm sheds. It is very well used to the east and to the west, by these numerous existing occupants and is passable for its entire length. It is also the only means of access to the public road network available to any new development on the applicant's land at Edenbank Farm without forming a new access directly on to the A91. Any new house on their agricultural holding must access onto this track.

Reasons for Refusal

The planning officer's Report of Handling accepts that in every respect, other than an objection from Transportation, the proposed house is needed for agricultural reasons and would comply with all relevant policies and guidance. Three reasons were given for refusal, all relating to the proposed access. The plan below illustrates the proposed access arrangements and annotates the existing available access routes to the site for clarity.

Plan illustrating the route of the farm track linking Station Road with the A91



First Reason for Refusal

The first reason for refusal relates to the existing visibility splays at the point where the farm road joins the A91. The visibility splays at that point are restricted to 170 x 3m the east where the usual requirement is 210 x 3m. The work required to improve this is not on land within the applicant's control.

The intensification of use of the junction of the existing farm road with the A91 would be proportionally very small compared to the existing volume of traffic which is already generated by the 26 houses, 2 farm sheds and through traffic which can currently access this road and use the junction. The occupants of the proposed house are just as likely to use the existing farm road to the west to access services in Dairsie

The access to the A91 is an existing junction, which as described above, is currently available for use by 26 houses, 2 agricultural sheds and the general public. It is only one end of a through route which would be available to the occupants of the new house. The visibility splay in the eastward direction is very well used and negotiated daily by the numerous vehicles already accessing the existing properties.

The additional traffic movements resulting from the proposed dwellinghouse would be a very small proportion of the already existing road users who navigate this junction safely every day. Intensification of use of this junction would be minimal in relation to the traffic which already uses it.

The occupants of the proposed new house would also have the option of using the existing access road to the west which exits within the 30 mph limit on Station Road. Although this is a slightly longer route to an adopted road, it is the most direct and shortest route to the local services available in Dairsie. It is passable condition and in frequent use. The local services

available include the primary school, shop and doctor's surgery. These are the day-to-day services which will be most frequently used by the occupants of the new house and they would expect that they would access Dairsie by this more direct route. It is a route that has been used for well over a hundred years and is known as Drovers Lane as it was used to bring livestock to the railway station in Dairsie. This farm road would also provide a convenient pedestrian access and cycle track to Dairsie.

Second reason for refusal

The second reason for refusal is that the proposed house is not in a location where sustainable modes of transport are not readily and safely available.

This seems to be an excessively unfair assessment of the proposed location for the new house. The house is required for agricultural purposes and therefore by definition requires a countryside location. In fact, the proposed new driveway is only approximately 0.5 miles from Dairsie using the existing farm road to the west. This is easily accessible for pedestrians and cyclists and would take the occupants of the new house direct to a bus stop which provides sustainable access to St Andrews and Dundee. This proximity to services and sustainable transport is unusually good for a house in a rural location.

To the east, the farm road provides pedestrian access to the A91 which has a pedestrian footpath linking to the facilities at Clayton Caravan Park (swimming pool, gym, restaurant and bus stops) again just over half a mile away. Beyond this, the pedestrian footpath links to Guardbridge and St Andrews.

Additionally, the current working arrangement involves one of the business partners travelling to Edenbank every day from Blacketyside in Leven. Having the business partner living on the agricultural unit will negate the need for this daily car journey.

Third reason for refusal

This reason is given due to the perceived intensification of the existing vehicular access on to the A91. As discussed above, the proportional intensification of use of this access point will be minimal due to the existing volume of traffic resulting from current users and also due to the fact that the occupants of the new house will also have an alternative access to the daily services available in Dairsie via the farm road to the west.

Conclusions

The proposed house is required for the operational needs of the farm unit at Edenbank. To allow current management and future increase in the soft fruits to be grown at Edenbank a permanent on site management presence is essential. This is confirmed by Hugh Ironside of the SAC and is accepted by the planning officer. The principle of development of a house here for agricultural needs therefore complies with planning policy.

The planning officer also accepts that the details of design, drainage and amenity will be addressed at the next application stage and are likely to be successfully achieved. There were no concerns regarding any of these matters.

The issues resulting in the reasons for refusal centre around transportation concerns however the applicants ask that the Local Review Body consider that:

- a) The intensification of use of the junction of the existing farm road with the A91 would be proportionally very small compared to the existing volume of traffic which is already generated by the 26 houses, 2 farm sheds and through traffic which can currently access this road and use the junction. The occupants of the proposed house are likely to use the existing farm road to the west to access services in Dairsie
- b) Also, as discussed above, it is contended that, as the house is required for agricultural reasons, a rural location is necessary and unavoidable. This proposed site is, however, relatively well connected for pedestrians and cyclists to reach the local services and public transport available in Dairsie and at Clayton caravan park.

In that respect the proposed site is in a sustainable location for a house which, by necessity, must be located in a rural area.

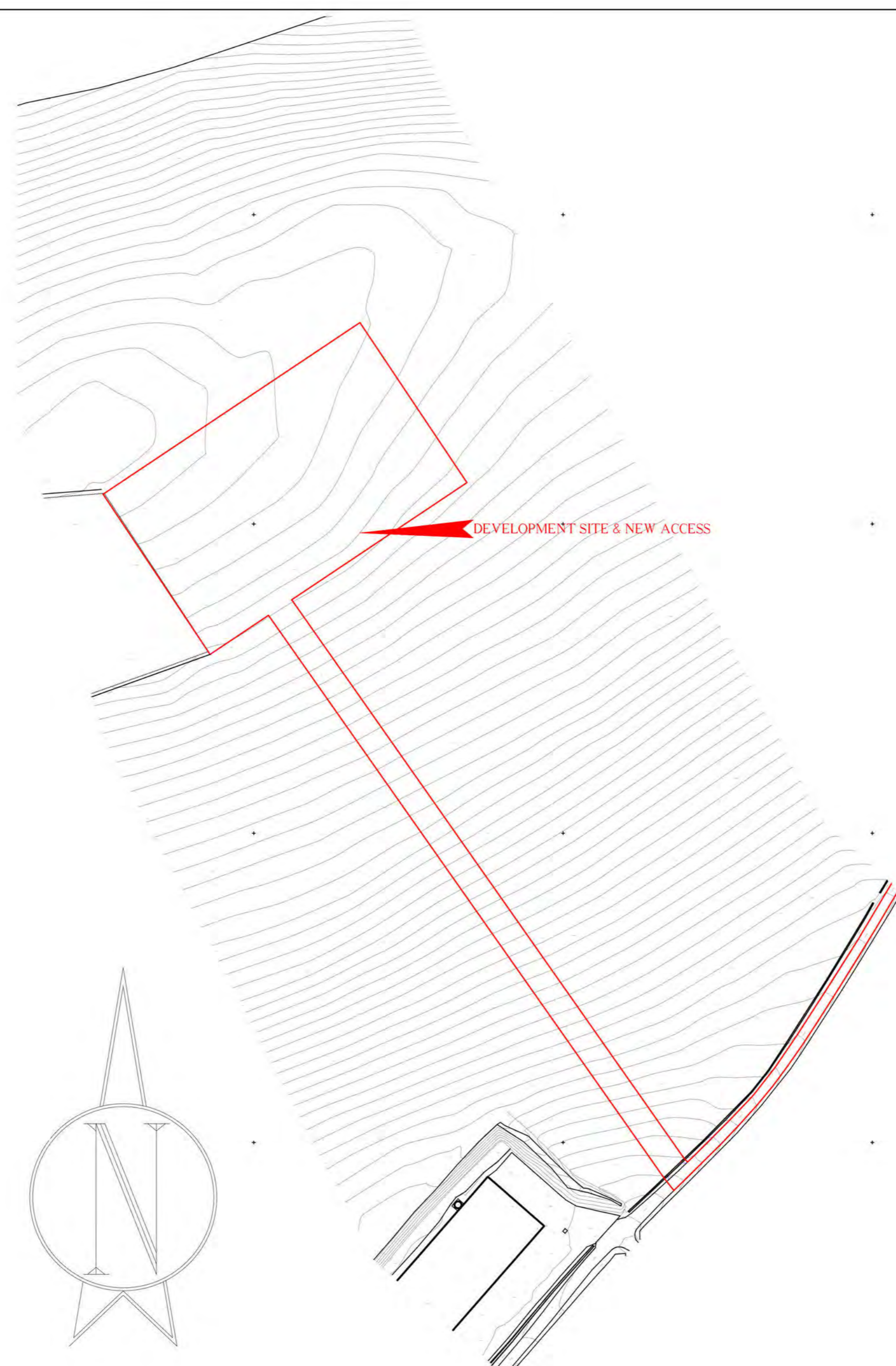
It is respectfully requested that the Local Review Body assess the proposal considering the above comments and, in particular, in view of the needs of this progressive rural business which contributes significantly to the economy and community across Fife.

Yours faithfully,

Jane Wardrop

Jane Wardrop BSc (Hons) MRTPI
Director

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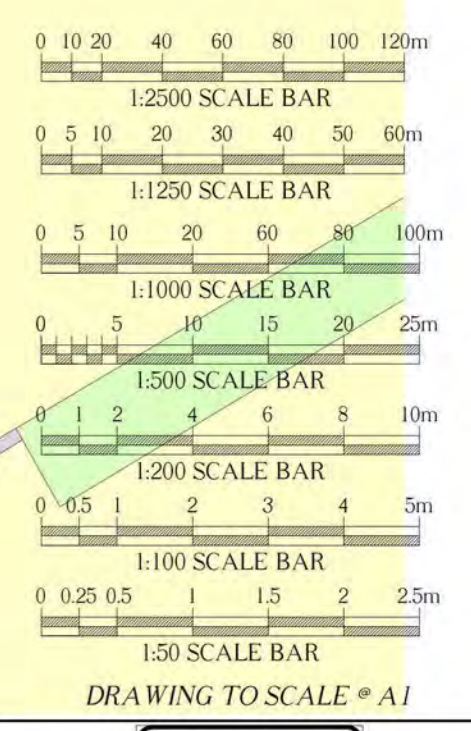


EXISTING SITE PLAN 1:1250



LOCATION PLAN 1:2,500

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Liam Anderson Architectural Services Ltd.
 Office 10, Fife Renewables Innovation Centre,
 Ajax Way, Methil Docks Business Park,
 Methil, Leven, Fife, KY8 3RS
 Tel / Fax: 01333 351007
 e mail: liam@liamandersonarchitecturalservices.co.uk
 web: liamandersonarchitecturalservices.co.uk

Project:
 PROPOSED NEW DWELLING HOUSE AT
 EDENBANK FARM,
 DIARISIE, CUPAR, FIFE, KY15 4RR
 FOR
 R.TODD & Co.

Drawing Title:
 LOCATION PLAN & EXISTING SITE PLAN

Scale:
 AS ANNOTATED

Date:
 SEPTEMBER 2022

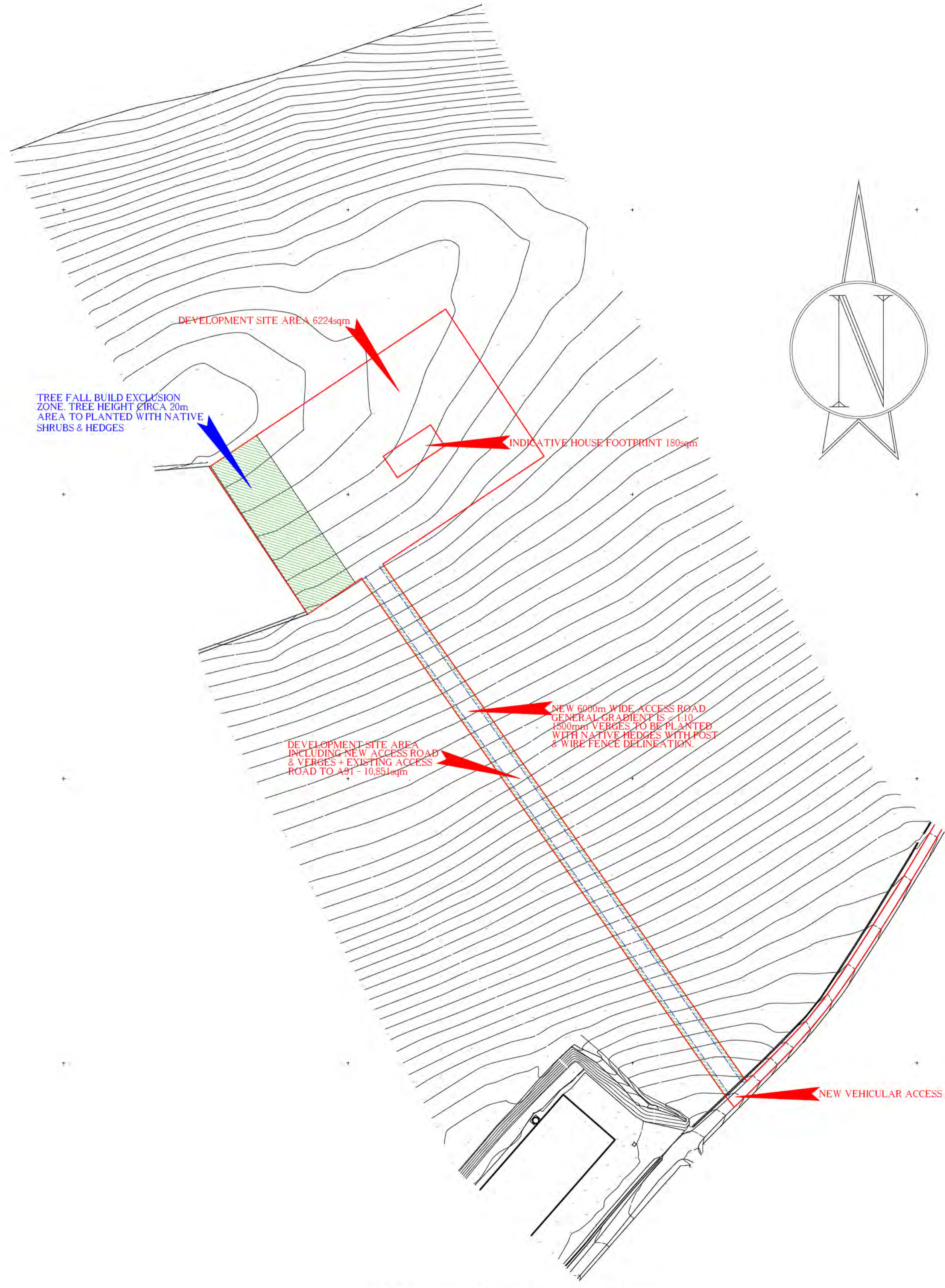
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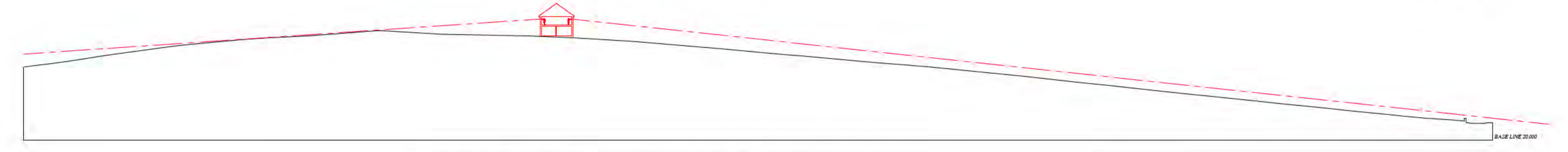
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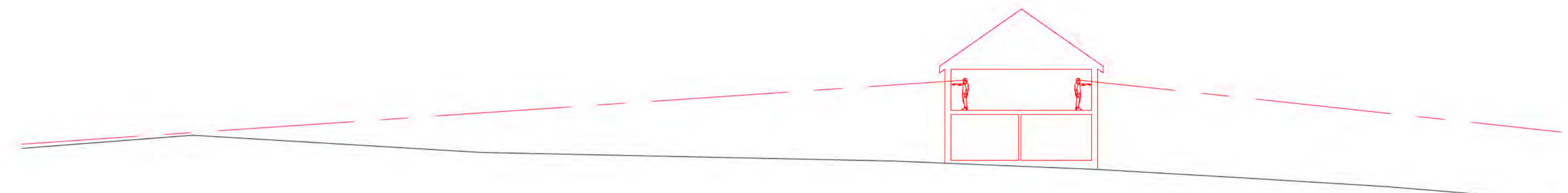
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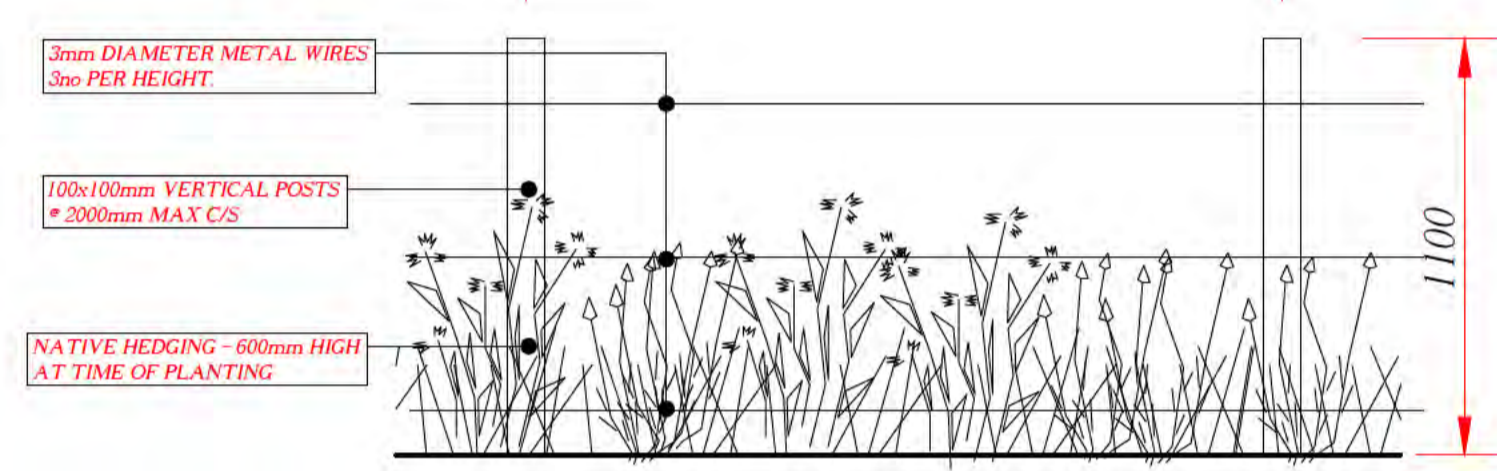
SITE / BLOCK PLAN 1:1000



PROPOSED SITE SECTION 1:1000



INDICATIVE HOUSE SECTION 1:500

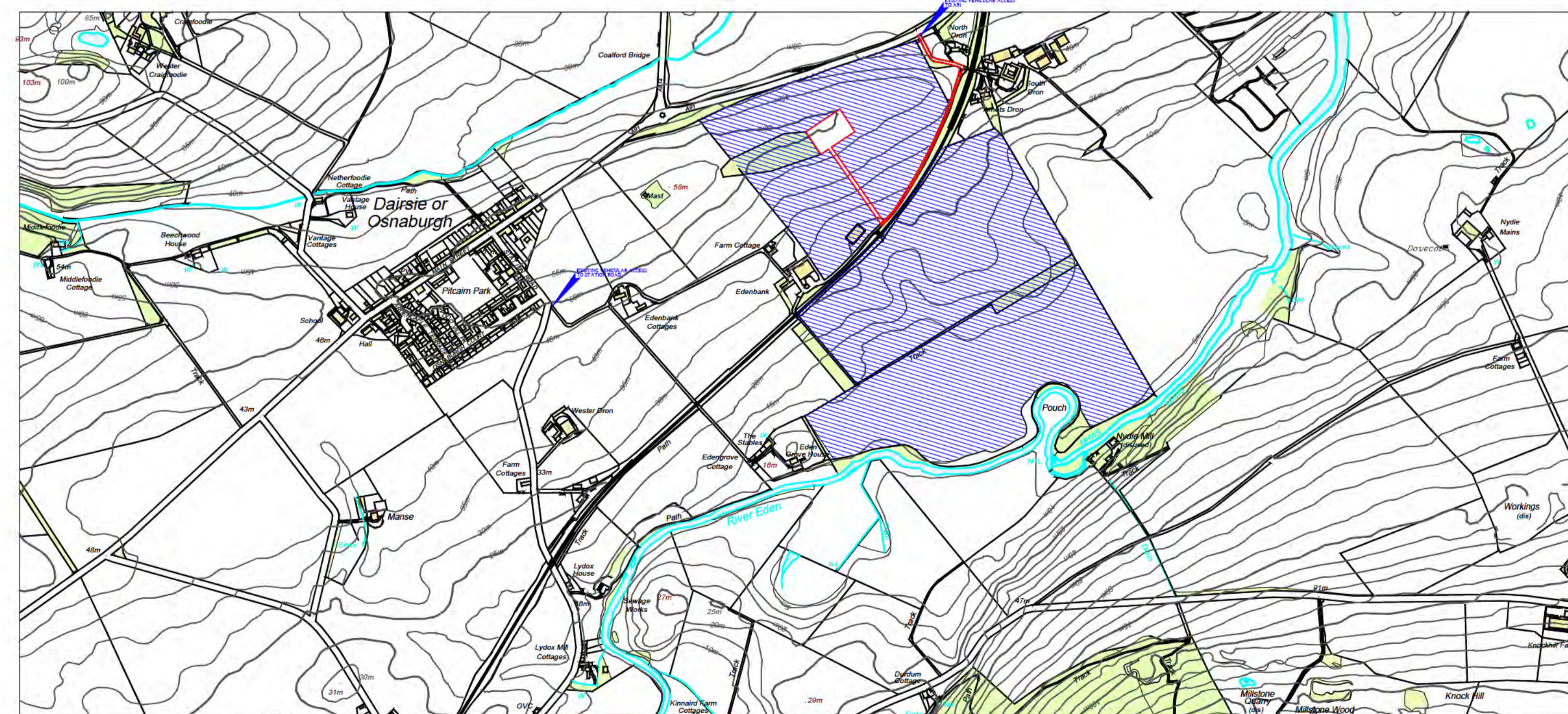


NEW ACCESS ROAD PERIMETER FENCING DETAILS

SuDS STATEMENT

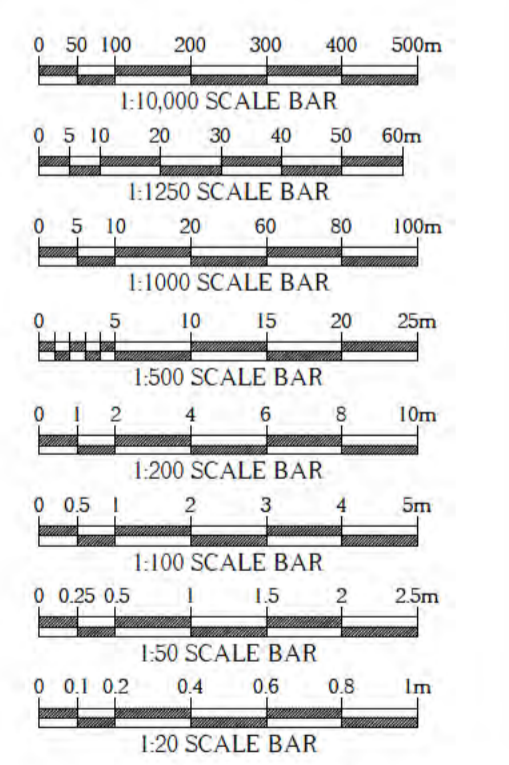
The detailed SuDS design will be undertaken in accordance with current SEPA and CIRIA guidance to provide treatment and attenuation for roofs, hardstanding areas, driveways and shared access roads. Following a site visit to the site, the SuDS scheme would need to provide treatment and attenuation prior to discharging to the surface water sewer. For this to be achieved, a combination of the following components will be utilized:

- Porous paving to provide treatment and attenuation with flow control.
 - Infiltration Trenches for treatment
 - Stormcell cellular storage for attenuation with flow control.
- The full SuDS scheme will be determined at full planning stage, and will be designed to cater for storm events from 1:30 year to 1:200 year including climate change.



RURAL LOCATION PLAN 1:10,000

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Liam Anderson Architectural Services Ltd.
 Office 10, Fife Renewables Innovation Centre,
 Ajax Way, Methil Docks Business Park,
 Methil, Leven, Fife. KY8 3RS
 Tel / Fax: 01333 351007
 e mail: liam@liamandersonarchitecturalservices.co.uk
 web: liamandersonarchitecturalservices.co.uk

Project:
 PROPOSED NEW DWELLING HOUSE AT
 EDENBANK FARM,
 DIARISIE, CUPAR, FIFE. KY15 4RR
 FOR
 R.TODD & Co.

Drawing Title:
 PROPOSED INDICATIVE SITE PLAN &
 CROSS SECTION
 RURAL LOCATION PLAN

Scale:
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 SEPTEMBER 2022

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Proposed Dwellinghouse
at Edenbank Farm, Dairsie

for

R. Todd & Co.

Supporting Planning Statement
(including Agricultural Justification and Site Selection)



Wardrop Associates
September 2022

Contents

1.0 Introduction

2.0 Principle of Development

3.0 Agricultural Justification

4.0 Site Selection

5.0 Conclusion

1.0 Introduction

1.1 This statement is submitted in support of an application for planning permission in principle for a dwellinghouse for agricultural occupancy by Stewart Todd and his family at the farm unit at Edenbank Farm to the east of Dairsie. Stewart is a partner in the family business of R. Todd and Co. The proposed house is to provide accommodation for Stewart and his growing family. Edenbank Farm is one of three separate farms owned and operated by R. Todd and Co., the others being at Blacketyside, Leven and Mayfield, Cupar.

1.2 There is no accommodation available within the Edenbank agricultural unit as the farmhouse and cottages were sold by the previous owner. The Todds have since replaced the outdated farm steading with a large modern facility accessed from the farm road from Dairsie. This report examines the principle of the development in terms of development plan policy and the consideration given to site selection. The agricultural justification of need for the new dwelling is examined in detail in a report by Hugh Ironside of **SAC Consulting** which gives significant detail relating to the functioning of the new farm unit.

1.3 The site is located approximately half a mile east of the Dairsie. It lies to the east of an existing wooded area and will be accessed from a private track extending north east from a point adjacent to the new steading. It extends to 6224m² (8230m² including the area of the long access track). The site is currently a part of an open agricultural field.

2.0 Principle of Development

2.1 The proposed site is located within a countryside area and conforms to Fife Council's gateway policy, **Policy 1, part A (1.b)** of the adopted **FIFEplan** which confirms support for development in locations where the proposed use is supported by the local development plan. It also complies with **Part B (5 and 7)** in that it is a use appropriate to the countryside and safeguards the qualities of the landscape.

2.2 The provision of residential accommodation in the countryside is fully supported by **Policy 7 (parts 1 and 7)** where it is required for agricultural operations. The policy recognises that there are circumstances in which a countryside location is required.

2.3 Additionally, **Policy 8 of FIFEplan** relating to Houses in the Countryside supports the development of houses in the countryside where it is essential to support an existing rural business. The development proposed is of a scale and nature compatible with the surrounding area, is well located in terms of infrastructure and is sited to fit in with the landscape and local pattern of development.

2.4 The proposed dwellinghouse which is required for the operation and development of the farm unit, is also supported **Scottish Planning Policy (SPP) 2014**. In particular, Scottish Government policy promotes rural development where it, **"supports prosperous and sustainable communities and businesses) (paragraph 75)**. It is recognised that development on agricultural land is acceptable when it is, **"essential... for small scale development directly linked to a rural business" (paragraph 80)**. **SPP** elaborates further that, in accessible rural areas, development plans should set out the circumstances in which new dwellinghouses outwith settlements may be appropriate. It is this provision which is the basis for **FIFEplan Policy 8** as discussed above which allows for houses which are essential to support a rural business. The **SPP** also confirms that the use of occupancy restrictions should be avoided.

2.4. The proposed dwellinghouse is therefore supported by local and national planning policy principles as this countryside location is required to support and extend the operations the Edenbank farm unit with an on site presence of the business partner. The following sections examine in more detail the agricultural justification and need for accommodation of the owners and also the process of site selection which arrived at the location proposed.

3.0 Agricultural Justification

3.1 Stewart Todd is a current partner, together with his mother, father, brother and sister the existing farm businesses known as R Todd & Co and Blacketyside Fruits which are, for the purposes of agricultural justification, considered as one enterprise. This is a well established, modern and progressive farming business comprising a total of 275 hectares at Edenbank, Blacketyside and Mayfield. Details of the current ownership and farming operations are given in the submitted **SAC Consulting** report.

3.2 The farm business was established by and driven forward by Robert and Eleanor but the time has come to consider succession planning and the future, with Stewart and his family taking on the land at Edenbank which comprises 116 hectares of class 2 and 3.1 land. The **SAC Consulting** report (**part 3**) confirms that a total of 37 labour units will be required to run this farm unit including the expansion of the soft fruit production. Stewart will be full time employed in the farm operations and additional labour will be taken on a seasonal basis as required.

3.3 **Part 6** of the **SAC Consulting** report confirms that the business is sufficiently profitable, financially viable and capitalised to be able to fund the building of a house.

3.4 The existing business at Blacketyside includes Robert and Eleanor's dwellinghouse and 2 small cottages. There is no dwellinghouse at the Edenbank farm. Stewart and his family currently live in a house in Leven. This is not a suitable location from which to run the unit at Edenbank. In order to fully expand the fruit production capability at Edenbank, Stewart will need to be present on site permanently. It is confirmed in **part 8** of the **SAC Consulting** report that this is needed for reasons of business control, operational efficiency, food safety, security and health and safety.

3.5 The proposed dwellinghouse therefore complies with **Policies 7 and 8** of **FIFEplan** as it requires a countryside location and is necessary for the operational needs of the farm business.

4.0 Site Selection

4.1 **Policy 8 of FIFEplan** requires that site selection details are considered and examine how the site was chosen. The policy is clear that, where a house is to be associated with an existing business, it must fulfil the purpose for which it is intended. The agricultural justification discussed above and the **SAC Report** submitted, clearly demonstrate that the proposed house is required in this location for constant business control, operational efficiency, safety and security reasons.

4.2 The Edenbank part of the farm business does not have any residential accommodation as the original farmhouse was sold by the previous owners and therefore a house needs to be provided for Stewart and his family in a suitable location close to the existing farm building and in a position which allows most of the farmland to be viewed.

4.3 The site selection process examined issues of access, security, landscape and pattern of development, available services and other restrictions. These are discussed in detail as follows:

Access

4.4 The only road which serves this parcel of land is a farm road which runs east from Dairsie and links with the A91 to the north east. This road also provides access to the existing farm building at the south west. It is a minor road which also serves several other houses and commercial buildings. The proposed access point to the new house is to the east of the entrance to the farm building and will allow a separate entrance.

4.5 The proposed access road is sufficiently wide to allow passing of vehicles and also for the planting of native hedging on both sides. This will serve to soften the appearance of the track and also provide an enhancement of wildlife habitat.

Security

4.5 The land comprising the farm unit is close to a built up area and, to avoid break ins and thefts, an on site presence will provide the best security possible. The position of the proposed house allows the maximum view over the land to the south and sufficient view over the fields to the north to allow supervision of all parts at all times from the proposed house.

Landscape and Pattern of Development

4.6 The farm unit is set within an open rural area characterised by houses and farms set apart by significant distances yet close to Dairsie. There are farm buildings and houses at equal distances along the farm road and a cluster of houses and a farm to the west. The proposed house is located approximately equidistant from all of these properties and therefore respects the settlement character of the area and the residential amenity of the existing houses.

4.7 The siting of the proposed house adjacent to an existing small woodland allows the opportunity to extend this with native shrubs and hedging and provides an anchor to the landscape setting. A topographical survey has indicated a relative levelling of the land in the location of the proposed site. The indicative site plan shows how the topography can be used to ensure the proposed house does not sit on the skyline but lies below the ridge of the hill. The design of the house can allow a view of the fields to the north from the upper floor windows.

4.8 The siting of a farmhouse in a location easily accessible and visible to the farm unit has resulted in the pattern of development seen in this area and is the traditional and historic approach.

Services

4.9 Electricity is available from the location of the farm building to the south. Drainage will be via a septic tank and soakaway and therefore this was not a factor in the site selection process.

4.10 As discussed above, it is recognised that the proposal must take full account of the requirements of the six qualities of successful place set out in **Making Five's Places 2018** and in particular fit in with the existing pattern of development without resulting in detriment to the visual or residential amenity of the area. While the application is for Planning Permission in Principle only, the indicative site layout submitted demonstrates how these planning considerations can be addressed.

5.0 Conclusion

5.1 The proposed house is required to allow the further expansion of farm operations at the Edenbank location. It is intended that fruit production will be increased significantly and this requires a permanent on site presence. There are no residential buildings on the farm unit and Edenbank and Stewart Todd does not have alternative accommodation available on any other unit within the Todd's other holdings. Even if suitable accommodation were available elsewhere, this would not fulfil the need for a permanent on site presence at Edenbank. Stewart's family is growing and the Todds must consider succession planning to allow the continued successful functioning of the business.

5.2 The use of the land at Edenbank for Stewart's family and farming operations will require a continuous on site presence for the reasons given above and detailed in the **SAC Consulting** report submitted.

5.3 The site has been selected for reasons of accessibility, security, fit with the existing pattern of development and servicing. There is no other site on this parcel of land which would achieve the operational requirements or have a better landscape fit. The application is for planning permission in principle but it would be intended that the proposed house be of a modest footprint and scale to reflect the design of the nearest residential properties to the east and west.

5.4 The proposal, to provide accommodation for the applicants on their agricultural holding, is entirely in accordance with the requirements and intention of Scottish Government and adopted development plan policy to support and encourage rural businesses and communities.

**JUSTIFICATION FOR HOUSE
ON
AGRICULTURAL HOLDING**

**At
Edenbank Farm
Dairsie
Fife**

For

**R Todd & Co
Blacketyside
Leven**

Report prepared by:

**Hugh Ironside
SAC Consulting,
Elmwood House,
Carslogie Road,
Cupar, Fife
KY15 4JB
Hugh.ironside@sac.co.uk**

**Tel: 01334 654055
Fax: 01334 658888**

March 2022

CONTENTS

1	INTRODUCTION	3
2	AGRICULTURAL HOLDING	3
2.1	BUSINESS STRUCTURE & PARTNERS & FAMILY	3
2.2	CURRENT RESIDENCES	4
2.3	LAND FARMED	4
2.4	CROPS GROWN 2021	5
2.5	SOFT FRUIT PACKHOUSE AND BRC ACCREDITATION	5
2.6	WHY ANOTHER HOUSE IS NEEDED	5
2.7	STAFF	6
3	HOUSES ON EDENBANK	6
4	LABOUR REQUIREMENTS	7
4.1	STANDARD LABOUR REQUIREMENT	7
5	ACTUAL LABOUR USED BY THE BUSINESS	8
6	FINANCIAL VIABILITY	9
7	LOCATION OF NEW DWELLING	9
7.1	WHY NOT USE ONE OF THE FARM COTTAGES	9
7.2	WHY NOT A HOUSE IN DAIRSIE OR ANOTHER VILLAGE	9
7.3	MINIMISING IMPACT	9
8	A NEED FOR A CONTINUOUS ON-SITE RESOURCE	11
8.1	BUSINESS CONTROL	11
8.2	OPERATIONAL EFFICIENCY	11
8.3	FOOD SAFETY	11
8.4	SECURITY – THEFT & VANDALISM	11
8.5	HEALTH AND SAFETY	11
9	CONCLUSION	12
10	MAP OF FARM & PROPOSED HOUSE	13

TO WHOM IT MAY CONCERN:

JUSTIFICATION FOR HOUSE – Edenbank Farm, Dairsie, Fife

1 INTRODUCTION

This report is based on information received by Hugh Ironside, Senior Agricultural Consultant, SAC, Cupar, Fife from Robert, Eleanor and Stewart Todd, Blacketyside, Leven. Edenbank Farm, the site for the proposed house was visited on 30th March 2022. Edenbank is approximately 14 miles from Blacketyside on the outskirts of Dairsie.

The following report makes use of information contained in Fife Council’s planning policy guidelines: Fife Local Development Plan, Adopted Plan September 2017. Specifically, Policy 7: Development in the Countryside and Policy 8: Houses in the Countryside.

2 AGRICULTURAL HOLDING

2.1 Business Structure & Partners & Family

The Todd family farms Blacketyside, Mayfield and Edenbank. There are two businesses- R Todd & Co and Blacketyside Fruits. For the purposes of this report both businesses will be considered as one, as the fiscal reasons for having two businesses don’t alter the agricultural justification for requiring a house. The following table shows the family members all of whom are partners or directors in one or both of the businesses.

Partner (relationship)	Age	Qualification	Comment / Role
Robert Todd (father)	64		Managing partner
Eleanor Todd (mother)	62	Chartered Accountant	Bookkeeping
Elaine Lyle (daughter)	35	Teacher	Farm shop
Andrew Todd (son)	34	MA Economics & Accounting	Packhouse, berry management
Stewart Todd (son)	31	BSc Agriculture	Hands on arable work and berry operations

The family business structure is fairly traditional in that father, mother and the children are all involved with father and mother driving the business forward in order to pass a viable business onto the children. The business is however very modern and innovative as it has specialised in high value soft fruit crops, produced using state of the art technology. Growing, harvesting, packing, marketing and delivering produce is all undertaken in house. The farm also has its own farm shop. This takes a very switched-on management team to keep the business on track. The business is now at the stage where succession planning is very high on the agenda as all the children are now married and having children of their own.

2.2 Current Residences

Family Members	Residence
Robert & Eleanor Todd	Blacketyaside Farmhouse
Elaine Lyle & family	Nether Pratis Farm
Andrew Todd & family	Off farm, flat in Leven
Stewart Todd & family	Off farm, house in Leven

The location of the residences of Andrew & Stewart doesn't add any value to the business operations.

The new house proposed at Edenbank is for Stewart. This will enable them to develop the farm significantly.

Similarly a new house will be required for Andrew at some point in the future. He will need to relocate from the top floor flat in Leven -especially as he has a young family.

2.3 Land Farmed

The business farms three units all in Fife - Blacketyaside, Leven, Mayfield, Cupar and Edenbank, Dairsie. The table below shows the areas and quality of land on each holding.

Name of Holding	Area (ha)	Land Capability For Agriculture	Comment
Blacketyaside	115	Class 2 and 3.1	Blacketyaside was purchased in 1992. The main farm steading, fruit pack house, farm shop and workers accommodation is all based here. There is a danger of over capitalising here.
Mayfield	44	Class 2 and 3.2	Mayfield was purchased in 2008 and contiguous land in 2010 (The Wards). There is one GP shed with no houses here.
Edenbank	116	Class 2 and 3.1	Edenbank was purchased in 2006. There are no houses. There is a very traditional steading (which is now unsuitable for modern day machinery) and a modern grain drying and storage shed which was constructed in 2014. A house is required here.
Total	275 ha		

The business has expanded quickly and requires to continually upgrade the infra structure in order to keep up with the expansion.

2.4 Crops Grown 2021

The table below shows the crops grown in 2021 on all the units.

Crops Grown 2021 (ha)								
	Soft Fruit	Spring Oats	Spring Barley	Fallow	Vegetables & Other Seasonal Lets	Potatoes & Vegetables	Other	Total
Blacketyside	63	0	29	10	0	3	10	115
Edenbank	0	40	46	0	21		9	116
Mayfield	0	0	16	12	8		8	44
Total	63	40	91	22	29	3	27	275

The business specialises in soft fruit production (mainly strawberries and raspberries) which makes up 95% of gross output. Strategic growth of the business requires more fruit to be grown at Edenbank.

2.5 Soft Fruit Packhouse and BRC Accreditation

In addition to the above enterprises the business also has a pack house for packing the fruit produced on the farm. The packhouse is located at Blacketyside Steading. The next destination for the strawberries after leaving the farm is the supermarket depot (and not another packhouse). The integrity of the product therefore has to be perfect. In order to be accepted as a supermarket packhouse the business has to go through the rigorous and stringent BRC audit (British Retail Consortium). In addition to this the business is a member of Assured Produce and Scottish Quality Cereals. All these schemes have quality assurance protocols which cover, food safety, health and safety, contamination, HACCP, growing methods, record keeping to name but a few. The difficulty of achieving this standard and the importance of keeping it cannot be over emphasised.

2.6 Why another house is needed

The business has specialised in high value soft fruit crops (mainly strawberries and raspberries). These crops generate 95% of the business gross output. These have to have a continual supervision and on-site presence of a senior member of the business.

The business will one day be divided between the siblings. In preparation for this Edenbank has to be developed as a stand-alone unit.

Edenbank is too far away from Blacketyside to be farmed together satisfactorily for enterprises other than cereals.

The business has outgrown the original base at Blacketyside. Investing more at Blacketyside would be overcapitalising on a small area. With 60% of the total area available at Blacketyside growing soft fruit it is not possible to grow more as the topography and closeness to urban development does not suit polytunnels. In contrast the land at Edenbank farm has a lot of scope for soft fruit production. The area of soft fruit at Edenbank cannot be

increased unless the business has an on-site permanent member of staff. Planning permission has been obtained to install a water source heat pump into the River Eden at Edenbank to be able to heat polytunnels to produce fruit for early and late season. (Customers require fruit for as long as possible otherwise they will move to another supplier. Therefore, the business has to be able to keep adopting new technologies ahead of other growers).

As part of succession planning a house for each family member in the correct place is essential.

2.7 Staff

The only permanent members of staff are some of the family members mentioned above. There are no fulltime employed members of staff. Seasonal staff increase up to 300 in the summer from zero in the winter months.

3 HOUSES ON EDENBANK

There are no houses belonging to the business on Edenbank Farm. The original farm cottages were sold many years ago by a previous owner. When the Todds purchased Edenbank they had offered for the farmhouse but were outbid. Therefore the farmhouse and all the cottages belong to third parties entirely unconnected to the business.

4 LABOUR REQUIREMENTS

4.1 Standard Labour Requirement

This section looks at the labour required to run the enterprises for the business. The following standard figures give an indication of the scale of the business. Source: Farm Management Handbook calculated 2021/22

1) Labour Requirement For All Current Enterprises			
Enterprise	Total Area (ha)	hrs/ha	Current Hrs per enterprise all units
Cereals	131	18	2358
Soft Fruit	63	7000	441000
Vegetable and other seasonal lets	29	5	145
Potatoes and Vegetables	3	110	330
Fallow	22	2.9	63.8
Total	248		443896
Hours per labour unit			1900
Number of labour units required			234
The above figures shows that the business requires 234 labour units to operate the enterprises on all the farms.			

2) Current Labour Requirement Edenbank			
Enterprise	Total Area (ha)	hrs/ha	Current Hrs per enterprise Edenbank
Cereals	86	18	1548
Soft Fruit	0	7000	0
Vegetable and other seasonal lets	21	5	105
Potatoes and Vegetables	0	110	0
Fallow	0	2.9	0
Total	107		1653
Hours per labour unit			1900
Number of labour units required			0.9
The above table shows there is a requirement for 1 labour unit at Edenbank for the current cropping. From the business investment point of view this shows an under utilisation of Edenbank as an asset. Hence the request for a house to increase the area of high value crops.			

Future Labour Requirement Edenbank			
Enterprise	Total Area (ha)	hrs/ha	Future Hrs per enterprise Edenbank
Cereals	87	18	1566
Soft Fruit	10	7000	70000
Vegetable and other seasonal lets	10	5	50
Potatoes and Vegetables	0	110	0
Fallow	0	2.9	0
Total	107		71616
Hours per labour unit			1900
Number of labour units required			37.7
If there was a house at Edenbank then it would be possible to expand the soft fruit enterprise. Even a modest increase to 10 ha would require a total of 37 labour units.			

5 ACTUAL LABOUR USED BY THE BUSINESS

The table below shows the actual labour used by the business including family members.

Actual Labour Used 2021			
		Number of seasonal staff	Hours per year
Partners	Robert Todd		3500
	Eleanor Todd		3500
	Elaine Lyle		250
	Andrew Todd		3500
	Stewart Todd		3500
Seasonal	January	25	4000
	February	25	4000
	March	50	8000
	April	100	16000
	May	250	40000
	June	300	48000
	July	300	48000
	August	300	48000
	September	200	32000
	October	100	16000
	November	50	8000
	Total hours per year		286250
	Hours per labour unit		1900
	Total number of labour units		155
The business is employing 155 fulltime equivalents to do the work of 234 fulltime equivalents. This shows that the business works very efficiently and investment in new technology helps increase productivity. [REDACTED]			

6 FINANCIAL VIABILITY

There is no benefit in building a house for a business which is not viable. This section investigates the viability of the business.

The business accounts for 2021 were viewed. It can be confirmed that the business is sufficiently profitable to support all the families and sufficiently well capitalised to be able to afford to build a house.

7 LOCATION OF NEW DWELLING

The proposed site for the house at Edenbank is to the North East of the new agricultural building. The house has to be high enough to give visibility of the fields over the railway line and to get a view of the old steading, the new building and each entrance.

7.1 Why not use one of the farm cottages

The farm cottages were sold by a previous owner and are not available.

7.2 Why not a house in Dairsie or another village

A key worker has to be on site at all times. Often work starts at 5am and may still be going at 1am. A manager has to be there to manage the changing shifts.

7.3 Minimising impact

The site will be screened by existing and new hedges and trees. A renewable energy source will be used for heating and or power.

Existing Farm entrances will be used.

The proposed site is roughly 280 meters away from the nearest neighbouring residential property.

This therefore conforms to Fife Councils guidance in “Fife Plan” as far as “Policy 7: Development in the Countryside” and “Policy 8: Houses in the Countryside” is concerned. (Please see the following points highlighted in red)

Policy 7: Development in the countryside

Development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations; **YES**
2. will diversify or add to the above land-based businesses to bring economic support to the existing business; **YES**
3. is for the extension of established businesses; **YES**
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements.
5. is for facilities for access to the countryside.

6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or

7. is for housing in line with Policy 8 (Houses in the Countryside) **YES**

In all cases, development must:

- be of a scale and nature compatible with surrounding uses; **YES**
- be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; **YES**
- be located and designed to protect the overall landscape and environmental quality of the area. **YES**

Policy 8: Houses in the Countryside

Development of houses in the countryside will only be supported where:

1. It is essential to support an existing rural business **YES**

2. It is for a site within an established and clearly defined cluster of five houses or more

3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits

4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:

- a) the existing house is not listed or of architectural merit.
- b) the existing house is not temporary and has a lawful use; or
- c) the new house replaces one which is structurally unsound, and the replacement is a better-quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.

5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building

6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes)

7. A shortfall in the 5-year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes)

8. It is a site for Gypsy/Travellers or Travelling Show-people and complies with Policy 2 (Homes) or

9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1

In all cases, development must be:

- of a scale and nature compatible with surrounding uses; **YES**
- well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; **YES**
- located and designed to protect the overall landscape and environmental quality of the area. **YES**

8 A NEED FOR A CONTINUOUS ON-SITE RESOURCE

It is essential that one of the working partners lives on the site for the following reasons.

8.1 Business Control

The business is large and can only operate with several key managers at specific locations. Mistakes which would seem small to a layman can be costly. For example, if a batch of soft fruit is wrongly labelled then the fine from the supermarket could be £25,000. Developing and running a large profitable business does not happen by accident. Having the correct people at the correct locations at crucial times is essential. A house at Edenbank will allow this.

8.2 Operational Efficiency

Growing soft fruit on land without too steep gradients and readily available water supply is essential for the long-term future of the business. This means that land at Edenbank will be used for growing soft fruit for the business. The level of detail required to grow berries for supermarket customers is such that the crop manager has to be on site to take minute to minute decisions. This could be to manage applications of crop inputs timeously, inspect dispatched fruit and manage the large labour force. If the manager has to make a 14 mile round trip to carry out these tasks, then the benefits will be lost and a huge amount of time would be used unproductively driving between steadings.

8.3 Food Safety

Soft fruit is mainly eaten uncooked and raw. After it leaves the farm packhouse it goes through virtually no checks before it reaches the supermarket shelves. It is therefore important that the crop in the field, cold store or dispatch bay is not tampered with or exposed to any source of contamination. Having a continual on-site presence reduces the risk of wilful or accidental contamination.

8.4 Security – Theft & Vandalism

The farm is situated close to a built-up area. Break-ins and theft are becoming more common even in rural areas. Whilst the buildings will be as secure as is reasonably practicable there are unfortunate occasions when this is not enough, and items of equipment are stolen or vandalised. Diesel and quad bikes in particular are being targeted currently. On site presence reduces this risk.

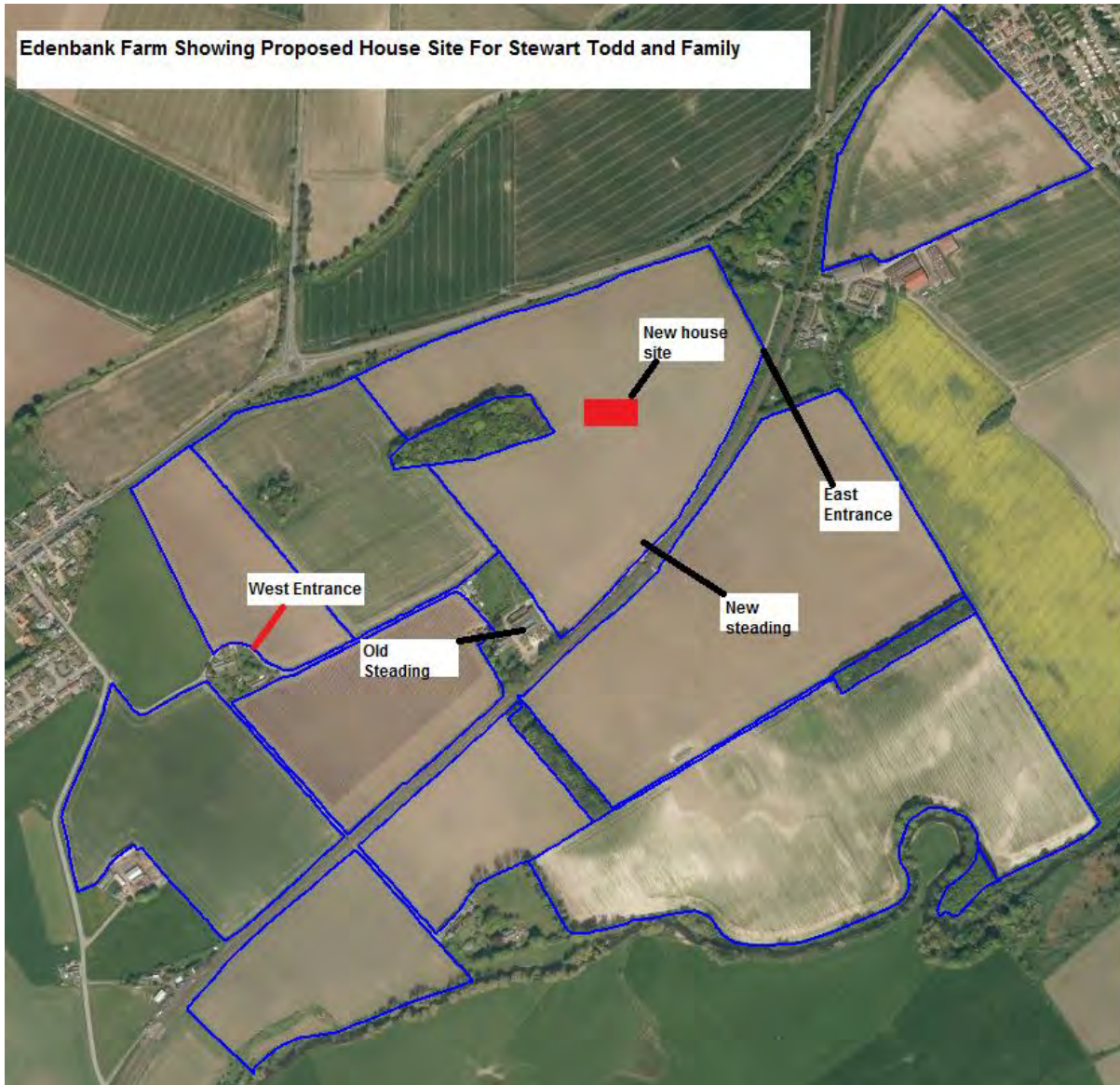
8.5 Health and Safety

Visitors to farms often arrive unannounced. If no one is there, there is always a risk that someone could wander round the farm and hurt themselves. The farm operates dangerous machinery such as forklifts and combines. Visitors often do not recognise the dangers and approach these with no awareness of the risk.

9 CONCLUSION

It is my considered professional opinion that the proposed house on Edenbank, for a working partner or manager is essential for R Todd and Co for all the above reasons. If a house is not built on the farm, then the business will suffer operational difficulties in the future and product quality will suffer. There will be implications for health and safety, farm security and succession planning. If a partner is not resident on site, then this will restrict the development of this part of the business. It will also result in a loss of efficiency, profitability and consequently loss of employment. A new house is a major step forward for the family's succession planning.

10 MAP OF FARM & PROPOSED HOUSE



Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications √
<p><u>Energy and Climate Change</u> Demonstrate that the application meets the CO² emissions reduction targets currently in place and that the required proportion of that reduction is met by low and zero carbon generation technologies.</p> <p>Improve the energy efficiency of both domestic and non-domestic buildings to minimise total whole-life energy consumption.</p> <p>Support the use of renewable energy rather than fossil fuel sources during concept/design as well as in-service phases with the ultimate aim of decarbonising the energy and heat supply. Improve resilience to climate change, including higher temperatures; changing patterns of precipitation; more frequent extreme weather events; rising sea levels. Impacts on flooding and water supply are addressed.</p>	<p>For Local Developments - Provide information of the energy efficiency measures taken and energy generating technologies associated with this application</p> <p>For Major Developments - An energy statement on intention is required. See Low Carbon Fife Supplementary Guidance page 59 for more information</p>	<p>Householder Application Proposals which are not heated or cooled (other than heating or frost protection).</p> <p>Conversion of buildings</p> <p>Small extensions in line with Building standards 6.1 exemptions</p> <p>Temporary buildings with an intended life of less than 2 years</p>	<p><input checked="" type="checkbox"/></p> <p>Details: Refer to section 3.0 of the Low Carbon Sustainability document</p>
<p><u>Materials</u> Materials sourced from local or sustainable sources</p>	<p>A statement should be included setting out that the development will endeavour to provide the materials from local or sustainable sources. Additional detail should be included if available. See Making Fife's Places Supplementary Guidance page 37 for more information.</p>	<p>Householder Applications</p>	<p><input checked="" type="checkbox"/></p> <p>Details: Refer to section 4.0 of the Low Carbon Sustainability document</p>

Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications √
<p><u>Sustainable Urban Drainage System (SUDS)</u> As our climate changes and more rainfall is predicted in many parts of the world, it is important that we control the impact of rainwater to prevent flooding or pollution of watercourses. Sustainable Urban Drainage measures need to be put in place to ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment.</p>	<p>We require Compliance and Independent Check Certificate's to be submitted as per Fife Council's Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note</p> <p>See Making Fife's Places Supplementary Guidance page 14 for more information.</p>	<p>Householder Applications</p> <p>Applications for erection of only one dwellinghouse</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>Details: Refer to section 7.0 of the Low Carbon Sustainability document</p>
<p><u>Waste</u></p> <p>Support applications that reduce the creation of waste. Facilities are provided for the separate collection of dry and recyclable waste and food waste. Drive the development of a plastic recycling facility</p>	<p>Planning Permission in Principle (PPP) Applications – A statement setting out that measures for the storage of dry recyclable waste and food waste will be provided as part of the development.</p> <p>Full Planning Permission Applications – Full details on how dry and recyclable waste and food waste will be stored.</p>	<p>Householder Applications</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>Details: Refer to section 5.0 of the Low Carbon Sustainability document</p>

Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications √
<p><u>Travel and Transport</u></p> <p>Developments make a positive contribution towards the improvement of sustainable transport network.</p> <p>Promoting sustainable transport modes in the following order of priority: walking, cycling, public transport, cars.</p> <p>Reducing car dependency.</p> <p>Minimising the amount of travelling required, thus reducing greenhouse gas emissions, especially for air and road travel</p>	<p>PPP Applications – A statement should be included setting out the intended measures to encourage and facilitate the use of sustainable transport focusing on the order of priority.</p> <p>Full Planning Permission Applications – Full details on how the development encourages and facilitates the use of sustainable transport focusing on the order of priority. (Demonstrated through a Transport Assessment or Green Travel Plan).</p>	<p>Householder Applications</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>Details: Refer to section 2.0 of the Low Carbon Sustainability document</p>
<p><u>Air Quality</u></p> <p>Address impacts on air quality by reducing congestion and address the poor air quality that already exists.</p>	<p>An Air Quality Impact Assessment is required where any of the following apply:</p> <ul style="list-style-type: none"> • For all applications subject to an Environmental Impact Assessment (listed in Environmental Impact Assessment (Scotland) Regulations 2017) or • 10 or more residential units or a site area of more than 0.5ha • More than 1,000m² of floor space for all other uses or a site area greater than 1ha <p>Coupled with any of the following:</p> <ul style="list-style-type: none"> • The development has more than 10 parking spaces • The development will have a centralised energy facility or other centralised combustion process <p>See Low Carbon Fife Supplementary Guidance Appendix D for more information</p>	<p>Householder Applications</p> <p>Less than 10 residential units or a site area of less than 0.5ha</p> <p>Less than 1,000m² of floor space for all other uses or a site area smaller than 1ha</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>Details: Refer to section 1.0 of the Low Carbon Sustainability document</p>

Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications √
<p><u>District Heating</u></p> <p>All applications which create a heat demand or waste heat will be assessed to establish if district heating is likely to be a viable option. All applications for proposals which fit this description need to be tested against the district heating process map set out in section 3.2.2 of the Low Carbon Fife Supplementary Guidance (see page 64) - to establish if a further investigation into heat networks is required. To reduce the cost of heat supply and the carbon intensity of heat generation.</p>	<p>Depending on answers to the questions below will determine whether a further investigation is required</p> <p><i>Is the proposal within 1km of an existing or proposed heat network? (See Low Carbon Fife SG Appendix E for more information) If yes – has an indicative heat demand been provided for the development?</i></p> <p><i>Is further investigation into heat networks required? If yes - has a further investigation into heat networks been provided?</i></p> <p><i>Is the proposal for one of the following types of development?</i></p> <ul style="list-style-type: none"> • A public sector development; • A further education campus; • A proposal for over 10,000m² non-domestic development with an anchor customer (anchor customers include swimming pools, hospitals, aqua-culture and industrial units or building with a significant and heat demand) • A mixed use development – with at least 50 residential units and at least 10,000m² of buildings with the following uses, education, community and leisure, retail, healthcare, manufacturing/industrial <p><i>If yes – has information on the linear heat density of the development been provided? (see Low Carbon Fife SG section 3.2.2 for more information) Is the linear heat density 4 or over? (see Low Carbon Fife SG section 3.2.3 for more information) If yes – has further investigation into heat networks been provided?</i></p>	<p>Householder Applications</p> <p>Applications out-with 1km of existing or proposed heat network and is not one of the following developments:</p> <ul style="list-style-type: none"> • A public sector development; • A further education campus; • A proposal for over 10,000m² non-domestic development with an anchor customer (anchor customers include swimming pools, hospitals, aqua-culture and industrial units or indeed any other building with a significant and stable heat demand) • A mixed use development – with at least 50 residential units and at least 10,000m² of buildings with the following uses, education, community and leisure, retail, healthcare, manufacturing/industrial <p>And does not have a total aggregate thermal input exceeding 20Megawatts</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>Details: Refer to section 6.0 of the Low Carbon Sustainability document</p>

Liam Anderson Architectural Services Ltd.

PROPOSED DWELLING HOUSE AT EDENBANK FARM, DAIRSIE, FIFE KY15 4RR

LOW CARBON SUSTAINABILITY STATEMENT

1.0 Air Quality

It is considered that an Air Quality Impact Assessment is not required. Due to the low level of additional traffic predicted to be associated with the development.

2.0 Transport

The proposed site has two points of access & egress; to the west onto Station Road, Dairsie, and to the east directly on to the A91 road to St Andrews. Due to the being for use as the main house for the farm, vehicular transport will be main source of travelling although the existing farm track is suitable for walking & cycling. There are regular bus services to Cupar, St Andrews & beyond are available within Dairsie and at various stops along the A91.

3.0 Energy & Climate Change

3.1 It is proposed to implement within the design of the new house a specification to exceed the minimum standards set by the current building regulations.; including enhanced fabric U-value performance; enhanced thermal bridging performance and renewable technology.

3.2 The house will exceed Bronze as specified within the current Building Standards (Scotland) Regulations.

3.3 The SAP rating of the house will exceed that required under the current Building Standards (Scotland) Regulations.

4.0 Materials

4.1 The developer will endeavour to source materials from local or sustainable suppliers. All timber including the timber frame kit will be sourced within Scotland from suppliers with sustainability policies.

5.0 Waste Collection

5.1 Provision will be made within the development site for the use of the standard 4no wheelie bins provided by Fife Council (landfill, paper, plastics & garden / food waste materials) as per the Council's current policies.

5.2 Provision will also be made within the kitchen furniture for waste & compostible materials.

5.3 Waste collection will be from a stance at the belmouth entrance from the main road.

6.0 District Heating

6.1 It is considered that this proposal is exempt from the requirement to meet this criteria.

7.0 Sustainable Urban Drainage System (SUDS)

7.1 Whilst details of the SUDS proposals are not required to be submitted as part of the In Principle Planning application, a statement has been included on the submitted drawing to show surface water attenuation will be provided as part of the development. The full design of this will be prepared in conjunction with Scottish Water.

Liam Anderson MCIAT

Director

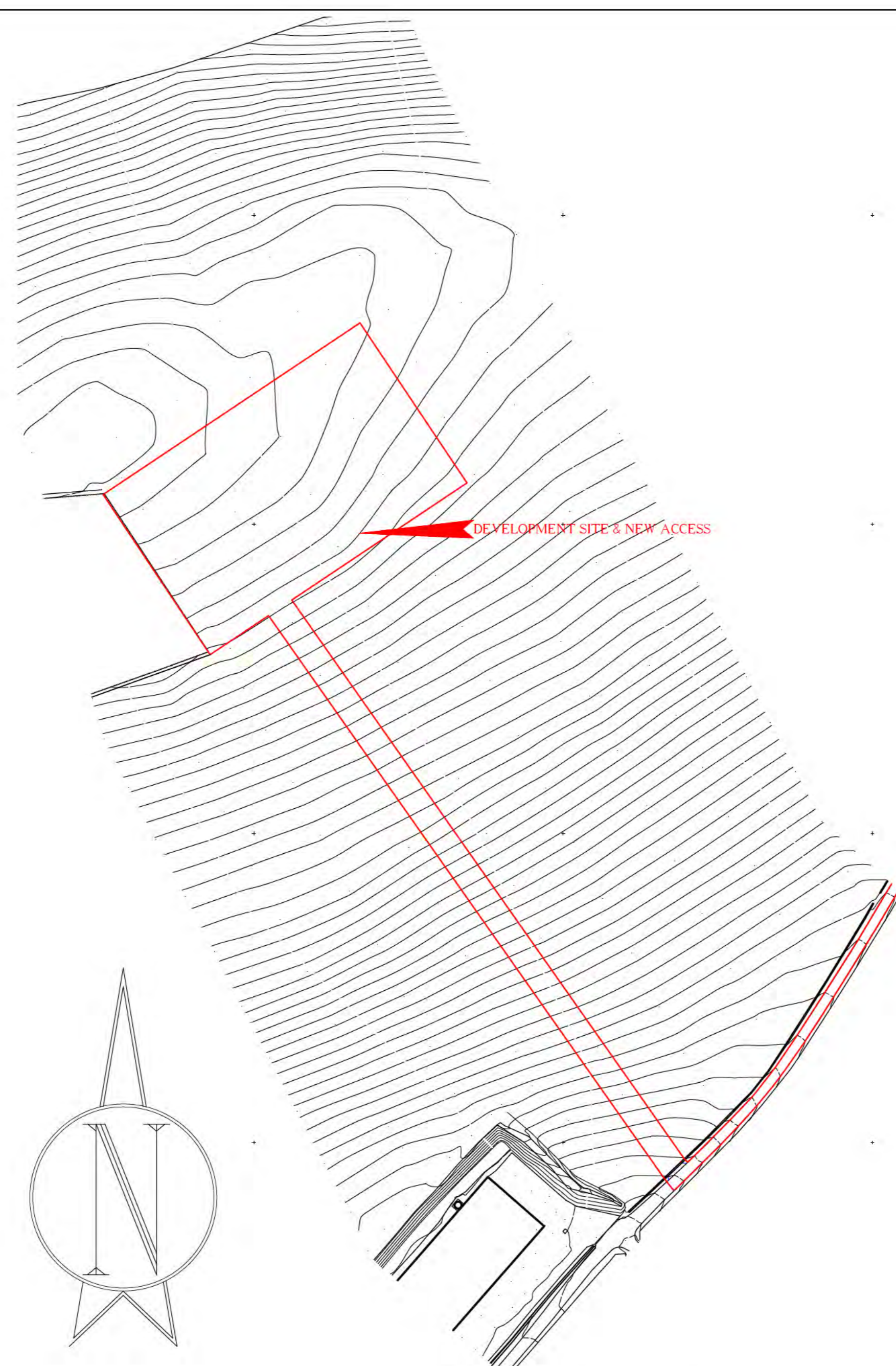
13th September 2022

*Office 10, Fife Renewables Innovation Centre, Ajax Way,
Methil Docks Business Park, Methil, Leven, Fife KY8 3RS*

*Tel: 01333 351007 Fax: 01333 351007 e mail: liam@liamandersonarchitecturalservices.co.uk
Reg office: 30 Fernbank Avenue, Windyates, Leven, Fife, KY8 5FA Company Registration number: 422481*



Notes
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 All dimensions must be verified on site before work commences



EXISTING SITE PLAN 1:1250

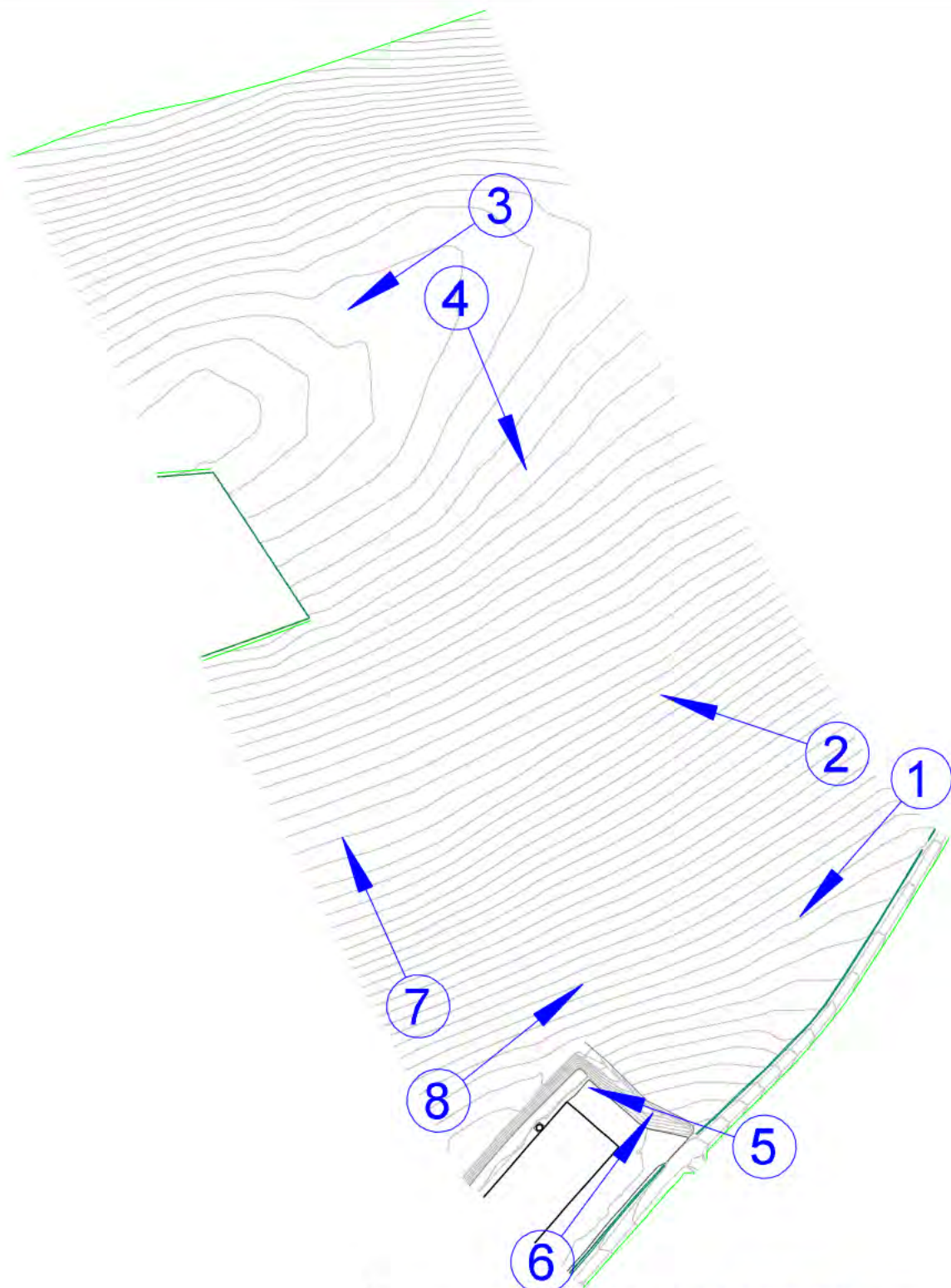


LOCATION PLAN 1:2,500

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PPP PLANNING APPLICATION DRAWING

 CHARTERED PRACTICE	
Liam Anderson Architectural Services Ltd. Office 10, Fife Renewables Innovation Centre, Ajax Way, Methil Docks Business Park, Methil, Leven, Fife, KY8 3RS Tel / Fax: 01333 351007 e mail: liam@liamandersonarchitecturalservices.co.uk web: liamandersonarchitecturalservices.co.uk	
Project: PROPOSED NEW DWELLING HOUSE AT EDENBANK FARM, D ARSIE, CUPAR, FIFE, KY15 4RR FOR R.TODD & Co.	
Drawing Title: LOCATION PLAN & EXISTING SITE PLAN	
Scale: AS ANNOTATED	Date: SEPTEMBER 2022
Drawing No: 22 / 26 / 100	Revision: A



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 AGRA HOUSE,
 15 KING STREET,
 NEWPORT-ON-TAY,
 FIFE, DD6 8BN,
 SCOTLAND
 T. (01382) - 541333
 F. (01382) - 541999
 □ LAND SURVEYS
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Subject **Photo Location Diagram for
 Eden Bank Farm,
 Dairsie.**

Drawn by **R.Douglas** Page **1 of 1**

Dwg No **28722-01** Date **08.08.22**



View 1



View 2



View 3



View 4



View 5



View 6



View 7



View 8



Proposal Details

Proposal Name	100600261
Proposal Description	Proposed Dwellinghouse at Edenbank Farm.
Address	
Local Authority	Fife Council
Application Online Reference	100600261-004

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Planning Review Statement	Attached	A4
Planning Application Supporting Statement Sept 2022	Attached	A4
SAC Agricultural Justification Report March 2022	Attached	A4
Application Form	Attached	A4
Low Carbon sustainability checklist	Attached	A4
Low carbon sustainability statement	Attached	A4
Site Plan Cross Sections and Rural Location Plan	Attached	A1
Location Plan and Site Plan	Attached	A1
Topographical Survey	Attached	A4
Photo presentation	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

Agenda Item 5(2)

**Land 350m North East of Edenbank Farmhouse,
Dron, Dairsie**

Application No. 22/03199/PPP

Planning Decision Notice

Report of Handling

Wardrop Associates Limited
Jane Wardrop
Cupar Business Centre
East Road
Cupar
Scotland
KY15 4SX

Planning Services

Andy Taylor

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/03199/PPP

Date 10th February 2023

Dear Sir/Madam

Application No: 22/03199/PPP
Proposal: Planning Permission in Principle for the erection of dwellinghouse including formation of access.
Address: Land 350M North East Of Edenbank Farmhouse Dron Dairsie Fife

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Andy Taylor, Planner, Development Management

Enc



DECISION NOTICE PLANNING PERMISSION IN PRINCIPLE

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION IN PRINCIPLE** for the particulars specified below

Application No: 22/03199/PPP
Proposal: Planning Permission in Principle for the erection of dwellinghouse including formation of access.
Address: Land 350M North East Of Edenbank Farmhouse Dron Dairsie Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/03199/PPP on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of protecting road safety; visibility splays of at least 3m x 210m are required in directions, East and West at the access from the site onto the adjacent public road. The visibility splay to the East is restricted to 3m x 170m, the full visibility being unacceptably obstructed for vehicles leaving the site by permanent features, the alignment of the road, which are outwith the control of the applicant. Any intensification of vehicular traffic movements over this sub-standard access would be detrimental to the safety and convenience of all road users, contrary to the Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines.
2. In the interests of protecting road safety; the proposal is to erect a dwellinghouse where more sustainable modes of transport are not readily and safely available to allow people to access local facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips. Consequently, the development does not provide for non-car modes of transport and in reality, the development would be car dominant which is against the principles of Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines.
3. In the interests of protecting road safety; Fife Council has a policy against the formation of new vehicular accesses or the increase in use of existing vehicular accesses and junctions on unrestricted distributor roads that are outwith established built up areas. From a transportation point of view, a built-up area is defined as the area within a 30 or 40mph speed limit. The reason for this policy is that such accesses introduce, or increase, traffic turning manoeuvres that conflict with through traffic movements and so increase the probability of crashes occurring, to the detriment of road safety. Taking these issues into account, the proposal is therefore contrary to the Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan

Dated: 10th February 2023

Chris Smith

For Head of Planning Services

(2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines.

Dated:10th February 2023

Chris Smith

For Head of Planning Services

Decision Notice (Page 2 of 3) Fife Council

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location and Site Plans
02	Proposed various - elevation, floor etc
03	Supporting Statement
04	Statement
05	Low Carbon Sustainability Checklist
06	Statement

Dated:10th February 2023

Chris Smith

For Head of Planning Services

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	Land 350M North East Of Edenbank Farmhouse, Dron, Dairsie		
PROPOSAL	Planning Permission in Principle for the erection of dwellinghouse including formation of access.		
DATE VALID	18/10/2022	PUBLICITY EXPIRY DATE	24/11/2022
CASE OFFICER	Andy Taylor	SITE VISIT	None
WARD	Cupar	REPORT DATE	30/01/2023

ASSESSMENT

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

1.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Scottish Parliament approved National Planning Framework 4 (NPF4) on 11th January 2023 which confers greater materiality to the plan before it is adopted by Scottish Ministers. NPF4's policy context is set at a high level to provide a directive but indicative policy context. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When it is adopted, NPF4 will form part of the statutory Development Plan, and the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan. In this context Fife Council Planning Services considers that while NPF4 as approved by Parliament is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

Having assessed the current application against the policy provisions of NPF4 as approved by Parliament and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.2 BACKGROUND

1.2 The application site relates to an elevated site located 350m to the north-east of Edenbank Farmhouse within a countryside location east of Dairsie and would sit to the east of an area of mature woodland. The proposed site would be accessed for the A91.

1.3 Planning permission in principle is sought for the erection of a dwellinghouse to provide accommodation for a working partner or manager essential to the future running of this rural business. The applicant currently operates two businesses with the soft fruit crop business providing 95% of the business gross output and require continual supervision.

1.4 There is no planning history on the planning site.

1.5 A physical site visit has not been undertaken for this planning application. All necessary information has been collated digitally to allow for the full assessment of the proposal. A risk assessment has been carried out and it is considered given the evidence and information available to the case officer, this is sufficient to determine the proposal.

2.0 ASSESSMENT

2.1 The issues to be assessed against the development plan and other guidance are as follows:

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Garden Ground
- Road Safety/Transportation
- Low Carbon
- Drainage

2.2 Principle of Development

2.2.1 Scottish Planning Policy (2014) (SPP) promotes the use of the plan-led system to provide a practical framework for decision-making on planning applications, reinforcing the provisions of Section 25 of the Town and Country Planning (Scotland) Act (1997).

2.2.2 Policy 1: Development Principles of FIFEplan states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the plan. In the case of development in the countryside, such as here, development will only be supported where it is, amongst other things, for housing in line with Policy 8: Houses in the Countryside. Policy 8 states that development of housing in the countryside will only be supported where:

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;

3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits;
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building;
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building;
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes);
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes);
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes); or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 of the plan.

In all cases, development must be: of a scale and nature compatible with surrounding uses; well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and located and designed to protect the overall landscape and environmental quality of the area.

2.2.3 Written justification for this house in the countryside has been provided by Hugh Ironside, SAC Commercial Ltd dated March 2022. The report states that the existing business The written report concludes stating that "if a house is not built on the farm, then the business will suffer operational difficulties in the future and product quality will suffer. There will be implications for health and safety, farm security and succession planning. If a partner is not resident on site, then this will restrict the development of this part of the business. It will also result in a loss of efficiency, profitability and consequently loss of employment". The location has been chosen to provide high visibility of the surrounding fields. There are no other appropriate dwellings available within the area and farm cottages have been sold by the previous owner of the farm.

2.2.4 The principle of the proposal is considered acceptable, given the occupancy would be linked to an existing established rural business and would be located close to the business to provide an on-site management presence.

2.2.5 Therefore the principle of the proposed dwelling is justified in agricultural terms and is in compliance with policies 1, 7 and 8 of FIFEplan and other relevant national policy and guidance.

2.3 Design/Visual Impact

2.3.1 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community, safeguarding the character and qualities of the landscape, and complying with the relevant provisions of Policy 7: Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and

Policy 13: Natural Environment and Access. Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.3.2 Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of development on the surrounding area. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage assets, including landscape character and views. Policies 7 and 8 state that development must be of a scale and nature compatible with surrounding uses; and achieve significant visual and environmental benefits for the site and surrounding area, including in terms of siting, design and other aspects of appearance.

2.3.3 As this application seeks planning permission in principle, specific detailed design aspects do not form part submission, nor does it form part of the assessment of the application. Notwithstanding this, an indicative plot layout has been submitted to demonstrate how the proposed development could be accommodated within the site.

2.3.4 No finishing materials or design details have been included as part of this application, only an indicative footprint. If a detailed application is to be submitted in the future, the Planning Authority would assess the appropriateness of the design and visual impact of the proposed development.

2.3.5 Overall, it is considered by the Planning Authority that a dwellinghouse at this location could be designed in such a way which would not harm the visual character of rural setting. The proposed development is therefore deemed to comply with the above noted national and local policies and guidelines concerning design and visual impact.

2.4 Residential Amenity

2.4.1 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity.

2.4.2 It is readily apparent from the indicative details that a dwellinghouse could be provided within the developable area without any significant detrimental impact on residential amenity, according with the above provisions of policy in relation to same. However, this is not a determining issue in this case.

2.5 Garden Ground

2.5.1 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have

a significant impact on the amenity of existing or proposed land uses. Fife Council's non-statutory Garden Ground customer guidelines are also relevant here.

2.5.2 The Garden Ground customer guidelines state that all new detached dwellings should be served by a minimum of 100 square metres of private useable garden space and that a building footprint to garden space ratio of 1:3 should be achieved.

2.5.3 It is readily apparent from the indicative details that a well-proportioned private garden ground could be provided as part of the development proposals, extending to significantly in excess of the above target area. The building to garden ratio can also clearly be met. As such, it is considered that the development accords with the above provisions of policy and guidance as they relate to garden ground. However, this is not a determining issue in this case.

2.6 Road Safety/Transportation

2.6.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their development impact by complying with relevant criteria and supporting policies, where relevant, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner; where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, including local transport and safe access routes. Appendix G Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.6.2 Fife Council Transportation Development Management team (TDM) have been consulted and have objections to the proposed dwellinghouse. TDM confirm have concerns that the proposal is to erect a dwellinghouse where more sustainable modes of transport are not readily and safely available to allow people to access local facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips. Consequently, the development does not provide for non-car modes of transport and in reality, the development would be car dominant which is against the principles of SPP.

2.6.3 Transportation Development Management have a policy against the formation of new vehicular accesses or the increase in use of existing vehicular accesses and junctions on unrestricted distributor roads that are outwith established built up areas. From a transportation point of view, a built-up area is defined as the area within a 30 or 40mph speed limit. The reason for this policy is that such accesses introduce, or increase, traffic turning manoeuvres that conflict with through traffic movements and so increase the probability of crashes occurring, to the detriment of road safety.

2.6.4 Visibility Splay of at least 3m x 210m is required in directions, East and West at the access from the site onto the adjacent public road.

The visibility splay to the East is restricted to 3m x 170m, the full visibility being unacceptably obstructed for vehicles leaving the site by permanent features, the alignment of the road, which are outwith the control of the applicant. Any intensification of vehicular traffic movements over this sub-standard access would be detrimental to the safety and convenience of all road users. TDM have also considered access from/onto the Classified C45 Station Road route at the

request of the applicant's agent, but conclude that this alternate route is a farm track, the surface is unmade and is in very poor condition. This route is twice the distance of the shorter route. It travels through the Edenbank Farm then past its cottages and then past Edenbank Cottages. TDM state that it is not an attractive route to travel to get to a public road and have therefore discounted it as an option.

2.6.3 In view of the above, the proposed dwelling would not comply with relevant policies and guidelines in terms of road safety.

2.7 Low Carbon

2.7.1 Policy 1: Development Principles and Policy 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place.

2.7.2 The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.7.3 A Low Carbon Sustainability Checklist has been submitted. However, this is not a determining issue in this case.

2.8 Drainage

2.8.1 Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

2.8.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a number of criteria, including that they will not individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. The Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' sets out the Council's requirements for information to be submitted for full planning permission to ensure compliance. Finally, CAR requires that SuDS are installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.8.3 No detailed flooding and surface water drainage information has been submitted as part of this planning permission in principle application. Scottish Water have been consulted and have no objections.

2.8.4 It is considered, therefore, that a proposal could be designed to comply with the above guidance on flooding and drainage. However, again this is not a determining factor in this instance.

2.9 Houses in Multiple Occupation

2.9.1 Policy 2 of the Adopted FIFEplan advises that the use of a new build house or flat as a house in multiple occupation will not be permitted unless the development is purpose built for that use and that the Council will impose this restriction by applying a condition to planning permissions.

2.9.2 The proposal is not intended for HMO use at this time and a suitable condition could be applied to ensure that the property would not be used as an HMO in the future unless a further application for that use is submitted for consideration. This issue, however, could be assessed as part of a future detailed design proposal. This is not a determining factor in this instance.

CONSULTATION RESPONSES

Network Rail	No comments
Land And Air Quality, Protective Services	The Land & Air Quality Team has no comment to make regarding this application.
TDM, Planning Services	TDM object to the proposed access
Scottish Water	No objection raising potential issues.

REPRESENTATIONS

None

CONCLUSION

This planning permission in principle application has been considered to comply with the development plan and associated guidance with respect to its impact on design, residential amenity, drainage and potentially the low carbon policy. However It has been found that the development would provide a substandard access causing a detriment to road and pedestrian safety, contrary to the SPP, and Policies 1,3 and 10 of the Adopted FIFEPlan (2017).

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of protecting road safety; visibility splays of at least 3m x 210m are required in directions, East and West at the access from the site onto the adjacent public road. The visibility splay to the East is restricted to 3m x 170m, the full visibility being unacceptably obstructed for vehicles leaving the site by permanent features, the alignment of the road, which are outwith the control of the applicant. Any intensification of vehicular traffic movements over this sub-standard access would be detrimental to the safety and convenience of all road users, contrary to the Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines.

2. In the interests of protecting road safety; the proposal is to erect a dwellinghouse where more sustainable modes of transport are not readily and safely available to allow people to access local facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips. Consequently, the development does not provide for non-car modes of transport and in reality, the development would be car dominant which is against the principles of Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines.

3. In the interests of protecting road safety; Fife Council has a policy against the formation of new vehicular accesses or the increase in use of existing vehicular accesses and junctions on unrestricted distributor roads that are outwith established built up areas. From a transportation point of view, a built-up area is defined as the area within a 30 or 40mph speed limit. The reason for this policy is that such accesses introduce, or increase, traffic turning manoeuvres that conflict with through traffic movements and so increase the probability of crashes occurring, to the detriment of road safety. Taking these issues into account, the proposal is therefore contrary to the Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Fife Council's Making Fife's Places (2018) - Appendix G Transportation Development Guidelines.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan:

National Planning Framework 4 (Approved 2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Other Guidance:

Fife Council Appendix G - Transportation Development Guidelines

Fife Council Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note

Fife Council Planning Customer Guidelines on Garden Ground (2016)

Fife Council Planning Customer Guidelines on Daylight and Sunlight (2022)

Fife Council Planning Customer Guidelines on Minimum Distances between Window Openings (2011)

Agenda Item 5(3)

**Land 350m North East of Edenbank Farmhouse,
Dron, Dairsie**

Application No. 22/03199/PPP

Consultee Comments

Consultee Comments for Planning Application 22/03199/PPP

Application Summary

Application Number: 22/03199/PPP

Address: This Site Address Is Still To Be Recorded On Our Property Database (temporary Address Used) Fife

Proposal: Planning Permission in Principle for the erection of dwellinghouse including formation of access. |cr|Site: South East of Dairsie and South of the A91

Case Officer: null

Consultee Details

Name: Mrs Eloise Griffin

Address: Fife House, North Street, Glenrothes, Fife KY7 5LT

Email: Not Available

On Behalf Of: Land And Air Quality, Protective Services

Comments

The Land & Air Quality Team has no comment to make regarding this application.

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	22-03199-PPP
Application Description:	Planning Permission in Principle for the erection of dwellinghouse including formation of access. at Edenbank Farm, South East of Dairsie, DAIRSIE.
Date:	10/11/2022
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input type="checkbox"/> Non-statutory
Consultation Summary	

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by Staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

1.1 The application is for planning permission in principle for the erection of a dwellinghouse at a remote location within agricultural ground to the East of Dairsie.

1.2 The applicant states that vehicular access will take place from a new access at the development site, then along the existing farm track towards an existing junction onto the A91 classified public road. The A91 public road at the point of access is within the National Speed Limit section which is 60mph.

1.3 Transportation Development Management do have a policy against the formation of new vehicular accesses or the increase in use of existing vehicular accesses and junctions on unrestricted distributor roads that are outwith established built up areas. From a transportation point of view, a built-up area is defined as the area within a 30 or 40mph speed limit.

1.4 Visibility splays required at this section of the A91 public road are 3m x 210m in both directions to the East and West. This splay can be met in the direction to the West but is restricted to 3m x 170m to the East.

1.5 The unmade and unadopted access farm track is unsuitable for intensification of vehicular traffic due to its poor condition and lack of places for vehicles to pass.

1.6 The proposal is to erect a dwellinghouse in an unsustainable location with no public transport facilities and no amenities, i.e. shops etc. within walking and/or cycling distance and is against the principles of SPP.

2.0 CONCLUSIONS

2.1 Based on the above overall assessment, Transportation Development Management have **objections** in the interest of road and pedestrian safety as noted in the following paragraphs;

3.0 RECOMMENDATIONS (include any suggested conditions/planning obligations if considering approval)

3.1 Visibility Splay of at least 3m x 210m is required in directions, East and West at the access from the site onto the adjacent public road.

The visibility splay to the East is restricted to 3m x 170m, the full visibility being unacceptably obstructed for vehicles leaving the site by permanent features, the alignment of the road, which are outwith the control of the applicant. Any intensification of vehicular traffic movements over this sub-standard access would be detrimental to the safety and convenience of all road users.

3.2 The proposal is to erect a dwellinghouse where more sustainable modes of transport are not readily and safely available to allow people to access local facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips. Consequently, the development does not provide for non-car modes of transport and in reality, the development would be car dominant which is against the principles of SPP.

3.3 Transportation Development Management have a policy against the formation of new vehicular accesses or the increase in use of existing vehicular accesses and junctions on unrestricted distributor roads that are outwith established built up areas. From a transportation point of view, a built-up area is defined as the area within a 30 or 40mph speed limit. The reason for this policy is that such accesses introduce, or increase, traffic turning manoeuvres that conflict with through traffic movements and so increase the probability of crashes occurring, to the detriment of road safety.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Services team responsible for the specific topic area. It is an assessment of the specific issue being consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application, can legitimately give a different weighting to the individual strands of the assessment, including consultation responses, and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: George MacDonald, Technician Engineer, Transportation Development Management

Date: 10/11/2022

E-mail: george.macdonald@fife.gov.uk

Thursday, 20 October 2022



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

South East of Dairsie, South of the A91, KY16 9YA
Planning Ref: 22/03199/PPP
Our Ref: DSCAS-0074856-WT9
Proposal: Planning Permission in Principle for the erection of dwellinghouse including formation of access

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Lomond Hills Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



Fife Council
Enterprise, Planning and Protective Services
Kingdom House
Kingdom Avenue
Glenrothes
KY7 5LY

Network Rail
Town Planning
151 St Vincent Street
Glasgow
G2 5NW

Evie Porat
Town Planning Technician

Planning reference: 22/03199/PPP
Case Officer: Unknown

E-Mail:
TownPlanningScotland@networkrail.co.uk

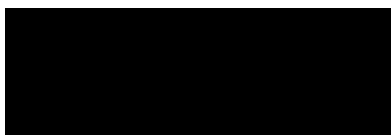
Network Rail ref: 324 2022
18/10/2022

Good afternoon,

Town and Country Planning (Scotland) Act 1997 (as amended)
Re: Planning Permission in Principle for the erection of dwellinghouse including formation of access at site South East of Dairsie and South of the A91.

Thank you for consulting Network Rail regarding the above development. After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore has no comments/objections to this application.

Yours sincerely



Evie Porat
Town Planning Technician

Agenda Item 5(4)

**Land 350m North East of Edenbank Farmhouse,
Dron, Dairsie**

Application No. 22/03199/PPP

**Planning Case Officer's Position Statement
on National Planning Framework 4 (NPF4)**

**Application Ref. 22/03199/PPP - Land 350m north east of Edenbank
Farmhouse, Dron, Dairsie**

Fife Local Review Body – Monday, 12th June, 2023

Request for Comments on National Planning Framework 4

NPF4 Position Statement: Planning Case Officer

The purpose of NPF4 seeks to create a national and long-term spatial strategy for future development in Scotland on behalf of the Scottish Government. Accordingly, a series of overarching spatial priorities and planning policies are identified that seek to guide development planning within Scotland. However, given the general overarching remit of this document and the large-scale spatial principles included, some of the wider strategic policy ambitions are less relevant to householder or small-scale planning applications of this nature. Nevertheless, as NPF4 now forms part of the Development Plan for Fife, it takes primacy in decision making alongside the other Development Plan documents that includes the FIFEPlan Local Development Plan (2017) and the corresponding Supplementary Guidance documents.

Accordingly, the following provisions within NPF4 are deemed to apply:

NPF4 Policy 1 (Sustainable Places) - requires that significant weight will be given to the global climate and nature crises for all developments. This represents an overarching policy ambition but these principles apply to all development proposals to minimise carbon emissions and encourage nature/biodiversity enhancements. As the application is for planning permission in principle, the development, could introduce a sustainable building design and various low carbon principles subject to a condition outlining further details of the technologies/approaches to deliver low and zero carbon principles. This approach would comply with NPF4 Policy 1.

NPF4 Policy 2 (Climate Mitigation & Adaption) - requires that proposals are designed to minimise life cycle greenhouse gas emissions. The proposal as planning permission in principle can comply with this policy. A Sustainability Checklist has been submitted in line with the Council's Low Carbon Fife Supplementary Guidance accords.

NPF4 Policy 4 (Natural places) - primarily seeks to protect designated landscapes which is not relevant to the proposal. It does also require that proposals avoid unacceptable impacts on the natural environment. This is less relevant to the proposal as the occupancy would be linked to an existing established rural business and would be located close to the business to provide an on-site management presence. The proposal would comply with this policy which would then require this mater to then be tested against the relevant LDP policy provisions.

NPF4 Policy 12 (Zero Waste) – requires proposals to reduce, reuse or recycle materials in line with the waste hierarchy. The proposal could comply with this approach.

NPF4 Policy 13 (Sustainable Transport) – amongst other strategic priorities, this policy sets out a series of transport and accessibility requirements for development proposals. This includes suitable links to multi-modal transport including public transport where available and to create of safe access / crossings that consider the needs all users and adequately mitigate any impact on local public access routes. The proposal would fail to meet these requirements, by failing to achieve adequate visibility splays which could result in unacceptable safety impacts to pedestrian and vehicle users. Further to this, the proposal is also to erect a dwellinghouse where more sustainable modes of transport are not readily and safely available to allow people to access local facilities/

facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips and Fife Council also has a policy against the formation of new vehicular accesses or the increase in use of existing vehicular accesses and junctions on unrestricted distributor roads that are outwith established built up areas. Whilst the above conflict with this NPF4 policy is noted, further consideration of this issue by the LRB will require testing against the transportation policies within FIFEplan Local Development Plan (2017), the corresponding Supplementary Guidance documents and the Fife Council Transportation Development Guidelines (August 2018).

NPF4 Policy 14 (Design, Quality & Place) – sets out a series of requirements to ensure that proposals are of a high quality design, take into consideration the Scottish Government six qualities successful place and avoid poorly designed outcomes that would result in detriment to the amenity of the surrounding area. In this regard, and as the application is for planning permission in principle, the proposal could create a proportionate, respectful design of an appropriate scale using high-quality materials and external finishes and would comply with this policy.

NPF4 Policy 16 (Quality Homes) – outlines strategic requirements supporting housing within allocated housing sites. It states that housing proposal would only be supported on non-allocated housing sites that comply with the LDP spatial strategy and other relevant LDP policies. This includes local living requirements and consistent with rural homes policy (NPF4 Policy 17 Rural Homes). The proposal is not allocated for housing and does not accord with the other LDP policies that could create support for housing in the countryside. The proposal therefore does not meet these requirements and fails to comply with NPF4 Policy 16.

Policy 17 (Rural Development) – includes a series of tests for housing proposals in a rural setting. Criteria (a) outlines situations where housing would be supported and includes sites allocated for housing in the Local Development Plan, reuse of brownfield land, reuse of an existing building or to support a sustainable rural operation or replacement of an extensive home, amongst other issues. In each instance, as the occupancy would be linked to an existing established rural business and would be located close to the business to provide an on-site management presence, the proposal therefore complies with this policy.

Policy 22 (Flood Risk and Water management) requires proposals of this nature to avoid increased flood risk and manage surface water discharge from development sites. As the application is for planning permission in principle, further details could be required for approval via the imposition of condition(s). As there is no public Scottish Water, Waste-Water infrastructure within the vicinity of this proposed development the applicant will need to investigate private treatment options. The proposal therefore can comply with this policy.

Please find attached/enclosed a link to the NPF4 Document ([Link](https://www.transformingplanning.scot/national-planning-framework/))
<https://www.transformingplanning.scot/national-planning-framework/>

Agenda Item 5(5)

**Land 350m North East of Edenbank Farmhouse,
Dron, Dairsie**

Application No. 22/03199/PPP

**Comments on Planning Case Officer's
Position Statement on NPF4**

From: [Jane Wardrop](#)
To: [Michelle McDermott](#)
Subject: Fife Local Review Body, 22/03199/PPP Land north of Edenbank Farmhouse, Dron, Dairsie, NPF4 Comments
Date: 25 May 2023 12:16:31

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Ms McDermott,

Thank you for your email of 24th May requesting comments on the LRB Planning Advisor's NPF4 Position Statement in relation to the proposed house for agricultural occupation at Edenbank.

In terms of NPF4 Policy 13 on Sustainable Transport, we have addressed the need for the new house to be located within the countryside, on the farm, which needs the full time presence of the occupier for operational reasons. The agricultural need for this house is confirmed in the Justification Statement from the SAC. It cannot be located elsewhere as the agricultural need is on-site. Nevertheless, the services located in Dairsie are only approximately 0.5 miles away and accessible by foot and cycling as well as by car. Public transport is also regularly available in Dairsie.

The issue with visibility splays is addressed in the Planning Review Statement. The proposed house is one of many which already use the access road and, therefore, the increase in traffic volume at the eastern junction will, proportionally, be very small. It is also very likely that the occupants will frequently use the access road to the west, which is the more direct route to Dairsie, and is easily passable and currently in regular use by the existing local traffic. The visibility splays at the west-most junction comply with Transportation Guidelines.

It is noted that NPF4 is largely focused on strategic development policy and therefore is mainly concerned with the transportation impacts of large scale development. The impact of the proposed dwellinghouse, to meet an agricultural need, is small scale and this is a material consideration which should be taken into account along with the agricultural need for the house.

Similarly, I would suggest that the proposal does meet the requirements of NPF4 Policy 16 Quality Homes as it has been shown to be required for agricultural purposes and therefore consistent with Policy 17 Rural Homes and other LDP policies which all support the development of dwellings where they are needed to support the rural economy. This is acknowledged in the Position Statement.

In particular, NPF4 Policy 17 Rural Homes part b) confirms this approach,

"b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location."

The proposed development does therefore meet the requirements of NPF4 which recognises that there is a legitimate need for such development in these circumstances.

I trust these comments are helpful but please contact me again if any further information is required.

Kind regards

Jane

Jane Wardrop BSc (Hons) MRTPI
Director

Wardrop Associates Limited,
Cupar Business Centre,
East Road,
Cupar,
KY15 4SX

Tel. 07850 108617
www.wardropassociates.co.uk

Registered in Scotland no. SC439700
Registered address Unit G6
The Granary Business Centre
Coal Road, Cupar, Fife, KY15 5YQ
VAT Registration Number 168863751

This email was scanned using Forcepoint Email filter

From: [George Macdonald](#)
To: [Michelle McDermott](#)
Subject: RE: URGENT - REQUEST FOR COMMENTS ON NATIONAL PLANNING FRAMEWORK 4 - Application Ref. 22/03199/PPP - Land 350m north east of Edenbank Farmhouse, Dron, Dairsie
Date: 25 May 2023 12:00:57

Hi Michelle,

Thanks for the opportunity to comment on this.

I agree, as the Transportation Development Management Officer, with the comments contained within the attached document created by the Case Officer, in relation to NPF 4 Policy 13 (Sustainable Transport).

Regards

George

George MacDonald
Technician Engineer

Transportation Development Management | Planning Services |
Fife House, Glenrothes, KY7 5LT |

Email: george.macdonald@fife.gov.uk - www.fife.gov.uk/planning Follow us on twitter:
[@FifePlanning](https://twitter.com/FifePlanning)

Agenda Item 6(1)

**10 St. Clairs Court, Kinghorn, KY3 9SW
Application No. 22/04273/FULL**

Notice of Review



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100611623-002

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

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:	John Gordon Associates Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Gordon	Building Number:	3
Telephone Number: *	01383850134	Address 1 (Street): *	Dean Acres
Extension Number:		Address 2:	Comrie
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 9XS
Email Address: *	gordonassociates@sky.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="E"/>	Building Number:	<input type="text" value="10"/>
Last Name: *	<input type="text" value="MacLeod"/>	Address 1 (Street): *	<input type="text" value="St. Clairs Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kinghorn"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY3 9SW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="10 ST CLAIRS COURT"/>
Address 2:	<input type="text" value="KINGHORN"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="BURNTISLAND"/>
Post Code:	<input type="text" value="KY3 9SW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="686910"/>	Easting	<input type="text" value="327082"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Installation of replacement windows

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

SEPARATE STATEMENT ATTACHED

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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. You can attach these documents electronically later in the process: * (Max 500 characters)

APPLICATION DRAWINGS; REFUSAL NOTICE; APPLICATION FORM; REASONS FOR REVIEW;

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

22/04273/FULL

What date was the application submitted to the planning authority? *

22/12/2022

What date was the decision issued by the planning authority? *

03/03/2023

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

SITE VISIT SUGGESTED TO VIEW THE PROPERTY IN ITS SURROUNDINGS

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

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 (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr John Gordon

Declaration Date: 10/03/2023



Fife House North Street Glenrothes KY7 5LT Email: development.central@fife.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100611623-001

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

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Installation of replacement windows

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	John Gordon Associates Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	John	Building Name:	
Last Name: *	Gordon	Building Number:	3
Telephone Number: *	01383850134	Address 1 (Street): *	Dean Acres
Extension Number:		Address 2:	Comrie
Mobile Number:		Town/City: *	Dunfermline
Fax Number:		Country: *	Scotland
		Postcode: *	KY12 9XS
Email Address: *	gordonassociates@sky.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	E	Building Number:	10
Last Name: *	MacLeod	Address 1 (Street): *	St. Clairs Court
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kinghorn
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	KY3 9SW
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Fife Council

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

Address 1:

10 ST CLAIRS COURT

Address 2:

KINGHORN

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

BURNTISLAND

Post Code:

KY3 9SW

Please identify/describe the location of the site or sites

Northing

686910

Easting

327082

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

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.

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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: John Gordon

On behalf of: Mr E MacLeod

Date: 22/12/2022

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr John Gordon

Declaration Date: 22/12/2022

Payment Details

Online payment: ZPL-725032844
Payment date: 22/12/2022 14:01:00

Created: 22/12/2022 14:01

JOHN GORDON ASSOCIATES LTD



ARCHITECTURAL DESIGN &
CONSTRUCTION MANAGEMENT

Reasons for Review

Proposed Replacement Windows
at
10 St. Clairs Court, Kinghorn, KY3 9SW.

The existing property is a second floor flat within a sub-divided, semi-detached building, situated within the Kinghorn Conservation Area. The property faces Southeast onto Kinghorn Harbour and, further afield, the Firth of Forth. The properties which make up St. Clairs Court are all sub-divided into flats .



10 St. Clairs Court, Southeast Elevation



10 St. Clairs Court, Southeast Elevation



St. Clairs Court (From Harbour Road)

The proposal seeks to replace five windows on the Southeast elevation with white uPVC tilt and turn windows.

Part 2.2.2 of the officer's report states the replacement uPVC tilt and turn windows would not be in keeping with the special character of the building or area by virtue of their style, form, opening method and choice of materials. It should be noted that there are 16 windows in the building facing the seafront, 2 of which are already tilt and turn windows, and one of these is one of the windows to be replaced. There are 35 windows in total in the building, 4 of which are existing tilt and turn windows. Furthermore, the windows in the flat directly below the application property, at 8 St. Clairs Court, are bay windows, whilst the windows in the application property, and the windows on the ground floor flat, are not. Therefore, there is no uniformity of the appearance of the existing windows in the block.

Part 2.2.2 of the report also states there is no evidence the windows are beyond reasonable repair. It should be noted that the existing windows are 23 years old and in a poor state of repair. The opening mechanisms in three of the five windows are broken to the degree that two of these windows cannot be opened, one of which has had to be jammed closed with pieces of wood to keep the weather out. Only one of the five windows opens satisfactorily, that window being the one existing tilt and turn window. These existing windows are not wind and water tight and this is particularly noticeable in stormy weather, which is not infrequent on the sea front.

This is impacting on heating bills, of particular note in the current economic environment.

We are concerned that the need to replace the existing windows is becoming more urgent and any future problems with water ingress can only have a detrimental effect on the structure of the building and the living accommodation. We do not believe it is feasible to repair the existing windows, as the timber has suffered from severe degradation over the years due to salt sea spray, despite regular maintenance and attempts to protect the material.

Several of the surrounding properties within the conservation area have uPVC windows and there is already a variety of styles along the harbour front.

All of the flats at Barton Buildings, five doors to the left of the application property, along the harbour front and within the conservation area had their windows changed to uPVC some years ago. At least some of these are council properties and it would appear that the council itself completed these improvements.

Part 1.5 of the report states planning permission was granted in 2020 (19/03302/FULL), at the adjoining property, to replace uPVC windows with timber sash and case windows. This application relates to Providence House, which is not adjoining the application property, but is four doors to the right along the harbour front. Whilst the application property is a flat within a four-storey block, Providence House is a semi-detached house that has been converted into upper and lower flats. It is approximately the same distance from our property as Barton Buildings mentioned above.

The building was originally built in 1924 and the currently installed windows were fitted when the whole building was redeveloped in year 2000.



Barton Buildings, Southeast Elevation

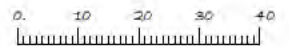
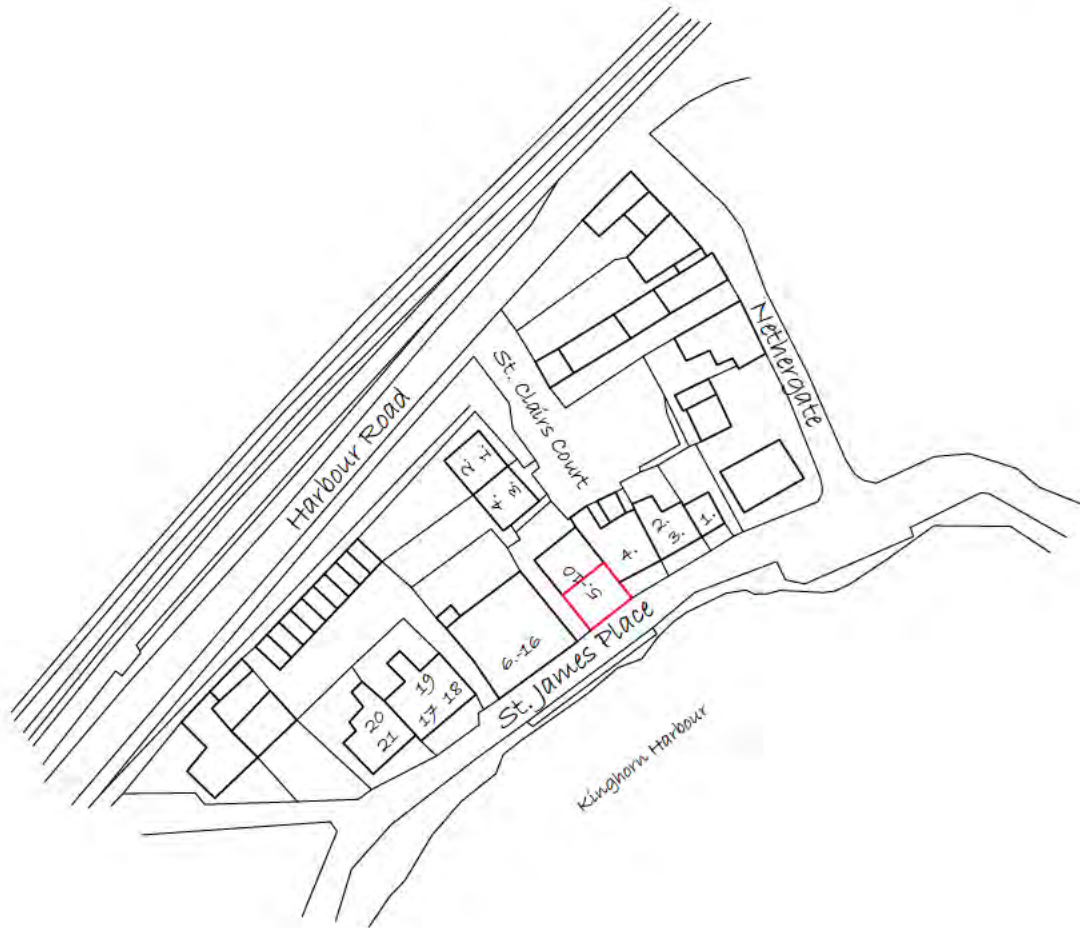


Providence House, Southeast Elevation



Adjacent to Providence House, Southeast Elevation

To conclude it is our opinion that a precedent has already been set in the Conservation Area and in light of the surrounding dwellings which are already fitted with uPVC products, the proposed windows in this instance would not look out of place and would easily blend in to the street scene as a whole, whilst maintaining a high standard of quality and appearance and superior resistance to the adverse weather frequently experienced on the sea front.



Scale Bar (m) 1:1250

Mr. & Mrs. MacLeod,
10 St. Clairs Court,
Kinghorn. KY3 9SW.

Location Plan

Scale: 1:1250

5/12/22

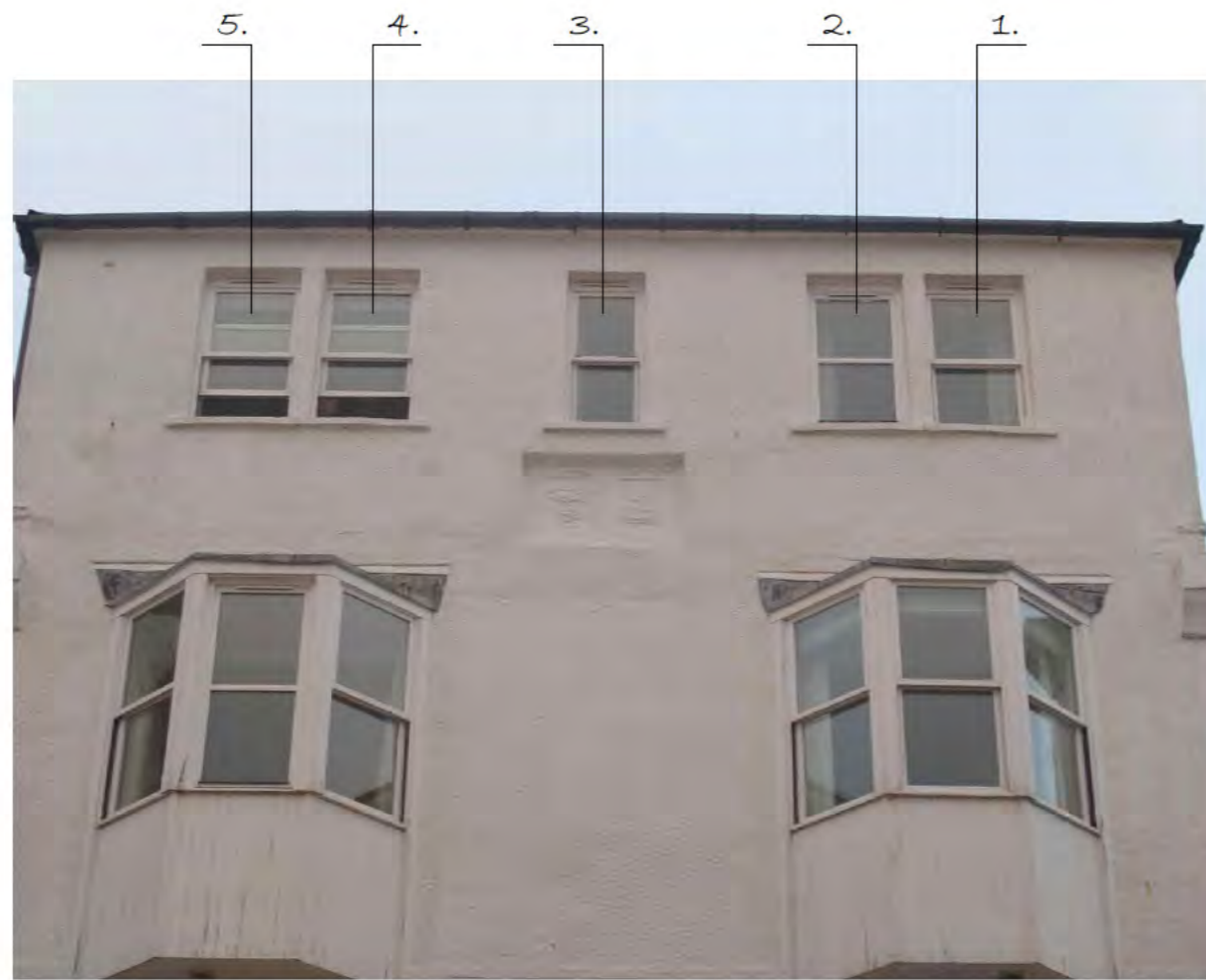
Ref: 35525/LP

srjwindows
CONSERVATIONS SAFFROOMS WINDOWS DOORS

SRJ (Scotland) Ltd.
Macintosh House,
Innova Campus, Viking Way,
Rosyth, Fife. KY11 2UH.



Southeast Elevation



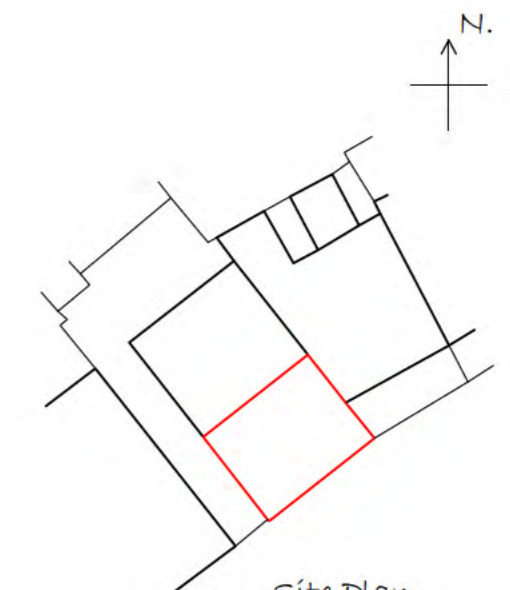
Southeast Elevation



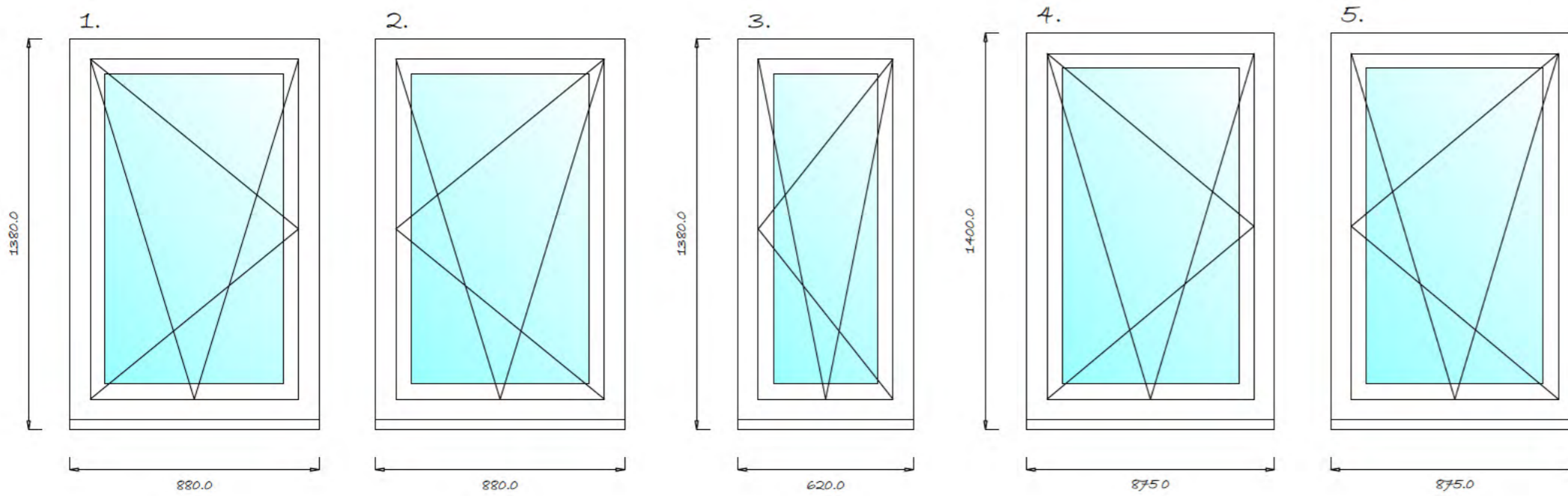
Northwest Elevation



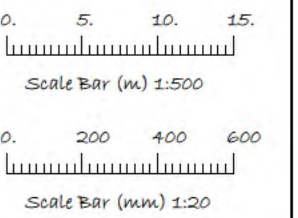
Northeast Elevation



Site Plan
1:500



5 windows to be replaced in total.
Existing windows are white painted timber.
Proposed windows are white UPVC, double glazed.



Mr. & Mrs. MacLeod,
10 St. Clairs Court,
Kinghorn. KY3 9SW.
Proposed Replacement Windows
Scale: 1:20 5/12/22
Ref: 35525/1

srjwindows
conservatories, sunrooms, windows, doors.

SRJ (Scotland) Ltd.
Macintosh House,
Innova Campus, Viking Way,
Rosyth, Fife. KY11 2UU.

John Gordon Associates Ltd
John Gordon
3 Dean Acres
Comrie
Dunfermline
Scotland
KY12 9XS

Planning Services

Gary Horne

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/04273/FULL

Date 3rd March 2023

Dear Sir/Madam

Application No: 22/04273/FULL
Proposal: Installation of replacement windows
Address: 10 St Clairs Court Kinghorn Burntisland Fife KY3 9SW

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Gary Horne, Planning Assistant, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 22/04273/FULL
Proposal: Installation of replacement windows
Address: 10 St Clairs Court Kinghorn Burntisland Fife KY3 9SW

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/04273/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of visual amenity and preserving the character of the Conservation Area; the proposed windows by virtue of their design, uPVC frames and tilt and turn opening method would not preserve or enhance the character of the surrounding Kinghorn Conservation Area, contrary to Policies 7 and 14 of NPF4 (2023), Policies 1, 10 and 14 of the Approved FIFEplan (2017), Kinghorn Conservation Area Appraisal and Management Plan (2005) and Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018).

Dated: 3rd March 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02	Various existing and proposed
03	Astragal Details

Dated:3rd March 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

Proposal Details

Proposal Name	100611623
Proposal Description	SRJ
Address	10 ST CLAIRS COURT, KINGHORN, BURNTISLAND, KY3 9SW
Local Authority	Fife Council
Application Online Reference	100611623-002

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
001	Attached	A2
LP	Attached	A4
PP APPLICATION	Attached	A4
PP REFUSAL	Attached	A4
REASONS FOR REVIEW	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

Agenda Item 6(2)

**10 St. Clairs Court, Kinghorn, KY3 9SW
Application No. 22/04273/FULL**

Planning Decision Notice

Report of Handling

John Gordon Associates Ltd
John Gordon
3 Dean Acres
Comrie
Dunfermline
Scotland
KY12 9XS

Planning Services

Gary Horne

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/04273/FULL

Date 3rd March 2023

Dear Sir/Madam

Application No: 22/04273/FULL
Proposal: Installation of replacement windows
Address: 10 St Clairs Court Kinghorn Burntisland Fife KY3 9SW

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Gary Horne, Planning Assistant, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION** for the particulars specified below

Application No: 22/04273/FULL
Proposal: Installation of replacement windows
Address: 10 St Clairs Court Kinghorn Burntisland Fife KY3 9SW

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/04273/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of visual amenity and preserving the character of the Conservation Area; the proposed windows by virtue of their design, uPVC frames and tilt and turn opening method would not preserve or enhance the character of the surrounding Kinghorn Conservation Area, contrary to Policies 7 and 14 of NPF4 (2023), Policies 1, 10 and 14 of the Approved FIFEplan (2017), Kinghorn Conservation Area Appraisal and Management Plan (2005) and Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018).

Dated: 3rd March 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02	Various existing and proposed
03	Astragal Details

Dated:3rd March 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

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APPLICATION DETAILS

ADDRESS	10 St Clairs Court, Kinghorn, Burntisland		
PROPOSAL	Installation of replacement windows		
DATE VALID	22/12/2022	PUBLICITY EXPIRY DATE	02/02/2023
CASE OFFICER	Gary Horne	SITE VISIT	None
WARD	Burntisland, Kinghorn And West Kirkcaldy	REPORT DATE	02/03/2023

ASSESSMENT

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 Background

1.1 This application relates to a third floor flatted dwelling contained within a three storey semi-detached building situated on a harbour front location within the Kinghorn Conservation Area. The property, which is not listed, is externally finished with white harled walls, a pitched slated roof and timber one-over-one sash and case windows. The development site is located within an established residential area overlooking the Firth of Forth and beachfront and is set amongst traditional properties of a varying architectural form and scale.

1.2 This application seeks planning permission for the installation 5no. replacement windows.

1.3 It is proposed to replace the existing timber sash and case windows with uPVC casement windows.

1.4 A physical site visit has not been undertaken for this planning application. All necessary information has been collated digitally to allow for the full assessment of the proposal.

1.5 Planning Permission was granted in 2020 (19/03302/FULL) at the adjoining property to replace modern uPVC windows with timber sash and case windows.

2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are

a) Design / Impact upon the Conservation Area

2.2 Design / Impact upon the Conservation Area

2.2.1 Policies 7 and 14 of NPF4 (2023), Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland (2019), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council's Planning Guidelines on Windows in Listed Buildings and Conservation Areas (2018) apply in this respect.

2.2.2 The proposed window replacements are unsuitable modern uPVC casement style windows which would not be like-for-like replacements of the existing traditional windows and would not be in keeping with the special character of the building or area by virtue of their style, form, opening method and choice of materials. No justification for the removal of the existing timber sash and case windows has been provided and, whilst it is presumed these windows are not original to the building, there is no evidence to suggest the windows are beyond reasonable repair. The proposed modern style windows would introduce an incongruous element to this traditional elevation, at odds with the traditional sash and case windows installed on the two floors below and the adjoining two and a half storey building. The approval of this application would set an undesirable precedent which would, likely, lead to a mixture of window styles throughout the building to the detriment of the building's appearance and to the setting of the surrounding Kinghorn Conservation Area.

2.2.3 Efforts were made to seek amendments to the application however it was confirmed by the applicant's agent that the application should be assessed as submitted.

2.2.4 One letter of representation has been received in this instance raising concerns with regards to materials and opening method of the proposed windows

2.2.5 In light of the above, the proposed windows are considered inappropriate for use within the setting of a Conservation Area. As such it is considered that the proposal does not enhance and protect the special character of the surrounding historic environment and therefore the proposal does not comply with the Development Plan and its associated guidance

CONSULTATION RESPONSES

Built Heritage, Planning Services

Concerns raised with regards to style of proposed windows and impact upon Conservation Area.

REPRESENTATIONS

One letter of representation has been received, details of which have been discussed in section 2.2.4 of this report.

CONCLUSION

The proposals would not protect or enhance the setting of the Kinghorn Conservation Area. The proposals are therefore considered contrary to National Guidance relating to Listed Buildings, Development Plan policy and Fife Council's Planning Customer Guidelines on Windows on Listed Buildings and Conservation Areas.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of visual amenity and preserving the character of the Conservation Area; the proposed windows by virtue of their design, uPVC frames and tilt and turn opening method would not preserve or enhance the character of the surrounding Kinghorn Conservation Area,

contrary to Policies 7 and 14 of NPF4 (2023), Policies 1, 10 and 14 of the Approved FIFEplan (2017), Kinghorn Conservation Area Appraisal and Management Plan (2005) and Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Policies 7 and 14 of NPF4 (2023)

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Historic Environment Policy for Scotland (2019)

Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017)

Fife Council's Planning Guidelines on Windows in Listed Buildings and Conservation Areas (2018)

Agenda Item 6(3)

**10 St. Clairs Court, Kinghorn, KY3 9SW
Application No. 22/04273/FULL**

Representation(s)

Comments for Planning Application 22/04273/FULL

Application Summary

Application Number: 22/04273/FULL

Address: 10 St Clairs Court Kinghorn Burntisland Fife KY3 9SW

Proposal: Installation of replacement windows

Case Officer: Gary Horne

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: AHSS National Office, 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Society

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The AHSS Forth & Borders Cases Panel has examined the proposal for replacement of five windows at 10 St Clairs Court, a circa 19th-century semi-detached residence located within the Kinghorn Conservation Area. This building forms a prominent part of the local streetscape, with its rear elevation facing St James Place and a beach promenade. We OBJECT to this application as follows:

1) Replacement of windows with uPVC. UPVC is suggested as a replacement material for five windows located at the second storey. Although the Panel recognizes that the current windows are not original to the house, and that replacement is allowable, uPVC is altogether in conflict with the historic qualities of this building in the context of the surrounding Conservation Area.

This is in keeping with Fife Council's 'Windows in Listed Buildings and Conservation Areas Guidance', which states: 'Modern materials are not usually compatible with the design and function of traditional buildings. Whilst uPVC or plastic is often used for replacement windows, it is not acceptable for use in listed buildings or traditional buildings in a conservation area because the result is historically inaccurate, aesthetically inappropriate and detracts from the character and authenticity of the building or area.'

2) Change in window opening style. The proposed replacement windows are tilt-and-turn single glazed units; they do not follow any historic precedent in their design, which diminishes the character of the rear elevation, as well as the unified quality of sash-and-case windows throughout the Conservation Area.

This is in keeping with the Kinghorn Conservation Area Appraisal, which states: 'The main unifying elements, other than the setting, form and proportion of the buildings, are the use of sash and

casement windows, often with astragals and a restricted use of finishing materials.' (Page 8)

Both of these notes also follow Fife's Local Development Plan (2017; Policy 14.6); for these reasons, we object to the proposal.

Agenda Item 6(4)

**10 St. Clairs Court, Kinghorn, KY3 9SW
Application No. 22/04273/FULL**

Consultee Comments

Gary Horne

From: Douglas McGlynn
Sent: 27 February 2023 11:02
To: Gary Horne
Subject: 22/04273/FULL 10 St Clairs Court Kinghorn

Good morning Gary,

Regarding the above-named application, The property lies within Kinghorn Conservation Area and has an applicable Article 4 Direction that controls the installation of windows under Class 1.

There was no condition assessment submitted with the application that would be expected to show the current condition of the windows outlining the extent of disrepair and a justification for wanting to change them to new windows. As such the proposed windows are not like for like which would have been sash and case. Notwithstanding that the drawings for the windows differ in their design, one showing a split window with an upper fixed and a lower tilt and turn unit and one showing just tilt and turn.

The application is also for the upper floor windows only, on the southeast elevation with the remainder of the windows of this façade and the neighbouring façade being sash and case, therefore the proposed windows in their design and style would have a negative impact on the exterior of the building and the visual amenity of the area. The proposed windows are also uPVC and not wood. This will also have a negative impact on the building as mixing window styles and materials does little to enhance the area.

I would seek to refuse this application, however if the applicant would seek to install wooden double-glazed sash and case windows that are the same in design as the existing then this would be approvable in principle. However, this will only be supported with the submission of a condition assessment and a report discussing the reason for changing the windows and a reference to the Conservation Area and Article 4 Direction for which the new wooden sash and case windows would seek to conform. From the proposal there is little to support this change as the windows appear to be perfectly fine.

Please let me know if you want to discuss further.

Cheers

Douglas



Douglas McGlynn MA BA(Hons) BArch BSc(Arch) | **Built Heritage Officer** |
Policy and Place | Fife Council Planning Services | Fife House

E: douglas.mcglynn@fife.gov.uk |

☎off +44 (0)3451 555 555 - 474380 |

LISTEN | **CONSIDER** | **RESPOND**

Please note that Fife Council is now operating a blended work style that combines home-based and office-based working. This should not affect communications using the contact details given above.

**For more information, please see our website www.fife.gov.uk/planning
or follow us on Twitter @<https://twitter.com/FifePlanning>**

Agenda Item 7(1)

**2 Kilrie Cottages, Auchtertool, Kirkcaldy, KY2 5UX
Application No. 22/03283/PPP**

Notice of Review

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Ms	Ref No.	22/03283/PPP
Forename	Maureen	Forename	Philip
Surname	Wilkie	Surname	Landa
Company Name		Company Name	TMC Planning Ltd
Building No./Name	2	Building No./Name	The Barn
Address Line 1	Kilrie Cottages	Address Line 1	Netherton Farm
Address Line 2	Kilrie	Address Line 2	Westcraigs Road
Town/City	Kirkcaldy	Town/City	Harthill
Postcode	KY2 5UX	Postcode	ML7 5TT
Telephone		Telephone	01312100400
Mobile		Mobile	
Fax		Fax	
Email		Email	planning-applications@tmcplanning.co.uk
3. Application Details			
Planning authority	FIFE		
Planning authority's application reference number	22/03283/PPP		
Site address	2 Kilrie Cottages, Kilrie Auchtertool, Kirkcaldy KY2 5UX		
Description of proposed development	Planning permission in principle for the erection of two dwelling houses (Class 9) and associated development 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX		

Date of application

27 Sept 2022

Date of decision (if any)

9 Feb 2023

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

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

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

Conditions imposed on consent by appointed officer

6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

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

Refer appeal statement

7. Site inspection

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

Can the site be viewed entirely from public land?

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

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

1. Location Plan,
2. Site Plan Existing
3. Site Plan Proposed
4. Site Plan Section A-A
5. Appeal Statement
6. Decision Notification Letter
7. Drainage and SUDS Assessment
8. Handling Report
9. Planning Statement
10. Application summary
11. Appeal against refusal and other decisions

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

10. Checklist

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

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature: Name: Date:

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

APPEAL STATEMENT FOR KILRIE COTTAGES (ERECTION 2 DWELLINGHOUSES)

On behalf of Ms Wilkie, Kilrie Cottages,
Kirkcaldy, FIFE KY2 5UX



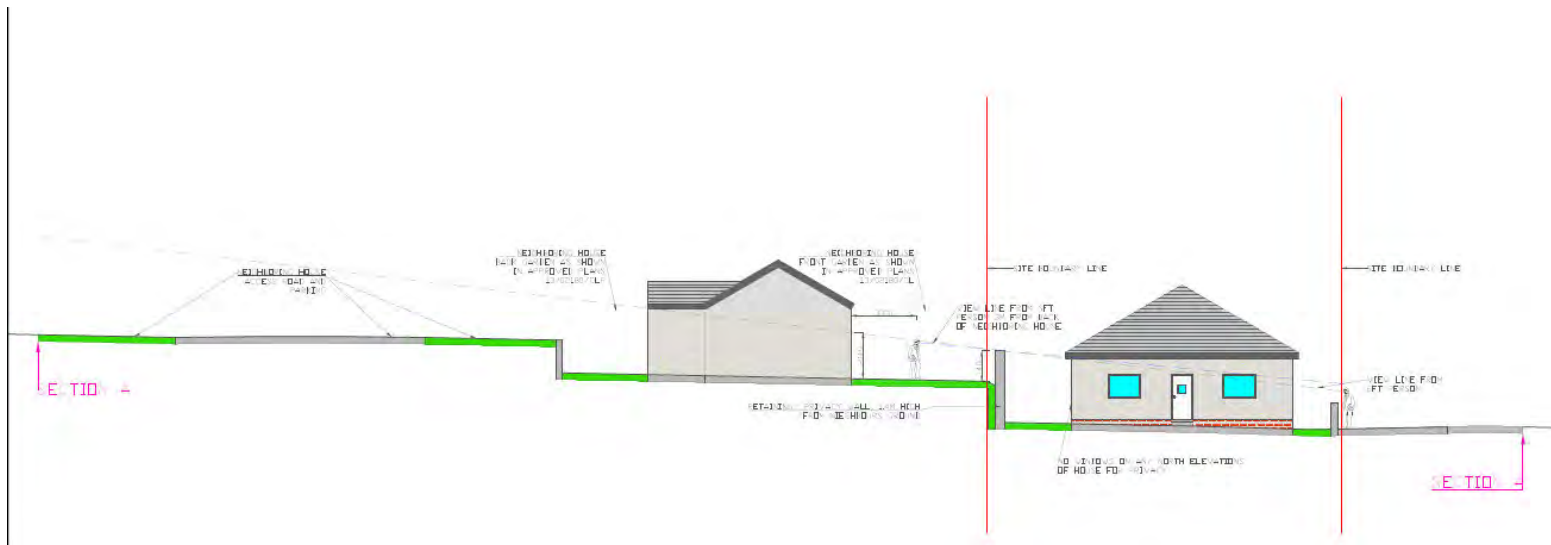
The application was refused for the following reason(s)

1. In the interests of residential amenities; the applicant has failed to demonstrate that the **private amenity spaces serving the proposed dwellinghouses would not be significant, overlooked by the front gardens of the existing dwellinghouses to the north of the site,** contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies **1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).**

TmC Planning's response to the above.

The buildings are proposed to be one and a half stories high. The location of dormers would be a matter for the MSC application. The privacy of the original cottages and the proposed will not be affected due to the original cottages being significantly higher than the proposed dwelling. The proposed design also considers privacy and outlook.

In addition, the building design will consider locating the side windows to protect the privacy of the neighbour as well as the proposed development. The windows must be spaced sufficiently far apart so that it is difficult to see into a neighbouring property, or windows must be angled away from one another. The proposal shows the window-to-window distance, in front elevations, of the proposed dwelling to be 18 meters apart. In the proposed design, there are no habitable rooms facing the existing dwelling therefore, there are no privacy issues. The garden space of the proposed dwellings would also be protected by a 1.4m wall between the existing and proposed properties, see the diagram below.



2. In the interests of residential amenities; the development would give rise to the loss of the **only significant area of non-sloping/useable private amenity space serving the applicants' dwellinghouse**, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies **1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017)**.

TmC Planning's response to the above.

This amenity space, as described within the planning handling report, states that it is part of Number 2. However, as shown below, the land for the proposed development has its own title and has **NEVER** been part of Number 2's land. It just happens to have the same landowner.

Furthermore, the development of this land would leave number 2 in no worse position than the rest of the cottages. We find this statement totally bewildering.



3. In the interests of visual amenities; the applicant has failed to demonstrate that the development of the site for two dwellinghouses would accord with the provisions of policy and guidance in **relation to design/visual impact**, the indicative scheme for two detached one-and-a-half storey dwellinghouses predicted to appear at **odds in relation to and visually disconnected from the existing terrace of traditional single-storey cottages** to the north of the application site, **including in terms of architectural form and pattern of development, to the detriment of landscape character and qualities**; all contrary to policies 1: Development Principles, 7: Development in the Countryside, 8: Houses in the Countryside, 10: Amenity, and 13: Natural Environment and Access to the adopted FIFEplan Fife Local

TmC Planning's response to the above.

There will be no visual impact due to the level of the proposed development, the current properties would still be seen from the roadway, and due to the natural screening, the proposed properties would only be seen from a small part of the public highway. This should have been noticed by the planning officer on his site visit. (See images below)



1



2





According to **NPF 4 Policy 9**, brownfields, vacant and derelict land, and empty buildings LDPs should set out opportunities for the sustainable reuse of brownfield land including vacant and derelict land and empty buildings.

Development proposals that will result in the sustainable reuse and brownfield land including vacant and derelict land and buildings, whether permanent or temporary, **will be supported**. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be considered.

Part of the site was granted permission to temporarily change from an open space to a storage area (scaffolding) for two years. The rest of the site could be regarded as vacant.

Appendix

POLICY 1: DEVELOPMENT PRINCIPLES

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

Part A

1. The principle of development will be supported if it is either:
 - a) within a defined settlement boundary and compliant with the policies for the location;
or
 - b) in a location where the proposed use is supported by the Local Development Plan.

2. If the proposal does not meet either of the criteria under 1, above, the principle of development may be supported if the development is for:
 - a) housing on a site that is not allocated for housing in this plan, but which accords with the provisions of Policy 2: Homes; or
 - b) employment land for industrial or business use in a location where there is clear evidence of a shortfall in supply.

Part B

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

1. Mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure (see Policy 3 Infrastructure and Services, Policy 4 Planning Obligations).
2. Avoid the loss of valuable cultural, tourism, and community resources (see Policy 3 Infrastructure and Services).
3. Protect Fife's existing and allocated employment land (see Policy 5 Employment Land and Property).
4. Make town centres the first choice for uses that attract a significant number of people, including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses, and accord with the town centres spatial frameworks (see Policy 6 Town Centres First and settlement proposals)
5. In the case of proposals in the countryside or green belt, be a use appropriate for these locations (see Policy 2 Homes, Policy 7 Development in the Countryside, Policy 8 Houses in the Countryside, Policy 9 Green Belt, and Policy 11: Low Carbon Fife);
6. Protect sport and recreation facilities and the amenity of the local community and businesses (See Policy 3 Infrastructure and Services and Policy 10 Amenity);
7. Safeguard the character and qualities of the landscape (see Policy 13 Natural Environment and Access, and Policy 15 Minerals).
8. Avoid flooding and impacts on the water environment (see Policy 12 Flooding and the Water Environment).
9. Safeguard or avoid the loss of natural resources, including effects on internationally designated nature conservation sites (see Policy 13 Natural Environment and Access and Policy 15 Minerals).
10. Safeguard the characteristics of the historic environment, including archaeology (see Policy 14 Built and Historic Environment).

11. Not compromise the performance or safety of strategic infrastructure or, alternatively, assist in the delivery of necessary improvements to mitigate impact arising from development (see Spatial Strategy diagram).

Part C

Development Proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant:

1. Meet the requirements for affordable housing and Houses in Multiple Occupations (see Policy 2 Homes).
 2. Provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal (see Policy 3 Infrastructure and Services).
 3. Provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland (see Policy 3 Infrastructure and Services).
 4. Provide green infrastructure as required in settlement proposals and identified in the green network map (see Policy 3 Infrastructure and Services).
 5. Provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments (see Policy 3 Infrastructure and Services).
 6. Meet the requirements of any design briefs or development frameworks prepared or required for the site (see Policy 13 Natural Environment and Access, Policy 14 Built and Historic Environment, and relevant settlement proposals tables).
 7. Provide a layout and design that demonstrates adherence to the six qualities of successful places as set out in the Government's Creating Places policy (see Policy 14 Built and Historic Environment).
 8. Provide for energy conservation and generation in the layout and design (see Policy 3 Infrastructure and Services, Policy 11 Low Carbon Fife, Policy 13 Natural Heritage, Woodland, and Access, and Policy 14 Built and Historic Environment).
 9. Contribute to achieving the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community, and cumulative impact considerations (see Policy 11 Low Carbon Fife).
-

POLICY 10: AMENITY

The development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenities in relation to:

1. Air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas (see below).
2. Contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.
3. Noise, light, and odour pollution and other nuisances, including shadow flicker from wind turbines.
4. Traffic movements.
5. The loss of privacy, sunlight, and daylight.
6. Construction impacts.
7. The visual impact of the development on the surrounding area.
8. The loss of outdoor sports facilities, open space, green networks, protected trees, and woodland.
9. Impacts on the operation of existing or proposed businesses and commercial operations.
10. Impacts on the operation of existing or proposed waste management facilities.

Where potential amenity issues are identified in the relevant settlement proposals tables or are identified as part of the assessment of the impact of a development proposal, the relevant mitigation measures will be required to be implemented by the developer to an agreed timetable and specification.

The actions required to mitigate or avoid amenity impact will vary according to the circumstances in each case but will include measures such as landscape buffer strips between incompatible uses, separation distances, noise attenuation screens or fences, and bunding.

For the avoidance of doubt, safeguarding outdoor sports facilities is addressed by Policy 3: Infrastructure and Services.

Air Quality

Development proposals that lead to a breach of National Air Quality Standards or a significant increase in concentrations of air pollution within an existing Air Quality Management Area (AQMA) will not be supported.

Statutory supplementary guidance will provide additional information, detail, and guidance on air quality assessments, including an explanation of how proposals could demonstrate that they would not lead to an adverse impact on air quality.

POLICY 7: DEVELOPMENT IN THE COUNTRYSIDE

Development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations.
2. will diversify or add to the above land-based businesses to bring economic support to the existing business.
3. is for the extension of established businesses.
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements.
5. is for facilities for access to the countryside.
6. is for facilities for outdoor recreation, tourism, or other development that demonstrates a proven need for a countryside location; or
7. is for housing in line with Policy 8 (Houses in the Countryside)

In all cases, development must:

- i. be of a scale and nature compatible with surrounding uses.
- ii. be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and
- iii. be located and designed to protect the overall landscape and environmental quality of the area.

Prime Agricultural Land

Development on prime agricultural land will not be supported except where it is essential:

1. as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available.
 2. for small-scale development directly linked to a rural business; or
 3. for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.
-

POLICY 8: HOUSES IN THE COUNTRYSIDE

Development of houses in the countryside will only be supported where:

1. It is essential to support an existing rural business
2. It is for a site within an established and clearly defined cluster of five houses or more
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit.
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound, and the replacement is a better-quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes)
7. A shortfall in the 5-year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes)
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes) or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 below

In all cases, development must be:

- of a scale and nature compatible with surrounding uses.
 - well-located in respect of available infrastructure and contribute to the need for any improved infrastructure, and
 - located and designed to protect the overall landscape and environmental quality of the area.
-

POLICY 13: NATURAL ENVIRONMENT AND ACCESS

Development proposals will only be supported where they protect or enhance the natural heritage and access assets including:

- designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest (see Site Appraisal Process below).
- designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas.
- woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value.
- biodiversity in the wider environment.
- protected and priority habitats and species.
- landscape character and views.
- Carbon-rich soils (including peat).
- green networks and greenspaces; and
- core paths, cycleways, bridleways, existing rights of way, established footpaths, and access to water-based recreation.

Where adverse impacts on existing assets are unavoidable, we will only support proposals where these impacts will be satisfactorily mitigated.

Site Appraisal Process

Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees, and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in *Making Fife's Places Supplementary Guidance*.

Development proposals likely to have a significant effect on a Natura 2000 site will not be in accordance with the Plan if it cannot be ascertained, by means of an Appropriate Assessment, that they will not have an adverse effect on the integrity of the Natura 2000 site(s).

Unless there is an imperative reason for overriding public interest development that impacts negatively on these sites will not be supported.

In the case of development proposals that affect national sites, such proposals will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or where any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental, or economic benefits of national importance.

“With regard to carbon-rich soils, supplementary guidance will be provided as part of the Minerals Supplementary Guidance (see also Policy 15 Minerals).”

NATIONAL PLANNING FRAMEWORK 4

Policy 23 helps to protect health and wellbeing, including by ensuring that air and noise pollution are taken into account, and by planning and managing development to take hazards into account. **Policy 22** ensures that future flood risk is not exacerbated by development, and facilitates the delivery of sustainable flood risk management solutions. **Policy 10** manages development to reflect future vulnerability of coastal areas. **Policy 9** encourages the redevelopment of **brownfield** land, helping to reduce the impact of vacant and derelict sites on communities.

BROWNFIELD, VACANT AND DERELICT LAND, AND EMPTY BUILDINGS

Policy Intent: *To encourage, promote and facilitate the reuse of brownfields, vacant and derelict land, and empty buildings, and help reduce the need for greenfield development.*

Policy outcomes: *Development is directed to the right locations, maximising the use of existing assets and minimising additional land take.*

The contribution of brownfield land to natural recovery is recognised and opportunities for use as productive greenspace are realised where appropriate.

Derelict buildings and spaces are regenerated to improve well-being and transform our place.

Local development Plans:

LDPs *should set out opportunities for the sustainable reuse of brownfield land including vacant and derelict land and empty buildings.*

Policy 9

- a. development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether **permanent or temporary will be supported**. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be considered.
- b. Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.
- c. Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- d. Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

RURAL HOMES

Policy intent: *To encourage, promote and facilitate the delivery of more high-quality, affordable, and sustainable rural homes in the right locations.*

Policy Outcomes: *Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.*

Homes are if support sustainable rural communities and are linked with service provision. The distinctive character, sense of place, and natural and cultural assets of rural areas are safeguarded and enhanced.

Local Development Plans

LDPs should be informed by an understanding of the population change over time, locally specific needs, and market circumstances in rural and island areas.

LDPs should set out tailored approaches to rural housing and where relevant include proposals for future population growth – **including provision for small-scale housing such as crofts and woodland crofts and the appropriate resettlement of previously inhabited areas**. The Scottish Government’s 6-fold Urban Rural Classification 2020 should be used to identify remote rural areas. Plans should reflect locally appropriate delivery approaches. Previously inhabited areas that are suitable for resettlement should be identified in the spatial strategy.

Policy 17

- a. Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited, and designed to be in keeping with the character of the area and the development:
 - i. is on a site allocated for housing within the LDP.
 - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention.
 - iii. reuses a redundant or unused building.
 - iv. is it an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets.
 - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work.
 - vi. is for a single home for the retirement succession of a viable farm holding.

- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and consider identified local housing needs (including affordable housing), economic considerations, and the transport needs of the development as appropriate for the rural location.

c) Development proposals for new homes in remote rural areas will be supported where the proposal:

- i. support and sustain existing fragile communities.
- ii. supports identified local housing outcomes; and
- iii. is suitable in terms of location, access, and environmental impact.

d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:

- i. is in an area identified in the LDP as suitable for resettlement.
- ii. is designed to a high standard.
- iii. responds to its rural location; and
- iv. is designed to minimise greenhouse gas emissions as far as possible.

RESPOND:

In conclusion, according to NPF 4, the Government and the local authority will continue to promote a brownfield-first approach in the rural area with a continued focus on the availability of infrastructure and the deliverability of sites, by prioritising the redevelopment of brownfield and previously used land to steer development away from greenfield and green belt locations, greening neighbourhoods, and places to support sustainability and adaptation to the climate crisis.

The potential for reusing vacant and derelict sites is huge. It is not easy to think of a single major area of Scottish public policy that would not benefit from a concerted national effort to bring this site back into use.

Road Safety Data.

According to [Crashmap.co.uk](https://www.crashmap.co.uk), 27 accident cases were found in this area from 1999-2021 (refer to figure 1).

- i. Fatal (4 Cases)
- ii. Serious (6 Cases)
- iii. Slight (17 Cases)

Only one of the accidents in or around the Junction involved two vehicles on Monday 29th January 2007. The data shows that this did not happen within 20 meters of the Junction and involved what looks like an overtaking maneuver.

Two accidents involved a single vehicle. Looking at the time and road conditions would suggest involved ice on the road. The accident on 11th July 2003 only involved one vehicle. Looking at the data, we conclude that the Junction is safe.

These requirements can be shown to be limited as far as possible with this proposal. Adding these houses will constitute growth in traffic movement, but it will be minimal. There will approximately be an addition of 4 vehicle movements on the street, which is particularly minimal considering that the development will be situated 4.1 miles from its closest urban hub in Kirkcaldy. There is also a road to the proposed development's south elevation, which alleviates traffic pressure in the cluster.

The speed limit of the road connecting the junction to the houses is 50mph. However, the visual splays for 53mph are 160 metres according to Transport Scotland's guidance, which exceeds the visual splays to the left and right of the development.

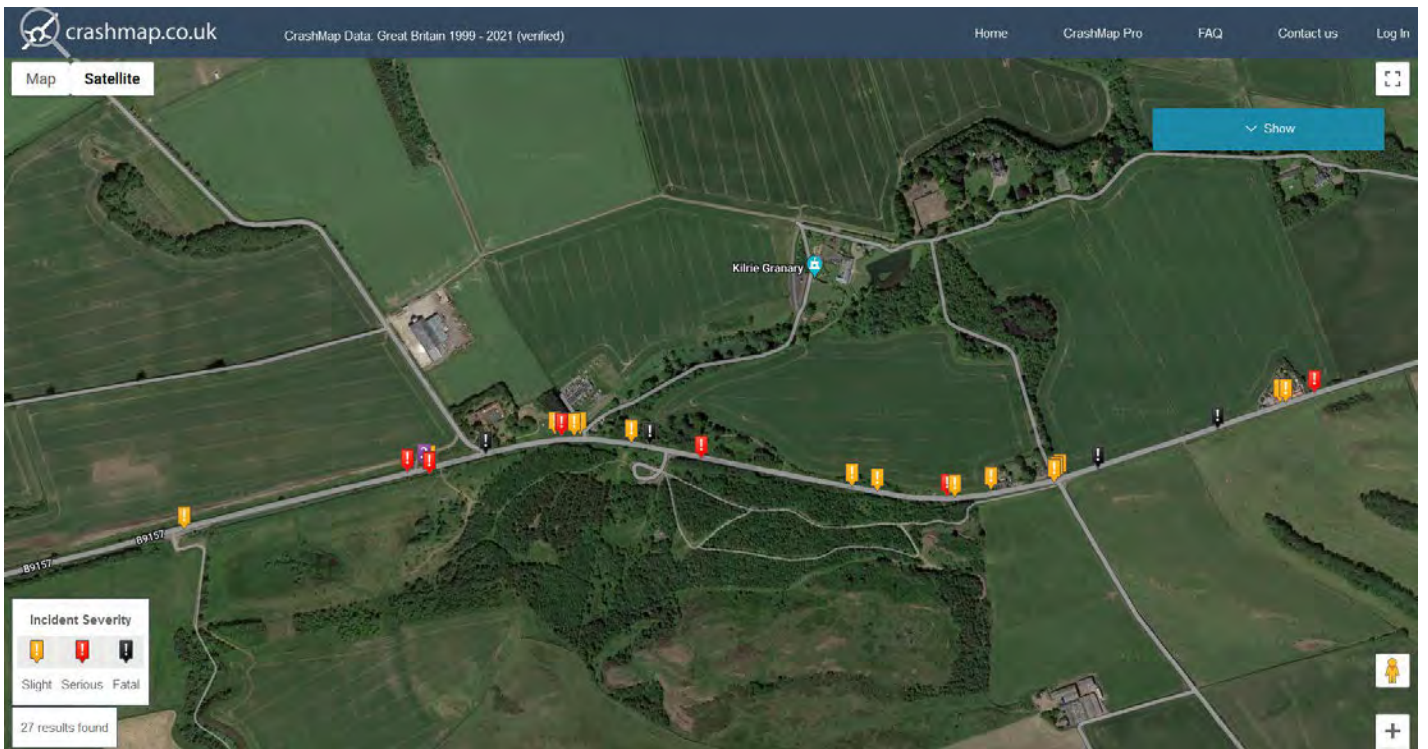
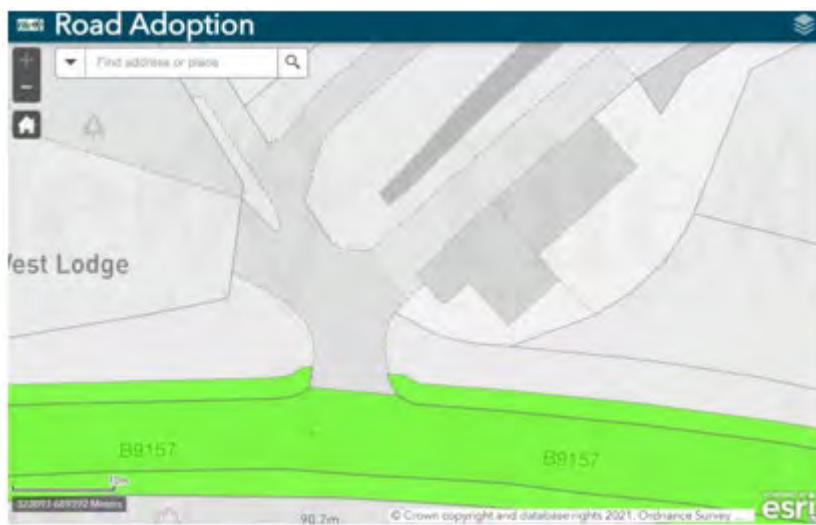


Figure 1: 27 results between 1999-2021, Crash Map Data



Visual Splays





Planning & Property Development Limited

TmC Planning and Property Development LTD
The Barn, Netherton Farm,
Westcraigs Road, Harthill
ML7 5TT

0131 210 0400

www.tmcplanning.co.uk
info@tmcplanning.co.uk

Road Levels from the Entrance to the East and West.

The map below shows that the road rises under a meter from the junction



To the west the road raises by 900mm over 355meters and to the east the road rises by 1.8m. over 420m. 160m from the junction to the proposed development.

VISIBILITY TO THE WEST.



VISIBILITY TO THE EAST



Vehicle in yellow box is 160m from Junction

TURNING RIGHT INTO PROPOSED DEVELOPMENT,



Accident Data

Over the last 23 years, there have been four accidents near the junction

Friday 11th July 2003 9am (Not at or within 20m of junction) single-vehicle accident

Crash Date:	Friday, July 11, 2003	Time of Crash:	0:00:00 AM	Crash Reference:	200304030462
Highest Injury Severity:	None	Road Number:	00557	Number of Casualties:	2
Highest Authority:	006	Local Authority:	006	Number of Vehicles:	1
Weather Description:	Fine without high winds	Road Surface Description:	Dry	OS Grid Reference:	222460 500200
Speed Limit:	60	Light Conditions:	Daylight: regardless of presence of streetlights		
Light Conditions:	Daylight: regardless of presence of streetlights	Car/Lane-way Hazard:	None		
Junction Detail:	Not at or within 20 metres of junction	Junction Pedestrian Crossing:	No pedestrian crossing facility within 50 metres		
Road Type:	Single carriageway	Junction Control:	Not applicable		



Thursday 29th January 2014 at Junction near junction single-vehicle accident

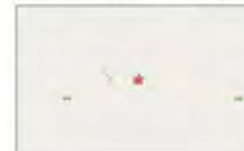
Crash Date:	Thursday, January 09, 2014	Time of Crash:	2:50:00 AM	Crash Reference:	201494180053
Highest Injury Severity:	Serious	Road Number:	09157	Number of Casualties:	2
Highway Authority:	Fife			Number of Vehicles:	1
Local Authority:	Fife			ON Grid Reference:	32 0203 828179
Weather Description:	Fine without high winds				
Road Surface Description:	Gravel or bit				
Speed Limit:	60				
Light Conditions:	Daylight, regardless of presence of moonlight				
Carriageway Hazards:	None				
Junction Details:	Other junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				
Road Type:	Single carriageway				
Junction Controls:	Give way or uncontrolled				



Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Car (excluding private hire)	-1	Male	36 - 45	Vehicle proceeding normally along the carriageway, on a left hand bend	Front	Unknown	None	Road sign/Traffic sign

Thursday January 9th 2014 at Junction near junction single-vehicle accident.

Crash Date:	Thursday, January 09, 2014	Time of Crash:	7:50:00 AM	Crash Reference:	201494180053
Highest Injury Severity:	Serious	Road Number:	09157	Number of Casualties:	2
Highway Authority:	Fife			Number of Vehicles:	1
Local Authority:	Fife			ON Grid Reference:	32 0203 828179
Weather Description:	Fine without high winds				
Road Surface Description:	Gravel or bit				
Speed Limit:	60				
Light Conditions:	Daylight, regardless of presence of moonlight				
Carriageway Hazards:	None				
Junction Details:	Other junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				
Road Type:	Single carriageway				
Junction Controls:	Give way or uncontrolled				



Vehicles Involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Car (excluding private hire)	-1	Male	36 - 45	Vehicle proceeding normally along the carriageway, on a right hand bend	Did not impact	Unknown	None	None
2	Car (excluding private hire)	-1	Male	36 - 45	Vehicle proceeding normally along the carriageway, on a right hand bend	Unknown	Other	None	None
3	Car (excluding private hire)	-1	Female	36 - 45	Vehicle proceeding normally along the carriageway, on a right hand bend	Did not impact	Unknown	None	None

Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Slight	Driver or rider	Male	36 - 45	Unknown or other	Unknown or other
1	2	Slight	Driver or rider	Male	36 - 45	Unknown or other	Unknown or other
1	3	Slight	Driver or rider	Male	36 - 45	Unknown or other	Unknown or other
1	4	Slight	Vehicle or pillion passenger	Female	46 - 55	Unknown or other	Unknown or other
1	5	Slight	Vehicle or pillion passenger	Female	46 - 55	Unknown or other	Unknown or other

Monday 29th January 2007 6.25pm (Not at or within 20m of junction)

Crash Date:	Monday, January 29, 2007	Time of Crash:	6:25:00 PM	Crash Reference:	200794070045
Highest Injury Severity:	Slight	Road Number:	09157	Number of Casualties:	1
Highway Authority:	Fife			Number of Vehicles:	2
Local Authority:	Fife			ON Grid Reference:	32 0203 828180
Weather Description:	Fine without high winds				
Road Surface Description:	Wet or damp				
Speed Limit:	60				
Light Conditions:	Darkness, no street lighting				
Carriageway Hazards:	None				
Junction Details:	Not at or within 20 metres of junction				
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres				
Road Type:	Single carriageway				
Junction Controls:	Not Applicable				



Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Car (excluding private hire)	-1	Male	36 - 45	Vehicle proceeding normally along the carriageway, off or at bend	Did not impact	Other/Not known	None	None
2	Car (excluding private hire)	-1	Male	36 - 45	Vehicle in queueing another moving vehicle on to offside	Offside	Other/Not known	Ends	Other/Not known

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
2	1	Slight	Driver or rider	Male	36 - 45	Unknown or other	Unknown or other

Vehicles Involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Car (excluding private hire)	-1	Male	56 - 65	Vehicle proceeding normally along the carriageway, on a left hand bend	Front	Unknown	None	Road sign/Traffic signal

Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Serious	Vehicle or pillion passenger	Female	46 - 55	Unknown or other	Unknown or other
1	2	Slight	Driver or rider	Male	56 - 65	Unknown or other	Unknown or other





Proposal Details

Proposal Name	100620215
Proposal Description (ERECTION 2 DWELLINGHOUSES)	APPEAL STATEMENT FOR KILRIE COTTAGES
Address	2 KILRIE COTTAGES, KILRIE, AUCHTERTOOL, KIRKCALDY, KY2 5UX
Local Authority	Fife Council
Application Online Reference	100620215-001

Application Status

Form	complete
Main Details	complete
Certificate of Ownership	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Appeals against Refusals and other decisions	System	A4
Appeal Statement	Attached	A4
Drainage and SUDS Assessment	Attached	A4
001 Location Plan Rev A	Attached	A1
002 Site Plan Existing	Attached	A4
003 Site Plan Proposed Rev A	Attached	A4
004 Site Proposed Section A-A	Attached	A1
Planning Statement	Attached	A4
Decision Notification Letter	Attached	A4
Handling Report	Attached	A4
Appeals_against_Refusals_and_oth-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Appeals against Refusals and other decisions-001.xml	Attached	A0



TmC Planning & Property
Development Ltd.

Unit 117 Eucal Business Centre
Livingston, EH54 5DT
0131 210 0400
www.tmcplanning.co.uk

SITE:
Kilrie Farm Cottages, Kirkcaldy, Fife, KY2 5UX

WILM/21B
PROJECT REF.

002
DRAWING NO.

22/09/22
DATE.

TITLE:
Site Plan (Current)

1:500
SCALE AT A4.

MD
DRAWN.

RD
CHECKED.

00
REVISION.



SCALE 1:500 in metres



Kilrie Cottages

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:



TmC Planning & Property
Development Ltd.

Unit 117 Eucal Business Centre
Livingston, EH54 5DT
0131 210 0400
www.tmcplanning.co.uk

SITE:
Kilrie Farm Cottages, Kirkcaldy, Fife, KY2 5UX

WILM/21B
PROJECT REF.

004
DRAWING NO.

07/11/22
DATE.

TITLE:
Site Plan (Proposed)

1:500
SCALE AT A4.

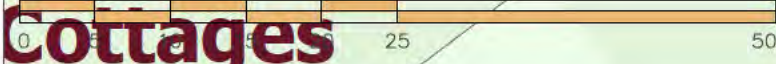
MD
DRAWN.

RD
CHECKED.

A
REVISION.



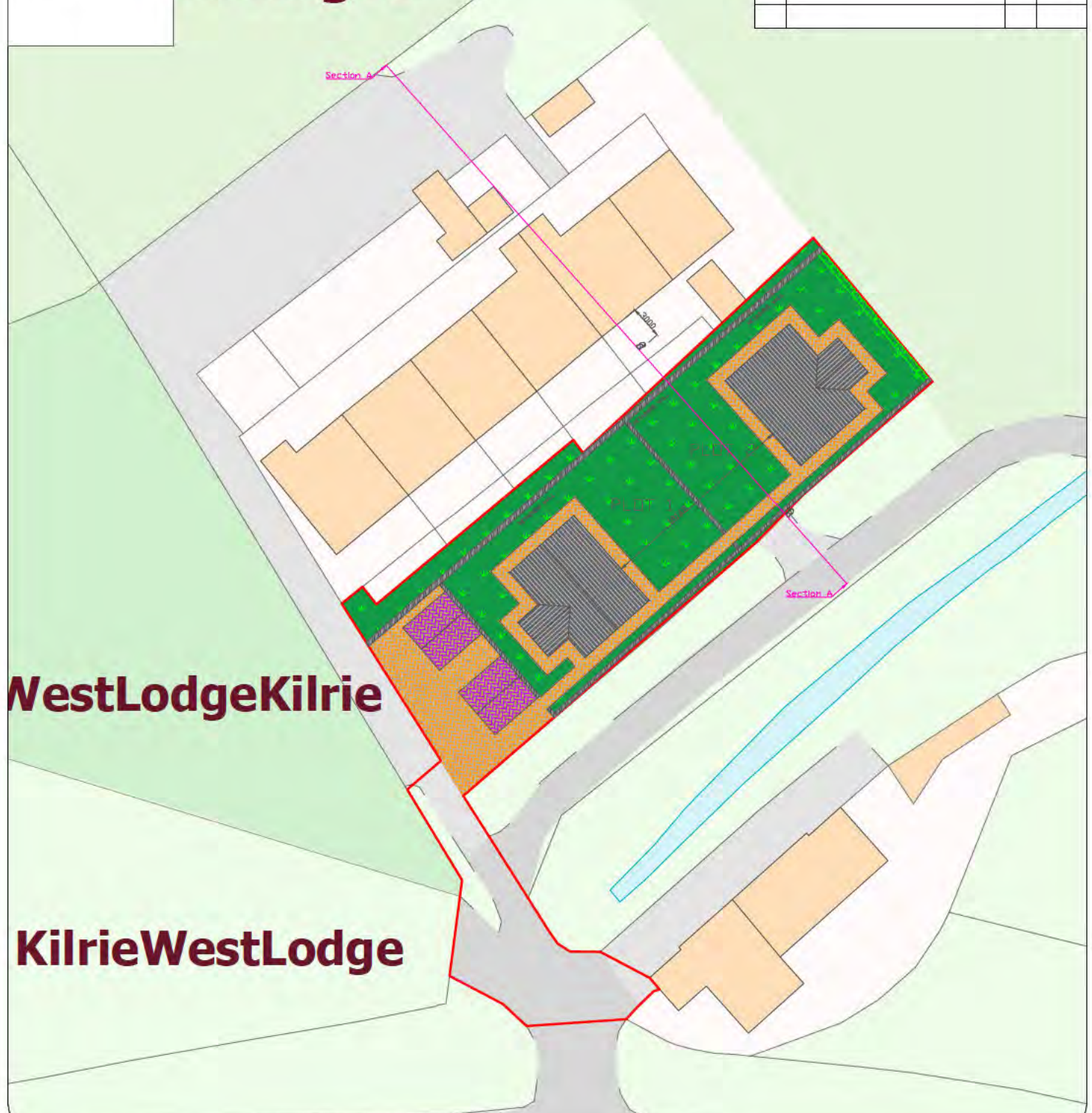
SCALE 1:500 in metres



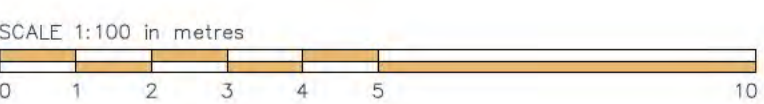
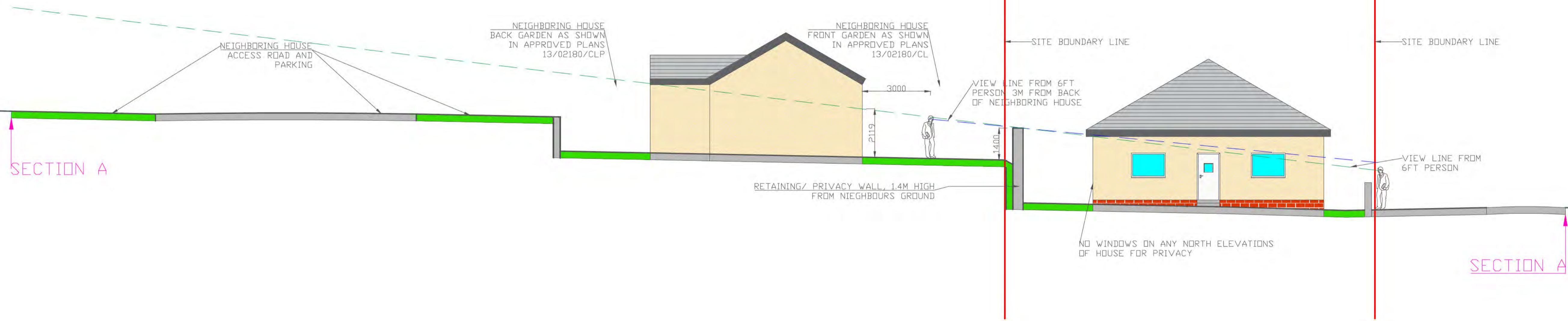
Cottages

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:



NOTES



REV:	DESCRIPTION:	BY:	DATE:
STATUS: DRAWING STAGE			

TmC Planning
 Suite 112 Stadium House
 Alderstone Road,
 Livingston
 EH54 7DN
 0131 210 0400
 www.tmcplanning.co.uk

CLIENT: **Mrs Wilkie**
 2 Kirle Cottages, Kircaldy
 FIFE
 KY2 5UX

DESIGNERS:
TmC Planning & Property Development Ltd.

SITE:
**Kirle Farm Cottage,
 Kircaldy, FIFE, KY2 5UX**

TITLE:
SITE SECTION A-A

SCALE AT A1: 1:100	DATE: 07/11/2022	DRAWN: MD	CHECKED: AKN
DRAWING NO: 005	PROJECT REF: WILM/21B	REVISION: 00	



The Scottish Government

Planning and Environmental Appeals Division

Planning and Environmental Appeals Division

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 100620215-001

The online reference is the unique reference for your online form only. The Planning and Environmental Appeals Division will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Planning and Environmental Appeals Division about this appeal.

Appellant or Agent Details

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

Appellant Agent

Agent Details

Please enter Agent details

Company/Organisation: TmC Planning and Property Development Ltd.

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

First Name: * Philip Building Name: The Barn

Last Name: * Landa Building Number:

Telephone Number: * 01312100400 Address 1 (Street): * Netherton Farm

Extension Number: Address 2: Westcraigs Road

Mobile Number: Town/City: * Shotts

Fax Number: Country: * Scotland

Postcode: * ML7 5TT

Email Address: * planning-applications@tmclanning.co.uk

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

Individual Organisation/Corporate entity

Appellant Details

Please enter Appellant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="2"/>
First Name: *	<input type="text" value="Maureen"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wilkie"/>	Address 1 (Street): *	<input type="text" value="Kirlie Cottages"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Kilrie"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Kirkcaldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY2 5UX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="2 KILRIE COTTAGES"/>
Address 2:	<input type="text" value="KILRIE"/>
Address 3:	<input type="text" value="AUCHTERTOOL"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KIRKCALDY"/>
Post Code:	<input type="text" value="KY2 5UX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="689442"/>	Easting	<input type="text" value="323873"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal. The description should be the same as given in the application form, or as amended (with the agreement of the planning authority): *
(Max 500 characters)

Planning permission in principle for the erection of two dwellinghouses (Class 9) and associated development 2 Kilrie Cottages
Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Type of Application

What type of application did you submit to the planning authority? *

- Application for Planning Permission (including householder application – excluding application to work minerals).
- Application for Certificate of Lawfulness.
- Application for Listed Building Consent.
- Application for Conservation Area Consent.
- Application for Advertisement Consent.
- Application for Prior Approval.
- Application for Tree Works Consent.
- Application for Certificate of Appropriate Alternative Development.
- Application for Planning Permission to work minerals.

What type of planning application was submitted to the planning authority? *

- Application for Planning Permission.
- Application for Planning Permission in principle.
- A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- Approval of matters specified in conditions.

What type of decision did you receive from the planning authority and are now appealing against? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision – deemed refusal (NB: This does not apply to Prior Approvals).

Statement of Appeal

You must state in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider required to be taken into account in determining your appeal: * (Max 500 characters)

Note: you might not have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

Appeal Statement

Have you raised any matters which were not before the planning authority at the time the decision You are appealing against was made? * Yes No

Please provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal, ensuring that all documents are clearly numbered: * (Max 500 characters)

1. Application Form 2. PROPOSED BLOCK PLAN 3. PROPOSED SITE SECTION A-A 4. LOCATION PLAN 5. SUPERSEDED PROPOSED BLOCK PLAN 6. PLANNING STATEMENT 7. Appeal Statement

Are you providing a separate statement of your Grounds of Appeal? * Yes No

If Yes then please be prepared to upload this when you reach the end of the form.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

What date was the application submitted to the planning authority? *

What date was the decision or certificate issued by the planning authority? *

Appeals Procedure

The person appointed to determine your appeal will decide upon the procedure to be used. However you should indicate what procedure you think is the most appropriate for the handling of the appeal.

Can this appeal continue to a conclusion in your opinion, based on a review of the relevant information provided by yourself and other parties without any further procedures? * Yes No

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal site, in your opinion:

Can the site be clearly seen from a road or public land? * Yes No

Is it possible for the site to be accessed safely and without barriers to entry? * Yes No

If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here. (Max 500 characters)

Other Appeals Submitted Details

Have you or anyone else made any other related appeals to Scottish Ministers regarding this building and/or Site? Yes No

Checklist – Appeal Against Planning Authority Decision Or Failure of Planning Authority To Give Decision

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid. The Planning and Environmental Appeals Division cannot start processing your appeal until it is valid.

Are you submitting a supplementary statement with your grounds of appeal? *

Yes No

If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent. *

Submitted Not Applicable

Copy of Plans/Drawing *

Yes No

Copy of planning authority decision notice (if no decision then this is deemed as a refusal). *

Yes No No decision

A copy of original application form and if applicable include certificates relating to land ownership. *

Yes No

Other documents, materials and evidence which you intend to rely on. *

Yes No

The Report of Handling prepared by the planning authority in respect of your application, where one exists *

Yes No

Declare – Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name:

Declaration Date:



The Scottish Government

Planning and Environmental Appeals Division

Planning and Environmental Appeals Division

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 100620215-001

The online reference is the unique reference for your online form only. The Planning and Environmental Appeals Division will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Planning and Environmental Appeals Division about this appeal.

Appellant or Agent Details

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

Appellant Agent

Agent Details

Please enter Agent details

Company/Organisation:

TmC Planning and Property Development Ltd.

Ref. Number:

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

First Name: *

Philip

Building Name:

The Barn

Last Name: *

Landa

Building Number:

Telephone Number: *

01312100400

Address 1
(Street): *

Netherton Farm

Extension Number:

Address 2:

Westcraigs Road

Mobile Number:

Town/City: *

Shotts

Fax Number:

Country: *

Scotland

Postcode: *

ML7 5TT

Email Address: *

planning-applications@tmclanning.co.uk

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

Individual Organisation/Corporate entity

Appellant Details

Please enter Appellant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="2"/>
First Name: *	<input type="text" value="Maureen"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wilkie"/>	Address 1 (Street): *	<input type="text" value="Kirlie Cottages"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Kilrie"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Kirkcaldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY2 5UX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="2 KILRIE COTTAGES"/>
Address 2:	<input type="text" value="KILRIE"/>
Address 3:	<input type="text" value="AUCHTERTOOL"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KIRKCALDY"/>
Post Code:	<input type="text" value="KY2 5UX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="689442"/>	Easting	<input type="text" value="323873"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal. The description should be the same as given in the application form, or as amended (with the agreement of the planning authority): *
(Max 500 characters)

Planning permission in principle for the erection of two dwellinghouses (Class 9) and associated development 2 Kilrie Cottages
Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Type of Application

What type of application did you submit to the planning authority? *

- Application for Planning Permission (including householder application – excluding application to work minerals).
- Application for Certificate of Lawfulness.
- Application for Listed Building Consent.
- Application for Conservation Area Consent.
- Application for Advertisement Consent.
- Application for Prior Approval.
- Application for Tree Works Consent.
- Application for Certificate of Appropriate Alternative Development.
- Application for Planning Permission to work minerals.

What type of planning application was submitted to the planning authority? *

- Application for Planning Permission.
- Application for Planning Permission in principle.
- A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- Approval of matters specified in conditions.

What type of decision did you receive from the planning authority and are now appealing against? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision – deemed refusal (NB: This does not apply to Prior Approvals).

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Appeal Statement

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If there are reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here. (Max 500 characters)

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Yes No

Other documents, materials and evidence which you intend to rely on. *

Yes No

The Report of Handling prepared by the planning authority in respect of your application, where one exists *

Yes No

Declare – Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name: Mr Thomas Cochrane

Declaration Date: 08/03/2023



Engineering Consultancy 49

**Drainage Strategy and
SuDS Assessment**

Project:

**Kilrie Cottages,
Kirkcaldy,
KY2 5UX**

On behalf of:

Town, Marine and
Country Planning



EC49-22-09-01

18 Montrose Avenue Darton Barnsley South Yorkshire S75 5LS

Stephen A Bowles
Christina M Hill

Telephone 0
Telephone

Version	Written By	Checked By	Date
00	S A Bowles	C M Bowles	10/04/2022
01	S A Bowles	C M Bowles	19/06/2022
02	S A Bowles	C M Bowles	21/06/2022
03	S A Bowles	C M Bowles	05/07/2022

CONTENTS

1	INTRODUCTION.....	4
2	EXISTING SITE.....	4
3	PROPOSED DEVELOPMENT.....	4
4	FLOOD RISK.....	5
5	INCREASE TO OFFSITE FLOODING.....	5
6	SURFACE WATER DISCHARGE OPTIONS.....	5
	Preferred Option 1.....	5
	Preferred Option2.....	5
	Preferred Option 3.....	6
	Preferred Option 4.....	6
	Preferred Option 5.....	6
7	PROPOSED DRAINAGE STRATEGY.....	6
	7.1 Surface Water.....	6
	7.2 Surface Water Attenuation.....	7
	7.3 Sustainable drainage features.....	7
	7.4 Foul Water.....	8

APPENDICES

Appendix A	Proposed development layout
Appendix B	IH124 greenfield runoff assessment
Appendix C	SEPA Flood Mapping
Appendix D	Proposed Drainage Strategy EC49-22-09-E-01 and SIA Assessment.
Appendix E	Proposed Impermeable Area and Calculations
Appendix F	Scottish Water correspondence
Appendix G	Design Compliance Certificate
Appendix H	Independent Check Certificate
Appendix I	Planning Permission in Principle Checklist

1 INTRODUCTION

EC49 has been commissioned by Town, Marine and Country Planning (TMC) to undertake a drainage strategy and SuDS assessment report to support a planning application to Fife Council for a proposed development of 4 new residential dwellings on land adjacent to Kilrie Cottages, Kirkcaldy, KY2 5UX.

The aim of this report is to demonstrate that the proposed works are acceptable in terms of foul and surface water drainage proposals.

2 EXISTING SITE

The site comprises predominately green space used as lower garden areas for the existing cottages with some temporary buildings present at the eastern end of the area that are used for storage.

3 PROPOSED DEVELOPMENT

The proposed development comprises two pairs of semi-detached properties with in-curtilage car parking spaces, taking access from the existing vehicular access to Kilrie Granary. The proposed development layout is shown in Appendix A.

The site is located off the B9157 with a postcode of KY2 5UX, National Grid Reference NT 23888 89428.



Figure 1 – Site location - site boundary (approx.) edged in red

4 FLOOD RISK

The SEPA flood data was obtained, the site under consideration lies in Flood Zone 1 with some limited areas of high risk of surface water flooding.

As the site lies within Flood Zone 1, comprises less than 10 residential units and only extends to some 950 square metres a full flood risk assessment is not required but the identified surface water flood risk will need to be addressed.

5 INCREASE TO OFFSITE FLOODING

New development should be designed to limit the surface water run-off to existing surface water discharge flow rates or better. The site does not currently include any formal surface water collection and disposal network and does not require a foul network.

Given that the proposed development site is currently a greenfield, the proposed surface water discharge will be limited to greenfield runoff rates – or as close to them as can be achieved given the limited area of the site.

The greenfield runoff rate has been determined using the IH124 method (See Appendix B). This gives a greenfield runoff rate (QBAR) of 92.5 l/s for 50 hectares. Reducing this to the site area gives a greenfield runoff rate for the site of 0.175l/s for the approximately 950sq. metres comprising the site.

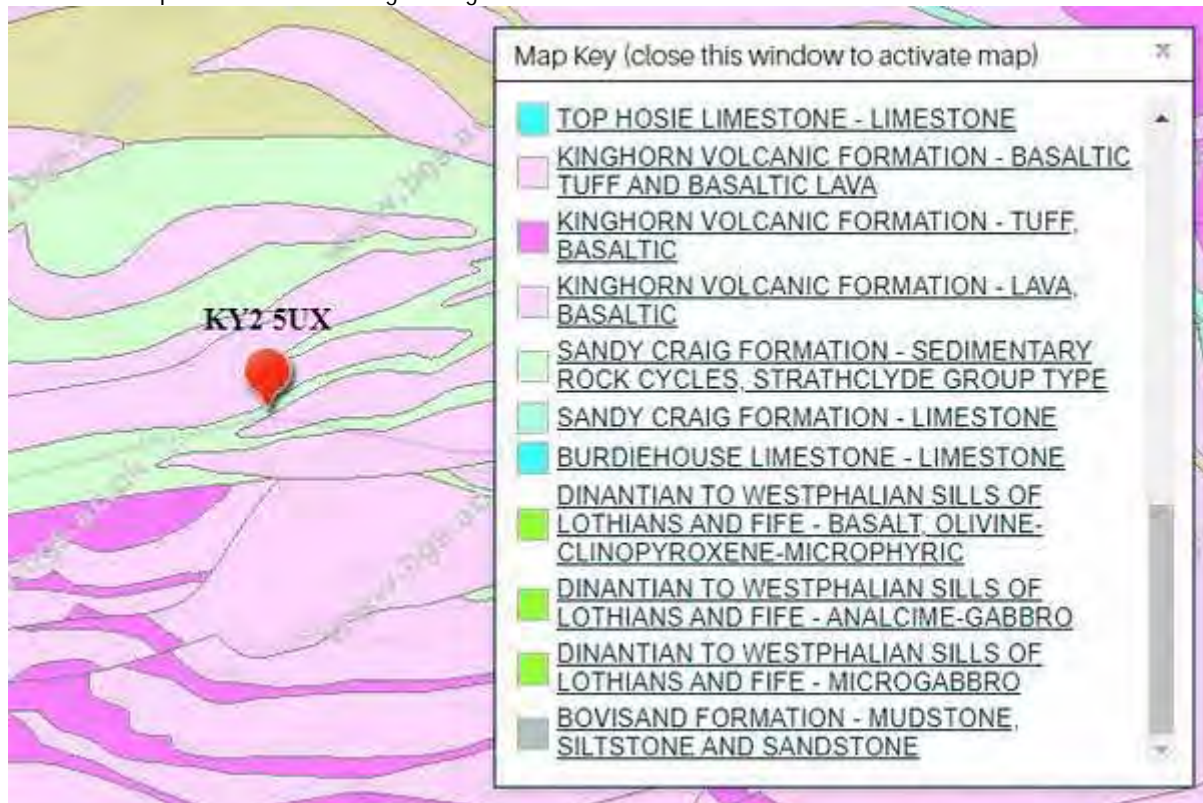
6 SURFACE WATER DISCHARGE OPTIONS

Preferred Option 1: Rainwater is stored and reused, such as rainwater harvesting and/or water butts; The demand for non-potable water is not expected to be significant enough to make this a viable means of using all of the collected storm waters but it should be included in the detailed design of the development to reduce the discharge from the site and make use of the resource.

Preferred Option2: Surface water is drained into the soil through the use of a soakaway; The British Geological Society maps of geology across the British Isles show that the superficial soils beneath the site are expected to comprise till deposits from the Devensian era which may allow water to infiltrate to ground.



Similarly, the bedrock beneath the site may be suitable for discharges to infiltrate to ground but given the scale of the maps and the proximity of the change in bedrock material identified on them, this will also need to be confirmed prior to detailed design being undertaken.



Preferred Option 3: Surface water is drained to a watercourse (open or piped), canal, loch, or existing/proposed SUDS;

There is a small watercourse to the southeast of the site that may be suitable to accept the discharge from the site. The need for agreement with third party landowners will need to be explored and confirmed prior to detailed design being undertaken. The Watercourse can be seen on the SEPA flood map contained in Appendix C.

Preferred Option 4: Surface water is drained to a surface water sewer.

A Pre-Development Enquiry was sent to Scottish Water. The response confirms that there are currently no Scottish Water sewers in proximity to the site. This option has therefore been discarded.

Preferred Option 5: Surface water is drained to a combined sewer.

As per Preferred Option 4, this has been discarded as there are no Scottish Water sewers in proximity to the site.

7 PROPOSED DRAINAGE STRATEGY

7.1 Surface Water

In accordance with the Hierarchy of Discharge and best practice, the site is proposed to discharge surface water to ground unless this is proven not to be viable by in-situ testing. Should this be the case, the site will need to discharge surface water to the nearby watercourse at greenfield runoff rates, or as close to them as can be practically constructed and maintained.

7.2 Surface Water Attenuation

If collected surface waters can be discharged to ground, the rate of discharge and associated storage volume will be a function of the infiltration rates of the soils and/or bedrock beneath the site. Depth to groundwater will also need to be checked and monitored to ensure that the required 1.2m clearance from the base of an infiltration drainage facility to recorded groundwater levels can be maintained.

In the event that infiltration to ground is not viable, the proposed development will need to discharge collected surface waters to the nearby watercourse at, or about, greenfield runoff rates. In this instance, this would mean a single discharge for the 4 dwellings of 0.175 litres per second.

The proposed impermeable area of the development has been measured as approximately 706 square metres. Allowing a further 10% for urban creep (patios, extensions, etc) gives an overall impermeable area of 776.6 square metres.

Restricting the surface water outflow to 0.176l/s for the site or 0.044l/s for each dwelling is not practical as the system would require a very small orifice to restrict the flow. Such an orifice would be prone to blockage highly susceptible to changes in discharge rate as a result in changes in hydraulic head. An alternative solution of using a Garastor flow control device (manufactured by Wavin) is proposed as this limits the outflow to around 1l/s whilst providing a readily serviceable product. Using a single Garastor device to limit the flow from the 4 dwellings to the watercourse would require a combined storage volume of some 40.1 cubic metres (53.2m including free space above top water level) for the development or approximately 10 cubic metres per dwelling. Drawing EC49-20-09-E-01 in Appendix D.

7.3 Sustainable drainage features

The surface water drainage networks for each property are proposed to include a number of features aimed at reducing the runoff from the development and improving the quality of the collected surface waters prior to discharge to the wider water environment. Rainwater harvesting in the form of water butts attached to rainwater downpipes at the rear of the dwellings, as a minimum, to retain some of the runoff for reuse in irrigating gardens, washing cars etc. it may be prudent to consider more extensive rainwater harvesting proposals to reduce the need for potable water supplies to the dwellings.

Trapped inspection chambers in the below ground surface water networks will intercept suspended solids in the collected runoff and reduce their presence in the discharged waters. This will also serve to limit the passage of silts into the below ground attenuation facilities, thereby giving them a longer expected lifespan to major maintenance requirements.

The vehicular parking areas are proposed to be constructed from a permeable or porous construction incorporating a layer of "Inbitex" geomembrane and associated granular layers to capture and treat hydrocarbons in the runoff from the vehicular parking areas. This will improve the quality of the water entering the attenuation facilities and will also remove silts from the parking area runoff. The sustainable drainage measures identified above are expected to more than address the anticipated levels of pollution/contamination that may reasonably be expected to occur in the runoff collected from residential dwellings. The SuDS treatment train will need to be identified and proven to the satisfaction of the regulatory bodies as part of the detailed design of the proposed development.

Assessment of the anticipated levels of pollution and the level of treatment proposed to be provided has been undertaken using the Simple Index Approach. The results of this assessment are contained in Appendix D.

7.4 Foul Water

In the absence of public sewers, foul flows are proposed to be collected and conveyed to a package treatment plant before discharging to the nearby watercourse. The package treatment plant will need to be chosen from the approved list of products maintained by the Regulatory bodies and will need to be installed, operated and maintained in accordance with the manufacturer's recommendations and the requirements of Scottish Water/SEPA in addition to any planning requirements from the Local Authority.

Should the soils underlying the site be suitable for infiltration, it may be possible to discharge the treated effluent from the package treatment plants directly to ground. This would be the preferred discharge regime for the proposed system. In the event of not being able to discharge to ground, the discharge to the watercourse shown on the drainage strategy drawing in Appendix D will need to be registered with SEPA. More detailed requirements will need to be confirmed with the regulatory bodies prior to implementation.

8 CONCLUSION

The aim of this report is to demonstrate that the proposed works are acceptable in terms of foul and surface water drainage proposals and that the future detailed designs should be capable of being made compliant with Part H of the Building Regulations and also CIRIA C753 The SuDS Manual in addition to Sewers for Scotland and Fife Council's SuDS design criteria.

The final designs are subject to topographic survey and appropriate percolation testing (V_p s/mm) and soakage permeability testing (k m/s) for any necessary foul drain field and attenuated surface water discharge respectively. The infiltration and percolation testing required should be undertaken at appropriate levels within the soils of the site to ensure that the results relate directly to the proposed solutions.

Appendices

Appendix A

T mC Planning & Property
Development Ltd.

Unit 117 Eucal Business Centre
Livingston, EH54 5DT
0131 210 0400
www.tmcplanning.co.uk

SITE: Kilrie Farm Cottages, Kirkcaldy, Fife, KY2 5UX

WILM/21B
PROJECT REF.

003
DRAWING NO.

09/12/21
DATE.

TITLE: Site Plan (Proposed)

1:200
SCALE AT A4.

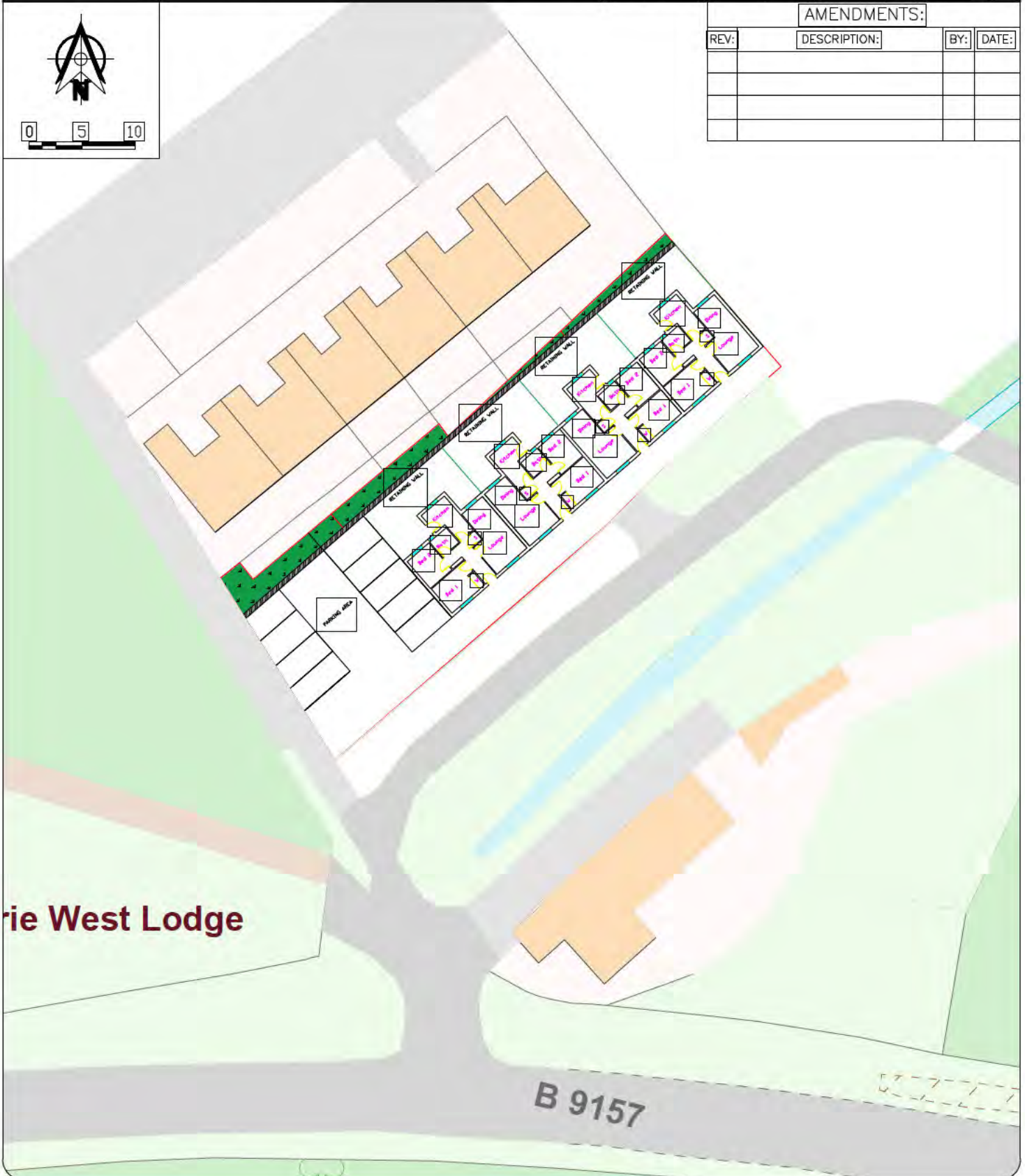
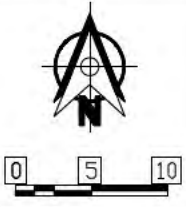
WL
DRAWN.

TC
CHECKED.

00
REVISION.

AMENDMENTS:

REV:	DESCRIPTION:	BY:	DATE:



Appendix B

18 Montrose Avenue
Barnsley
S75 5LS



Date 24/03/2022 08:57
File

Designed by steve
Checked by

Innovyze Source Control 2020.1

IH 124 Mean Annual Flood

Input

Return Period (years)	200	Soil	0.300
Area (ha)	50.000	Urban	0.000
SAAR (mm)	709	Region Number	Region 2

Results l/s

QBAR Rural 92.5
QBAR Urban 92.5

Q200 years 275.6

Q1 year 80.5
Q2 years 84.5
Q5 years 109.1
Q10 years 131.3
Q20 years 157.9
Q25 years 167.6
Q30 years 175.5
Q50 years 201.1
Q100 years 243.3
Q200 years 275.6
Q250 years 286.7
Q1000 years 356.1

$92.5 / 50 = 1.85 \text{ l/s/ha}$

Site area = 950sq.m

$950 / 10000 = .095$

$1.85 \times 0.095 = 0.176 \text{ l/s Equivalent discharge at QBar rate}$

Kilrie Cottages - Proposed 4 Residential Dwellings

EC49 -22-09-02-02 SW

Grid Reference	NT	23863	89439
for MD		323	689

Redline Boundary	950 sq.m
Impermeable Area	706 sq.m
10% Urban Creep	70.6 sq.m
Total Imp. Area	776.6 sq.m

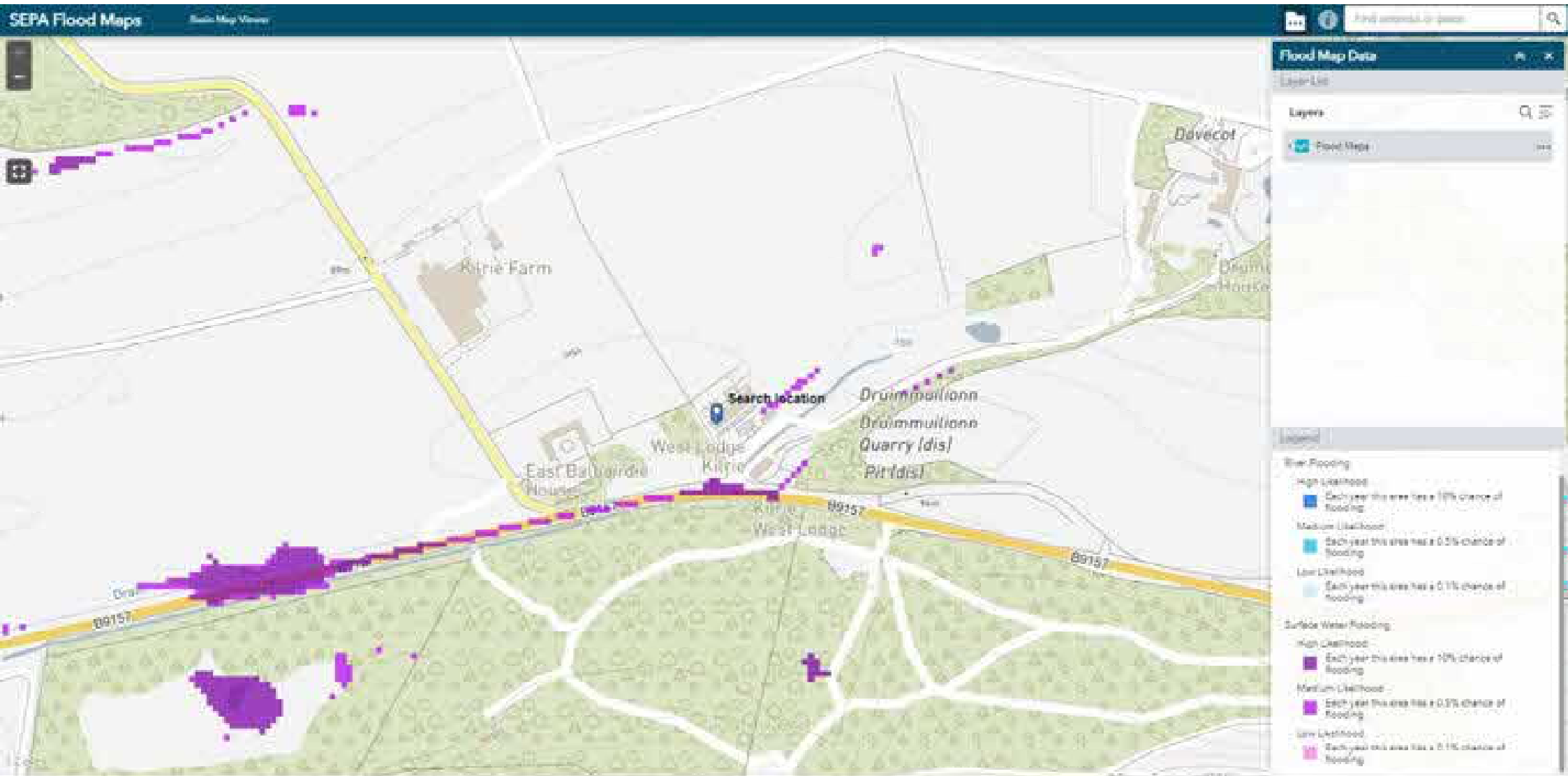
Greenfield runoff :

Qbar	92.5 l/s/50ha	1.85 l/s/ha
Q200	275.6 l/s/50ha	5.512 l/s/ha

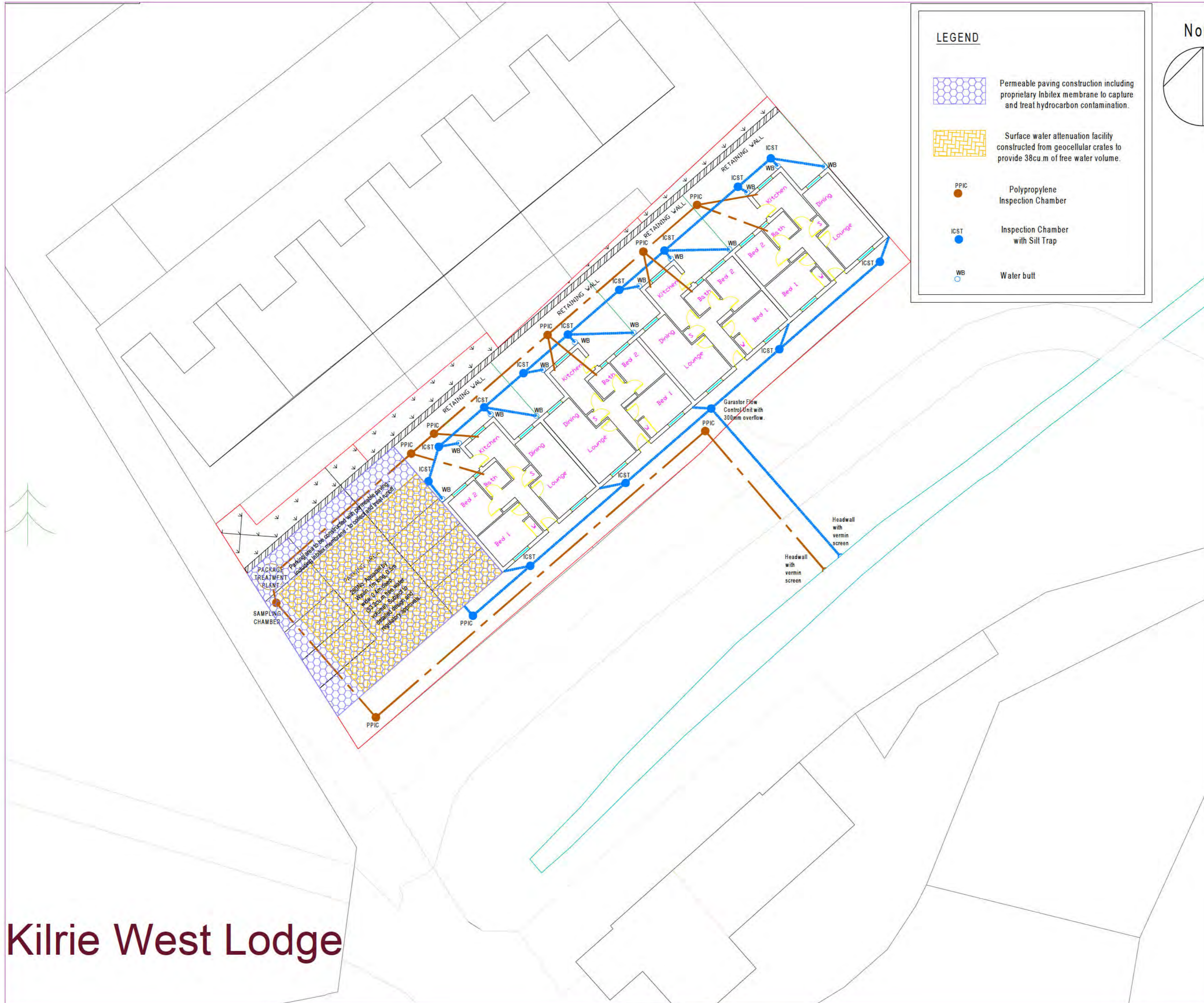
site discharge @GF rate = 0.176 l/s

Given the low discharge rate at greenfield runoff rates, the site is proposed to discharge surface water to the nearby watercourse at or as close to greenfield runoff rates as can be technically achieved. In the event that infiltration to ground is determined to be viable, the site will discharge surface water to ground.

Appendix C








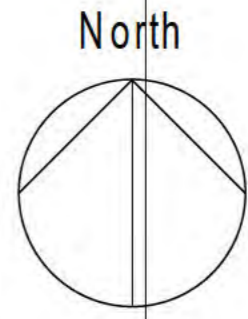
Appendix D



Kilrie West Lodge

LEGEND

-  Permeable paving construction including proprietary Inbitex membrane to capture and treat hydrocarbon contamination.
-  Surface water attenuation facility constructed from geocellular crates to provide 38cu.m of free water volume.
-  Polypropylene Inspection Chamber
-  Inspection Chamber with Silt Trap
-  Water butt



NOTES

This drawing is copyright and must not be copied in part or in whole unless agreed with EC49 Ltd

DO NOT SCALE FROM THIS DRAWING

1. The drainage strategy shown on this drawing is in outline only. All below ground drainage works must be subject to detailed design and receive regulatory approval prior to any construction works.
2. This drainage strategy assumes that the ground is unsuitable for infiltration. This will need to be proven by intrusive investigation and testing prior to detailed design being undertaken. Discharge to ground would be preferable to a limited discharge to watercourse.
3. This below ground drainage strategy is anticipated to be sufficient to mitigate the reasonably expected levels of pollution associated with runoff from dwelling roof areas and domestic car parking areas. This will need to be proven as part of the detailed design..
4. Surface water collected from roofed areas should pass through at least one silt trap or filter trench before entering the granular attenuation facilities to ensure that silts are removed from the flows prior to attenuation and discharge.
5. Surface water collected from vehicular areas should pass through trapped gullies, silt traps, permeable paving or filter trenches prior to entering the geocellular attenuation facilities to ensure that silts are removed from the collected surface water before they enter and clog the granular attenuation.
6. The attenuation facilities for surface water collected on vehicular areas will be wrapped in "Inbitex" geo-membrane to capture and treat hydrocarbon contamination in the collected road run-off.
7. In the absence of infiltration testing data, the treated effluent from the package treatment plant is shown to discharge to the watercourse. This is not the preferred discharge but is workable, subject to SEPA approval, should infiltration to ground be proven not to be viable.
8. The proposed package treatment system must be chosen from the SEPA/Scottish Water approved lists and be installed and maintained in accordance with the requirements of the manufacturer and the regulatory bodies.

1	Layout updated	SAB	SAB	19.06.2022
0	Initial issue	SAB	SAB	10.04.2022
Rev	Details	By	Check	Date

EC49 EC49 Ltd
 18 Montrose Avenue
 Darton
 Barnsley
 S75 5LS

Client: TMC Planning

Project: Proposed Residential Development at Kilrie Cottages

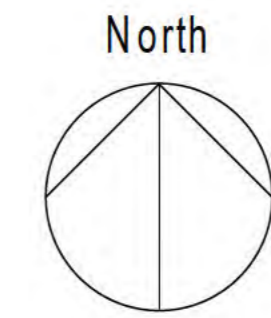
Title: Proposed Drainage Strategy

Drawn:	Checked:	Date:	Scale:	Original dwg size
SAB	SAB	Apr 2022	1/200	A2
Drawing Reference:				Rev:
EC49-22-09-E-01				1

SUMMARY TABLE		DESIGN CONDITIONS			
		1	2	3	4
Land Use Type	Residential parking				
Pollution Hazard Level	Low				
Pollution Hazard Indices					
TSS	0.5				
Metals	0.4				
Hydrocarbons	0.4				
SuDS components proposed					
Component 1	Pervious pavement (where the pavement is not designed as an infiltration component)	SuDS components can only be assumed to deliver these indices if they follow design guidance with respect to hydraulics and treatment set out in the relevant technical component chapters of the SuDS Manual. See also checklists in Appendix B	SEPA only considers proprietary treatment systems as appropriate in exceptional circumstances where other types of SuDS component are not practicable. Proprietary treatment systems may also be considered appropriate for existing sites that are causing pollution where there is a requirement to retrofit treatment. WAT-RM-08 (SEPA, 2014) also provides a flow chart with a summary of checks on suitability of a proprietary system	See Chapter 15 Proprietary treatment systems for approaches to demonstrate product performance. Note: a British Water/Environment Agency assessment Code of Practice is currently under development that will allow manufacturers to complete an agreed test protocol for systems intended to treat contaminated surface water runoff. Full details can be found at: http://www.britishwater.co.uk/Publications/codes-of-practise.aspx .	
Component 2	Proprietary treatment system				
Component 3	None				
SuDS Pollution Mitigation Indices					
TSS		0.7			
Metals		0.6			
Hydrocarbons		0.7			
Groundwater protection type	None				
Groundwater protection					
Pollution Mitigation Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Combined Pollution Mitigation Indices					
TSS		0.7	Reference to local planning documents should also be made to identify any additional protection required for sites due to habitat conservation (see Chapter 7 The SuDS design process). The implications of developments on or within close proximity to an area with an environmental designation, such as a Site of Special Scientific Interest (SSSI), should be considered via consultation with relevant conservation bodies such as Natural England		
Metals		0.6			
Hydrocarbons		0.7			
Acceptability of Pollution Mitigation					
TSS	Sufficient	Note: In order to meet both Water Quality criteria set out in the SuDS Manual (Chapter 4), Interception should be delivered for all impermeable areas wherever possible. Interception delivery and treatment may be met by the same components, but Interception requires separate evaluation.			
Metals	Sufficient				
Hydrocarbons	Sufficient				

SUMMARY TABLE		DESIGN CONDITIONS			
		1	2	3	4
Land Use Type	Residential roofing				
Pollution Hazard Level	Very low				
Pollution Hazard Indices					
TSS	0.2				
Metals	0.2				
Hydrocarbons	0.05				
SuDS components proposed					
Component 1	Pervious pavement (where the pavement is not designed as an infiltration component)	SuDS components can only be assumed to deliver these indices if they follow design guidance with respect to hydraulics and treatment set out in the relevant technical component chapters of the SuDS Manual. See also checklists in Appendix B			
Component 2	None				
Component 3	None				
SuDS Pollution Mitigation Indices					
TSS		0.7			
Metals		0.6			
Hydrocarbons		0.7			
Groundwater protection type	None				
Groundwater protection					
Pollution Mitigation Indices					
TSS	0				
Metals	0				
Hydrocarbons	0				
Combined Pollution Mitigation Indices					
TSS		0.7			
Metals		0.6			
Hydrocarbons		0.7			
Acceptability of Pollution Mitigation		<p>Note: In order to meet both Water Quality criteria set out in the SuDS Manual (Chapter 4), Interception should be delivered for all impermeable areas wherever possible. Interception delivery and treatment may be met by the same components, but Interception requires separate evaluation.</p>	Reference to local planning documents should also be made to identify any additional protection required for sites due to habitat conservation (see Chapter 7 The SuDS design process). The implications of developments on or within close proximity to an area with an environmental designation, such as a Site of Special Scientific Interest (SSSI), should be considered via consultation with relevant conservation bodies such as Natural England		
TSS	Sufficient				
Metals	Sufficient				
Hydrocarbons	Sufficient				

Appendix E



NOTES

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All dimensions are in metres unless noted otherwise.

DO NOT SCALE FROM THIS DRAWING

1. The drainage strategy shown on this drawing is in outline only. All below ground drainage works must be subject to detailed design and receive regulatory approval prior to any construction works.
2. This drainage strategy assumes that the ground is unsuitable for infiltration. This will need to be proven by intrusive investigation and testing prior to detailed design being undertaken.
3. This below ground drainage strategy is anticipated to be sufficient to mitigate the reasonably expected levels of pollution associated with runoff from dwelling roof areas and domestic car parking areas. This will need to be proven as part of the detailed design..
4. Surface water collected from roofed areas should pass through at least one silt trap or filter trench before entering the granular attenuation facilities to ensure that silts are removed from the flows prior to attenuation and discharge.
5. Surface water collected from vehicular areas should pass through trapped gullies, silt traps or filter trenches prior to entering the granular attenuation facilities to ensure that silts are removed from the collected surface water before they enter and clog the granular attenuation.
6. The attenuation facilities for surface water collected on roads will be wrapped in "Inbitex" geo-membrane to capture and treat hydrocarbon contamination in the collected road run-off.

1	Layout updated	SAB	SAB	19.06.2022
0	Initial issue	SAB	SAB	10.04.2022
Rev	Details	By	Check	Date

EC49 EC49 Ltd
 18 Montrose Avenue
 Darton
 Barnsley
 S75 5LS

Client:
 TMC Planning


Project:
 Proposed Residential
 Development at Kilrie Cottages

Title:
 Proposed Impermeable Area

Drawn:	Checked:	Date:	Scale:	Original dwg size
SAB	SAB	Apr 2022	1:200	A2
Drawing Reference:				Rev:
EC49-22-09-E-02				1

Kilrie West Lodge



EC49		Page 1
18 Montrose Avenue Barnsley S75 5LS		
Date 19/06/2022 14:52 File SURFACE WATER.SRCX	Designed by steve Checked by	

Innovyze Source Control 2020.1

Summary of Results for 200 year Return Period (+40%)

Half Drain Time : 260 minutes.

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m³)	Status
15 min Summer	99.103	0.103	0.0	0.6	0.6	13.7	O K
30 min Summer	99.144	0.144	0.0	0.7	0.7	19.2	O K
60 min Summer	99.189	0.189	0.0	0.8	0.8	25.1	O K
120 min Summer	99.229	0.229	0.0	0.9	0.9	30.4	O K
180 min Summer	99.248	0.248	0.0	1.0	1.0	33.0	O K
240 min Summer	99.259	0.259	0.0	1.0	1.0	34.5	O K
360 min Summer	99.272	0.272	0.0	1.1	1.1	36.2	O K
480 min Summer	99.279	0.279	0.0	1.1	1.1	37.1	O K
600 min Summer	99.283	0.283	0.0	1.2	1.2	37.6	O K
720 min Summer	99.284	0.284	0.0	1.2	1.2	37.8	O K
960 min Summer	99.284	0.284	0.0	1.2	1.2	37.7	O K
1440 min Summer	99.278	0.278	0.0	1.1	1.1	36.9	O K
2160 min Summer	99.261	0.261	0.0	1.0	1.0	34.7	O K
2880 min Summer	99.242	0.242	0.0	1.0	1.0	32.1	O K
4320 min Summer	99.210	0.210	0.0	0.9	0.9	28.0	O K
5760 min Summer	99.186	0.186	0.0	0.8	0.8	24.7	O K
7200 min Summer	99.165	0.165	0.0	0.7	0.7	22.0	O K
8640 min Summer	99.148	0.148	0.0	0.7	0.7	19.6	O K
10080 min Summer	99.132	0.132	0.0	0.7	0.7	17.5	O K
15 min Winter	99.115	0.115	0.0	0.6	0.6	15.3	O K

Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Discharge Volume (m³)	Time-Peak (mins)
15 min Summer	96.018	0.0	13.9	19
30 min Summer	68.324	0.0	19.8	33
60 min Summer	45.931	0.0	26.8	62
120 min Summer	29.464	0.0	34.4	122
180 min Summer	22.519	0.0	39.5	180
240 min Summer	18.538	0.0	43.4	234
360 min Summer	14.061	0.0	49.3	288
480 min Summer	11.533	0.0	53.9	350
600 min Summer	9.882	0.0	57.7	410
720 min Summer	8.706	0.0	61.1	478
960 min Summer	7.124	0.0	66.6	616
1440 min Summer	5.367	0.0	75.2	898
2160 min Summer	4.043	0.0	85.1	1300
2880 min Summer	3.303	0.0	92.7	1700
4320 min Summer	2.480	0.0	104.4	2464
5760 min Summer	2.021	0.0	113.4	3224
7200 min Summer	1.723	0.0	120.9	3960
8640 min Summer	1.513	0.0	127.4	4672
10080 min Summer	1.355	0.0	133.1	5440
15 min Winter	96.018	0.0	15.6	18

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Summary of Results for 200 year Return Period (+40%)

Storm Event	Max Level (m)	Max Depth (m)	Max Infiltration (l/s)	Max Control (l/s)	Max Σ Outflow (l/s)	Max Volume (m³)	Status
30 min Winter	99.162	0.162	0.0	0.7	0.7	21.6	O K
60 min Winter	99.212	0.212	0.0	0.9	0.9	28.2	O K
120 min Winter	99.258	0.258	0.0	1.0	1.0	34.3	O K
180 min Winter	99.282	0.282	0.0	1.1	1.1	37.4	O K
240 min Winter	99.289	0.289	0.0	1.4	1.4	38.5	O K
360 min Winter	99.298	0.298	0.0	1.7	1.7	39.6	O K
480 min Winter	99.301	0.301	0.0	1.9	1.9	40.0	O K
600 min Winter	99.302	0.302	0.0	1.9	1.9	40.1	O K
720 min Winter	99.301	0.301	0.0	1.8	1.8	40.0	O K
960 min Winter	99.298	0.298	0.0	1.7	1.7	39.6	O K
1440 min Winter	99.289	0.289	0.0	1.4	1.4	38.4	O K
2160 min Winter	99.269	0.269	0.0	1.0	1.0	35.8	O K
2880 min Winter	99.240	0.240	0.0	1.0	1.0	32.0	O K
4320 min Winter	99.197	0.197	0.0	0.9	0.9	26.2	O K
5760 min Winter	99.165	0.165	0.0	0.7	0.7	22.0	O K
7200 min Winter	99.138	0.138	0.0	0.7	0.7	18.4	O K
8640 min Winter	99.116	0.116	0.0	0.6	0.6	15.5	O K
10080 min Winter	99.101	0.101	0.0	0.6	0.6	13.5	O K

Storm Event	Rain (mm/hr)	Flooded Volume (m³)	Discharge Volume (m³)	Time-Peak (mins)
30 min Winter	68.324	0.0	22.2	33
60 min Winter	45.931	0.0	30.0	62
120 min Winter	29.464	0.0	38.5	120
180 min Winter	22.519	0.0	44.2	176
240 min Winter	18.538	0.0	48.5	224
360 min Winter	14.061	0.0	55.2	270
480 min Winter	11.533	0.0	60.4	340
600 min Winter	9.882	0.0	64.7	410
720 min Winter	8.706	0.0	68.4	484
960 min Winter	7.124	0.0	74.6	628
1440 min Winter	5.367	0.0	84.2	924
2160 min Winter	4.043	0.0	95.3	1384
2880 min Winter	3.303	0.0	103.8	1788
4320 min Winter	2.480	0.0	116.9	2552
5760 min Winter	2.021	0.0	127.0	3344
7200 min Winter	1.723	0.0	135.4	4104
8640 min Winter	1.513	0.0	142.7	4760
10080 min Winter	1.355	0.0	149.1	5456

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Rainfall Details

Rainfall Model	FSR	Winter Storms	Yes
Return Period (years)	200	Cv (Summer)	0.750
Region	Scotland and Ireland	Cv (Winter)	0.840
M5-60 (mm)	14.200	Shortest Storm (mins)	15
Ratio R	0.250	Longest Storm (mins)	10080
Summer Storms	Yes	Climate Change %	+40

Time Area Diagram

Total Area (ha) 0.078

Time (mins)	Area
From: To:	(ha)
0	4 0.078

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Model Details

Storage is Online Cover Level (m) 100.000

Cellular Storage Structure

Invert Level (m) 99.000 Safety Factor 2.0
 Infiltration Coefficient Base (m/hr) 0.00000 Porosity 0.95
 Infiltration Coefficient Side (m/hr) 0.00000

Depth (m)	Area (m ²)	Inf. Area (m ²)	Depth (m)	Area (m ²)	Inf. Area (m ²)
0.000	140.0	0.0	0.401	0.0	0.0
0.400	140.0	0.0			

Garastor Outflow Control

Invert Level (m) 99.000 Model 300mm Overflow

Appendix F

Tuesday, 05 April 2022

Stephen Bowles
18 Montrose Avenue
Darton
Barnsley
S75 5LS



Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Free phone Number - 0800 389 0379
E-Mail - developmentoperations@scottishwater.co.uk
www.scottishwater.co.uk

Follow Us     

Dear Customer,

1 kilrie cottages, kirkcaldy, Kirkcaldy, ky2 5ux
Pre-Development Enquiry Application – Capacity Review
Our Reference: DSCAS-0061016-5NP
Your Reference: 22-09

Thank you for your recent application regarding the above proposed development. Please note our reference number above, which should be quoted on all future correspondence.

Capacity Assessment

Number of Housing Units reviewed: 4

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the GLENDEVON Water Treatment Works to service your development.

Network Assessment

- ▶ There are no issues currently identified within our **water** network that would adversely affect the demands of your development.
- ▶ On review of your application it has been found that there is no sewer infrastructure in the immediate area of the proposed development; private drainage disposal will be required.

Please Note

- ▶ This response is valid for **12 months** from the date above and may be subject to further review

General Note

- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head in the public main. Any property which cannot be adequately serviced using this pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws.
- ▶ Scottish Water is unable to reserve capacity therefore connections to the water and wastewater networks can only be granted on a first come first served basis. For this reason, we will review our ability to serve the development on receipt of an application to connect.
- ▶ Please be advised that Scottish Water will only accept surface water into the combined network under exceptional circumstances. In the consideration of any development, if due diligence has been carried out in fully investigating the available options for surface water drainage and if all of these options are subsequently deemed unreasonable to pursue, the remaining alternative options can then be considered for approval to allow the development to proceed.
- ▶ Unless stated on your PDE application, the drainage is assumed to propose to connect to our network via gravity without the use of a pumping station. If this is not the case, then please let us know as soon as possible because Scottish Water would need to reassess this case.

Next Steps

If you would like to progress with connection(s) to the water **and/or** waste water network please submit the relevant application via [our portal](#) or contact Development Operations.

This response is in relation to the information you have provided in your application. If there are any changes to your proposed development you may be required to submit a new Pre-Development Enquiry application via [our portal](#) or contact Development Operations.

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below.

Yours sincerely

Craig Saunders

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Appendix G

Appendix 1 - SuDS Design Compliance Certificate

I certify that all the reasonable skill, care and attention to be expected of a qualified and competent professional in this field has been exercised in designing the sustainable drainage system for the below named development in accordance with CIRIA C753: The SuDS Manual 2015, the current edition of Sewers for Scotland and Fife Council's – Design Criteria Guidance Note on Flooding and Surface Water Management Plan Requirements.

ePlanning Reference No.....

Planning Application No. (completed by Fife Council Planning Service)

Roads Construction Consent No. (completed by Fife Council Planning Service)

Name of Development2 Kilrie Cottages, Kirkcaldy, Fife KY2 5UX....

Name of Developer

Name and Address of Designers Organisation.....

Engineering Consultancy 49 Ltd.

18 Montrose Avenue,

Darton

Barnsley

S75 5LS

Engineering Qualifications I.Eng MICE

Name of Designer Stephen Bowles

Position Held Director

Signed

Date21/06/2022

Drawing No's relative to this certificate

EC49-22-09-E-01 Proposed Drainage Strategy

EC49-22-09-E-02 Proposed Impermeable Area

Appendix H

Appendix 2 - SuDS Design – Independent Check Certificate

I certify that all the reasonable skill, care and attention to be expected of a qualified and competent professional in this field has been exercised in the below named development with a view to securing that:

1. It has been designed in accordance with CIRIA C753: The SuDS Manual 2015, Current Edition of Sewers for Scotland, Fife Council – Design Criteria Guidance Note on Flooding and Surface Water Management Plan Requirements.
2. It shall be accurately translated into construction drawings and schedules.
- ~~3. I hereby confirm that I hold professional indemnity insurance for £5 million pounds.~~

ePlanning Reference No.

Planning Application No. (completed by Fife Council Planning Service)

Roads Construction Consent No. (completed by Fife Council Planning Service)

Name of Development... KILRIE COTTAGES, NR KIRKCALDY, KY2 5HX, FIFE.

Name of Developer... O.B.O. MESSRS TOWN, MARINE & COUNTRY PLANNING LTD

Name and Address of Checker's Organisation

MIKE KERSHAW CONSULTING LTD

6 LANGHOOD CLOSE, SAVILE PARK, HALIFAX HX3 0JZ

WEST YORKSHIRE

Name of Checker... DM KERSHAW

Position Held... DIRECTOR

Engineering Qualifications³... BSc CEng MICE

Signed 

Date... 20/6/2022

³ Minimum Qualification - Incorporated Engineer or equivalent from an appropriate Engineering Institution.

Appendix I

Appendix 7-Planning Permission in Principle Checklist

Point	Description	Provided Y (Yes), N (No), N/A
<u>3.0</u>	Flood Risk Assessment.	N/A
<u>4.3.1</u>	An outline drainage plan/sketch.	Y (Yes)
<u>4.3.2</u>	Preliminary calculations for any attenuation volume required.	Y (Yes)
<u>4.3.3</u>	Confirmation of the SuDS treatment train.	Y (Yes)
<u>4.3.4</u>	Written evidence of Scottish Water's approval of the surface water drainage connection into their network at the rate agreed with Scottish Water.	Y (Yes)
<u>4.3.5</u>	Completed SuDS certification as per Appendices 1 and 2. (For single dwelling, only Appendix 1 is required)	Y (Yes)



Kilrie Cottages: Planning in Principle

PLANNING
STATEMENT ON
BEHALF OF MS.
WILKIE FOR:
KILRIE
COTTAGES,
KIRKALDY, FIFE,
KY2 5UX
TMC PLANNING

Contents

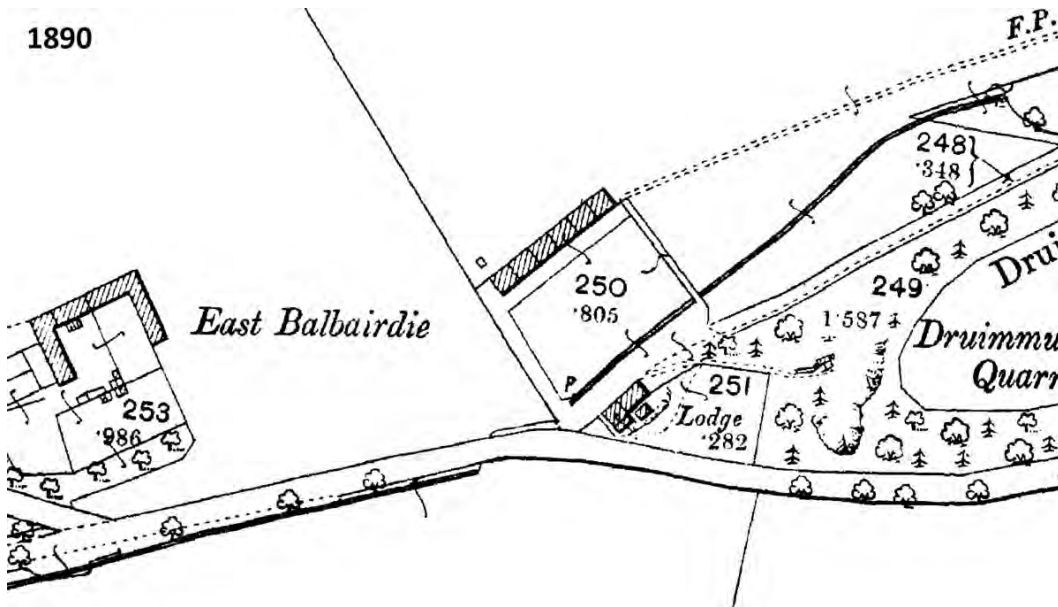
Site Background	2
Location of Site.....	2
Current Use	3
History of Site.....	3
Planning History.....	4
Location in Context to FIFEplan	4
Proposal	4
Design (In Principle)	4
Justification for Development	5
Development Plans.....	5
SESplan.....	5
Policy 5: Housing	5
Policy 12: Green Belts	6
FIFEplan Policies.....	6
Policy 1: Homes	6
Policy 8: Housing in the Countryside	6
Policy 9: Green Belt.....	6
Policy 10: Amenity.....	7
Summary	8

Current Use

As of the 10th of November, the site was granted permission for a temporary change from open space to a storage area (scaffolding) in retrospect for two years (Planning ref: 21/00416/FULL). Before this, the applicant used it as a garden and is considered part of her property (2 Kilrie Cottages, Kirkcaldy, KY2 50X).

History of Site

The ordinance survey map below shows that the cottages were built in at least 1890.



Although no longer owned by the Drysdale family, the Kilrie cottages were historically part of the larger Kilrie estate, including other listed buildings such as Kilrie Granary (shown above), Kilrie House, and Dovecot. The House was constructed in 1854, and The Dovecot was built in 1684. The area has long-standing significance as a community. However, as the listed buildings are used as tourist attractions and venues rather than private dwellings in recent years, the cottages have become more isolated from the greater community.



Planning History

The proposed site gained retrospective planning permission in 2021 for a temporary storage structure (Planning ref: 21/00416/FULL). The structure was given two years of planning permission from the 10th of November, 2021. The planning officer decided that this development was not contrary to the development plan. The proposal was deemed to "not cause any significant detrimental visual impacts on the surrounding landscape; would not cause any detrimental impacts on surrounding residential properties; and is considered acceptable in terms of road safety." Although the proposed development is of a significantly larger scale than the current development, it should be noted that the deciding officer felt that development on this site was appropriate in the context of the LDP.

Location in Context to FIFEplan

Although the housing cluster that the site would join is a part of Kirkcaldy, in context to the FIFEplan, the proposed site is considered green belt rather than urban. Therefore, development is considered strictly within Policy 8: Housing in the Countryside.

Proposal

Design (In Principle)



As shown above, the applicant is proposing (in principle) the site gain permission in principle for the erection of four semidetached homes. The buildings will be one and a half stories high. The privacy of the original cottages and the proposed will not be affected as the slope will obstruct any view of the opposite property.



As shown above, the indicative plans demonstrate that the bungalows can consist of two bedrooms, a dining/lounge area, a kitchen, and a bathroom. There is also negotiable space to the northwest elevation for garden space.

Justification for Development

The garden is used as an open space/garden, and a small section is designated for temporary scaffold storage. The applicant owns the land and feels it is underdeveloped and should be repurposed for housing, believing that the small community here would benefit from more houses. Given that the plot is owned by her and is just used as a garden, developing this plot for housing would contribute to meeting Fife Council housing targets. The housing design will be respectful of the character of the surrounding buildings by using materials that mimic the original Kilrie Cottages.

Development Plans

The following Strategic Development Plan and Local Development Plan policies have been deemed relevant to the proposal and demonstrate that they both fulfil the policies' aims.

SESplan

The Strategic Development Plan for Southeast Scotland outlines how member councils should form part of their development plan. Policy 5 indicates how councils should decide on housing development and where housing development must take place. The Plan outlines in Policy 12 how councils should designate areas as green belts to protect the integrity of their rural areas.

Policy 5: Housing

SESplan states that in the Ore/Leven Strategic Development Area, an estimated 5,054 houses could be built by 2024 if all land that has been committed to housing development is developed. The Plan states that it accepts that this

target will likely not be met. However, proposed development wherever the local planning authority must approve appropriate.

Policy 12: Green Belts

The Plan does not designate the site as a green belt.

FIFEplan Policies

The FIFEplan specifies the areas in which development is appropriate and what criteria proposed development must meet to support the LDP. The following LDP policies have been deemed appropriate to this development and can be shown to meet the criteria they set.

Policy 1: Homes

The LDP states that "Housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply;

1. on other sites provided the proposal is compliant with the policies for the location."

Although this development is being proposed on green belt land, as demonstrated in the following section, it is compliant with the relevant policies.

Policy 8: Housing in the Countryside

The LDP states that the development of houses in the countryside will only be supported where:

2. It is for a site within an established and clearly defined cluster of five houses or more."

This applies to this proposal as "outwith the towns and villages, existing small groups of houses or 'housing clusters' can offer the opportunity for small-scale housing proposals; these are, generally, single houses." They are identifiable by "a clearly defined grouping of 5 or more houses (up to a maximum of 24). The buildings will be close to one another and outwith the settlement boundaries identified in this Plan. These buildings should be complete and capable of being occupied if they are not already. The cluster should contain a well-established boundary, such as roads, trees or other landscaping features. It should be visually connected through the form or the development pattern." The addition of housing developments in such pockets of dwellings is acceptable when it meets the following requirements: "It will require to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping. Housing proposed clearly outwith or on the edge of the group will not be permitted. The new houses should not result in ribbon development (that is, building houses alongside a transport route) or coalescence (joining up) of the group with a nearby settlement/another housing cluster." The proposal satisfies both requirements as it will be set within the existing boundary of the cluster in open space between the existing dwellings. Therefore, the development will not coalesce with neighbouring clusters. From the street view, it will appear unchanged.

Policy 9: Green Belt

The LDP states that "In all cases development in the green belts must:

1. be of a scale and nature compatible with surrounding uses.
5. be of a high quality design."

Given that the development uses a relatively small open space within the boundary of the housing cluster it would be included in, the scale development is appropriate to the surrounding area. The nature of the development is compatible with surrounding uses as it would be infilled between other residential dwellings surrounding it. Therefore, the proposed addition would not constitute a deviation from what the surrounding land is currently being used for.

The proposal plans to use materials and design of a style that will match the original cottages to the southeast of the proposal site. The design of this proposal will be of a high quality that blends with the other buildings around it.

Policy 10: Amenity

The LDP states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity concerning:

4. Traffic movements.
6. Construction impacts.
7. The visual impact of the development on the surrounding area."

These requirements can be shown to be limited as far as possible with this proposal. Regarding traffic, the addition of these houses will constitute growth in traffic movement, but it will be minimal. There will roughly be an addition of 8 vehicle movements on the street, which is particularly minimal considering that the development will be situated 4.1 miles from its closest urban hub in Kirkcaldy. There is also a road to the proposed development's south elevation, which alleviates traffic pressure in the cluster.

The speed limit of the road connecting the junction to the houses is 50mph. The visual splays for 53mph is 160metres according to Transport Scotland's guidance, which the visual splays to the left and right of the development exceed.



The construction impacts will also be limited. The construction of the development would not be overly intrusive as there will be no more than four houses.

The visual impact of the surrounding will not be affected as stated previously, as the cluster will appear unchanged from the street. The materials and design of the buildings will also complement the existing buildings that will surround them.

Summary

As demonstrated above, the proposal for housing in principle exceeds the requirements set out in the Strategic Development and Local Development plans for Fife.

The development will not negatively impact the countryside in which the development is proposed as it will be set within an established housing cluster.

The design will be respectful of the character of the buildings around it and will not have a negative visual impact on its surroundings.

The potential impacts on the amenity of the development's surroundings have also been negated as far as possible.

The proposal will contribute to meeting the housing targets which have been set out in both the SESplan and the FIFEplan.

TMC PLANNING
KILRIE COTTAGES: PLANNING IN PRINCIPLE

Lucy Russell, Assistant Planning Consultant



Unit 117

Eucal Business centre

Craigshill Road

Livingston

EH54 5DT

Telephone 07450939889

Email l.russell@tmcplanning.co.uk

TmC Planning
Philip Landa
Suite 112
Stadium house
Alderstone Road
Livingston
United Kingdom
EH54 7DN

Planning Services

Brian Forsyth

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/03283/PPP

Date 9th February 2023

Dear Sir/Madam

Application No: 22/03283/PPP
Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Brian Forsyth, Planner, Development Management

Enc



DECISION NOTICE PLANNING PERMISSION IN PRINCIPLE

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION IN PRINCIPLE** for the particulars specified below

Application No: 22/03283/PPP
Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/03283/PPP on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of residential amenity; the applicant having failed to demonstrate that the private amenity spaces serving the proposed dwellinghouses would not be significantly overlooked by the front gardens of the existing dwellinghouses to the north of the site, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).
2. In the interests of residential amenity; the development would give rise to the loss of the only significant area of non-sloping/useable private amenity space serving the applicant's dwellinghouse, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).
3. In the interests of visual amenity; the applicant having failed to demonstrate that development of the site for two dwellinghouses would accord with the provisions of policy and guidance in relation to design/visual impact, the indicative scheme for two detached one-and-a-half storey dwellinghouses predicted to appear at odds in relation to and visually disconnected from the existing terrace of traditional single-storey cottages to the north of the application site, including in terms of architectural form and pattern of development, to the detriment of landscape character and qualities; all contrary to policies 1: Development Principles, 7: Development in the Countryside, 8: Houses in the Countryside, 10: Amenity and 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

Dated: 9th February 2023

Derek Simpson

For Head of Planning Services

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02	Block Plan
03A	Proposed Block Plan
04	Planning Statement
05	Sectional Details

Dated:9th February 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

REPORT OF HANDLING
APPLICATION DETAILS

ADDRESS	2 Kilrie Cottages, Kilrie, Auchtertool		
PROPOSAL	Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development		
DATE VALID	18/10/2022	PUBLICITY EXPIRY DATE	22/12/2022
CASE OFFICER	Brian Forsyth	SITE VISIT	27/10/2022
WARD	Burntisland, Kinghorn And West Kirkcaldy	REPORT DATE	30/01/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Scottish Parliament approved National Planning Framework 4 (NPF4) on 11 January 2023, conferring greater materiality prior to its adoption by Scottish Ministers. NPF4's policy context is set at a high level to provide a directive but indicative policy context. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provide the most up to date expression of planning policy for Fife and continue to be part of the Development Plan until it is replaced.

When it is adopted, NPF4 will form part of the statutory Development Plan, and the SESplan and TAYplan Strategic Development Plans and supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan. In this context,

Fife Council Planning Services considers that while NP4 as approved by Parliament is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan.

Having assessed the current application against the policy provisions of NPF4 as approved by Parliament and the adopted FIFEplan, there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 BACKGROUND

1.1 This c. 0.94 hectare application site is located between Kirkcaldy and Auchtertool, in an area of countryside in terms of the adopted FIFEplan Fife Local Development Plan (2017). It comprises a relatively flat, grassed area of garden ground serving the applicant's dwellinghouse, an end-terrace of a terrace of six dwellinghouses adjoining the northern side of the site, and currently accommodates a number of domestic outbuildings over part. Sloping steeply down to the site from the front of the terrace are areas of garden ground serving each of the dwellinghouses in the terrace, several of which are not screened from public view or from each other. A private access road off the nearby B9157 passes the site on its south side, with a burn and two semi-detached dwellinghouses beyond. The site and a parking area to the rear of the terrace are accessed off this private access road. The site is otherwise surrounded by agricultural land.

1.2 Planning permission in principle is sought for the erection of two dwellinghouses on the site. An indicative plan shows the houses detached with a shared parking area off the above private access road.

1.3 Planning permission (21/00416/FULL) was granted on 10 November 2021 for temporary storage of scaffolding on the site, for a period of two years. A subsequent application for planning permission in principle for four dwellinghouses on the site (22/00132/PPP) was withdrawn on 3 October 2022.

2.0 ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Road Safety/Transportation
- Drainage and Flooding
- Sustainable Buildings

2.2 Principle of Development

2.2.1 The Scottish Planning Policy (2014) promotes the use of the plan-led system to provide a practical framework for decision-making on planning applications, reinforcing the provisions of Section 25 of the Act.

2.2.2 In terms of Part A of Policy 1: Development Principles of FIFEplan, the principle of development in a countryside location such as this is supported provided the use is otherwise supported by the Local Development Plan. Policy 7: Development Principles of FIFEplan states

that housing in the countryside will only be supported where it is for housing in line with Policy 8: Houses in the Countryside. Policy 8 states that development for housing in the countryside will only be supported where:

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits;
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building;
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes);
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes);
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes) or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1

2.2.3 In relation to criterion '2' above, which criterion is considered to apply in this case, it is stated that existing small groups of houses or 'housing clusters' can offer the opportunity for small-scale housing proposals, generally single houses. It is stated that a housing cluster should be made up of a clearly defined grouping of five or more houses, up to a maximum of 24. The supporting text continues that the cluster should be contained by a well-established boundary such as roads, trees or other landscaping features, and should be visually connected through the form or the pattern of development. For housing proposed in a cluster to be acceptable, it is further stated that it requires to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping, with housing proposed clearly outwith or on the edge of the group not permitted; the new houses should not result in ribbon development or coalescence with nearby settlements/another housing cluster. Examples of the type of circumstances which would constitute appropriate development within clusters are shown in Figure 8.2 of FIFEplan.

2.2.4 A number of the six objections received are in relation to the principle of development, in particular that the proposals are contrary to the above cluster provisions of Policy 8 of FIFEplan.

2.2.5 The application site forms a modest gap between the terrace of six houses on the one side and the private access road and two semi-detached dwellinghouses on the other, i.e. it is within a clearly defined gap with built development on two sides, visually-contained, and within a housing cluster of five or more houses. However, the principle of development of the site for two dwellinghouses is also dependent on the development being visually-connected through the form or the pattern of development, which Section 2.3 below explains has not been demonstrated. As such, it is considered that the principle of the development of the site for two dwellinghouses stands to be considered contrary to the above provisions of policy and guidance

in relation to the principle of development. The overall acceptability of the proposal for two dwellinghouses is subject to consideration against all of the below provisions of policy and guidance.

2.3 Design and Visual Impact

2.3.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their individual and cumulative impacts by complying with relevant criteria and supporting policies, including: being a use appropriate for the location and complying with Policy 7: Development in the Countryside and Policy 8: Houses in the Countryside; protecting the amenity of the local community and complying with Policy 10: Amenity; and safeguarding the character and qualities of the landscape and complying with Policy 13: Natural Environment and Access. Collectively, Policies 7, 8, 10 and 13 state that development will only be supported if it does not have a significant detrimental impact on amenity, including in relation to visual impact; in all cases, development must be of a scale and nature compatible with surrounding uses and located and designed to protect the overall landscape and environmental quality of the area. Development will only be supported where it protects or enhances landscape character and views, planning permission not being granted for development of a house on a prominent site. Supporting text to Policy 8 clarifies that unplanned sporadic or ad-hoc development in the countryside could result in the gradual erosion of rural landscape character and qualities, this policy to be used to manage the demand for new housing in the countryside, having regard to the way in which it can bring social, environmental, and economic benefits. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design, encouraging a design-led approach to development proposals through placing the focus on achieving high quality design.

2.3.2 An indicative plan shows the two proposed dwellinghouses being detached and with a shared parking area off the above private access road. A supporting statement indicates the houses would be one-and-a-half storey.

2.3.3 A number of the six objections received state that the proposals are not in keeping with the other buildings in the location and would therefore harm the visual appearance of the area.

2.3.4 It is not considered demonstrated that the proposal for two dwellinghouses would accord with the above provisions of policy and guidance relating to design/visual impact. The indicative scheme, being for detached one-and-a-half storey dwellinghouses of contemporary form, would appear at odds read in relation to the existing terrace of traditional single-storey terrace of cottages which would form the backdrop, originally rural-workers' cottages, failing to connect visually to the existing situation, both in terms of architectural form and pattern of development, and including in passing views from the nearby B9157. It does not appear that the site could otherwise be developed for two dwellinghouses without appearing at odds with and failing to connect visually with the existing terrace. As such, the proposal for two dwellinghouses stands to be considered contrary to the above provisions of policy and guidance relating to design/visual impact.

2.4 Residential Amenity

2.4.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impact of development proposals must be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have

a significant detrimental impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, loss of natural light and privacy. Fife Council's non-statutory Garden Ground, Minimum Distance Between Window Openings and Sunlight & Daylight planning customer guidelines are also relevant here.

2.4.2 A number of the six objections raise concerns in relation to privacy and residential amenity.

2.4.3 The level of physical separation between the development proposals and their surrounds is such that there need be no conflict with the above guidelines relating to natural light and minimum distance between windows. In terms of the Garden Ground guidelines, whilst the indicative scheme shows that plot ratio and garden area requirements could be met, the applicant has failed to submit an updated sectional drawing before the 9 January 2023 deadline set showing the garden areas would not be significantly overlooked from the gardens serving the existing terrace of cottages, which gardens rise above the site; the proposals would also conflict with these guidelines in that they would lead to the applicant's house losing the only area of non-sloping (i.e. fully-useable) private amenity space serving the house. As such and otherwise, it is considered the development proposals stand to be considered contrary to the above provisions of policy and guidance in relation to residential amenity.

2.5 Road Safety/Transportation

2.5.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner; where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, including local transport and safe access routes. Appendix G: Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 A number of the six objections received relate to road safety/transportation, in particular that the proposals would increase the number of vehicles using the junction of the private access road with the B9157, to the detriment of road safety. It is explained that there have been several accidents on this road, some of which have been fatal, the speed restriction on this section of the road has also been reduced to 50mph due to safety concerns.

2.5.3 Planning Services' Transportation Development Management team (TDM) advises it has a policy against the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas, such as here. For clarification purposes, the built-up area, from a transportation point of view, is defined by TDM as the area within a 20, 30 or 40mph speed limit. The reason given by TDM for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. Consideration can be given by TDM to setting aside this policy, for example if the case officer accepts the application is justified in planning policy terms; this relaxation is only permissible if the necessary

junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary.

2.5.4 TDM states that the B9157 is subject to a 50mph speed limit in the vicinity of the site and, according to the current Fife Council Making Fife's Places Appendix G, 4.5m x 180m visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level at the junction of the private access and the public road (B9157); 180m forward visibility must be available for a driver turning right into the access from the B9157; and 180m forward visibility of stationary right turning vehicles and available for drivers travelling west bound on the B9157.

2.5.5 During TDM's site visit, it was noted that the necessary 4.5m x 180m splays were available and that drivers of westbound vehicles on the B9157 would have 180m forward visibility of a stationary right turning vehicle into the junction to the application site; however, drivers turning right into the junction from the B9157 would only have forward visibility of approximately 135 metres (to the near and far side road channel lines) of vehicles travelling eastbound on the B9157. Due to the bend in the B9157 at this point, forward visibility crosses the extents of the field on the south side of the B9157. TDM notes that according to the current Fife Council Making Fife's Places Appendix G, a private access can serve a maximum of 5 dwellings and that from its junction with the B9157, the existing private access already serves eight dwellings and would serve ten dwellings as a result of the proposals; this is unacceptable to TDM, as the access is not suitable to serve any additional development.

2.5.6 TDM concludes by stating it is against the proposals as they would lead to an increase in turning manoeuvres at a junction which has sub-standard forward visibility for right turning drivers, all to the detriment of road safety; and that the existing private access already serves well in excess of the five dwellings permitted under Making Fife's Places Appendix G, the private access being unsuitable to serve any additional development. If the proposals do not have planning policy support, TDM adds that its abovementioned policy presumption would also apply.

2.5.7 In addition to the above-described existing development, the existing private access off the B9157 also serves a wedding venue and holiday accommodation. In this context, and notwithstanding the views of TDM, it is not considered that any intensification of vehicle movements arising from the development proposals would be significant. Further, it is noted that consideration can be given by TDM to setting aside its policy presumption against the intensification in use of existing accesses on unrestricted distributor roads where, such as here, the case officer accepts the principle of development and junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary.

2.5.8 Notwithstanding the wider views of TDM and the objectors, and noting that the principle of development for housing is supported in land use terms and junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary, it is not considered that the development proposals would give rise to any significant adverse impact in terms of road safety or transportation generally, according with the above provisions of policy and guidance in relation to road safety/transportation.

2.6 Drainage and Flooding

2.6.1 Policy 1: Development Principles and Policy 3: Infrastructure and Services of FIFEplan collectively state that development proposals must be designed and implemented in a manner

that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such measures will include foul and surface water drainage, including Sustainable Drainage Systems (SuDS). Policy 12: Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) is also relevant here.

2.6.2 A number of the six objections received relate that the burn to the south of the proposal is already polluted by the outfall pipe from the shared septic tank serving the terrace, any further pollution from any outfall from the proposal to be considered unacceptable.

2.6.3 Scottish Water advises that it will not accept any surface water connections into its combined sewer system. Noting this position and commenting in relation to the previous withdrawn application for four dwellinghouses (22/00132/PPP), the Council's Flooding, Shoreline & Harbours team (FSH) raised no objection in relation to flooding and drainage. Taking into particular account FSH's support in relation to the previously proposed four dwellinghouses, and notwithstanding the views of the objectors (FSH raises no concerns in relation to water quality and the matter is otherwise one for the Scottish Environment Protection Agency), it is considered that the more limited development of the site now proposed also accords with the above provisions of policy and guidance in relation to flooding and drainage.

2.8 Sustainable Buildings

2.8.1 Policy 1: Development Principles and Policy 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place.

2.8.2 The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.8.3 A Low Carbon Sustainability Checklist has not been submitted; however, it is considered this can be addressed by a condition of any planning permission in principle. Subject to such a condition, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to sustainable buildings.

CONSULTATION RESPONSES

Transport Scotland	No objection.
Environmental Health (Public Protection)	No objection.
TDM, Planning Services	Objection.
Scottish Water	No objection.
Transportation And Environmental Services - Operations Team	No reply and none required.
Structural Services - Flooding, Shoreline And Harbours	No objection.

REPRESENTATIONS

Six objections have been received from nearby households, raising the following:-

1. The proposals are contrary to the development plan.

Officer response: This is addressed in the 'Conclusion' section of this report.

2. The proposals are contrary to the provisions of Policy 8 of FIFEplan.

Officer response: This is addressed in section 2.2 of this report.

3. The proposals are not in keeping with the other buildings in the location and would therefore harm the visual appearance of the area.

Officer response: This is addressed in section 2.3 of this report.

4. The proposals would increase the number of vehicles using the junction of the private access road with the B9157, to the detriment of road safety. There have been several accidents on this road, some of which have been fatal. The speed restriction on this section of the road has also been reduced to 50mph due to safety concerns.

Officer response: Road safety is addressed in section 2.5 of this report.

5. Residential amenities of the existing properties will be impacted.

Officer response: This is addressed in section 2.4 of this report.

6. The terrace of cottages have a shared septic tank located in the land immediately adjacent to the north-east boundary of the site, the operation of which relies on soakaway into that land. All six properties are liable for the maintenance and repair of this tank and title plans show that there is an area of common access for the pipes/drains relating to this septic tank which runs immediately behind the site of this application. Access to these would therefore be impeded by these houses, and the proposed retaining wall, making repairs and maintenance to this impossible.

Officer response: This is not a material planning consideration.

7. The broadband speed provided through the ADSL telephone lines is limited, with download speeds as low as 2MB with the current use. Additional houses would impact further on this. Access to mobile broadband is limited in this area and not all carriers provide coverage. The

addition of more dwellings in this location would have a detrimental effect on the capacity available to the current residents.

Officer response: It is not considered that weight can be attached to this consideration sufficient to justify refusal of planning permission in principle.

8. The few amenities that we have in this area would be negatively impacted by more houses.

Officer response: Noted.

9. Precedent has already been set for refusal of similar development at/near to this location, with previous applications all being refused as they were contrary to provisions in the local area plans regarding housing development in the countryside and were detrimental to road safety.

Officer response: Noted.

10. The proposed house to the east will require some form of path lighting as their car parking is shown at the west end of the proposal. If so it will be the only form of path lighting in the adjacent cluster.

Officer response: Noted.

11. The burn to the south of the proposal is already polluted by the outfall pipe from no 1 to 6 Cottages' shared septic tank. Any further pollution from any outfall from the proposal should be considered unacceptable.

Officer response: In so far as material to this case, drainage is dealt with in section 2.6 of this report.

12. There will be considerable groundwork required in close vicinity to the current properties of Kilrie Cottages as these proposed properties will require septic tanks. I would also assume that heavy machinery and large deliveries of materials to build these houses will be required, how will these be delivered to the site considering the access to the site is not large enough to accommodate large HGVs?

Officer response: These aspects of construction works are more properly for the developer and neighbouring householders.

13. I have had no notification of this application.

Officer response: Notification has been carried out in accordance with the relevant regulations.

CONCLUSION

The development proposals accord with the provisions of policy and guidance relating to the principle of development, drainage and flooding, and (subject to condition) sustainable buildings. The proposals are contrary to the provisions of policy and guidance relating to design and visual impact, residential amenity and road safety/transportation. Overall, the development proposals are contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of residential amenity; the applicant having failed to demonstrate that the private amenity spaces serving the proposed dwellinghouses would not be significantly overlooked by the front gardens of the existing dwellinghouses to the north of the site, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).

2. In the interests of residential amenity; the development would give rise to the loss of the only significant area of non-sloping/useable private amenity space serving the applicant's dwellinghouse, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).

3. In the interests of visual amenity; the applicant having failed to demonstrate that development of the site for two dwellinghouses would accord with the provisions of policy and guidance in relation to design/visual impact, the indicative scheme for two detached one-and-a-half storey dwellinghouses predicted to appear at odds in relation to and visually disconnected from the existing terrace of traditional single-storey cottages to the north of the application site, including in terms of architectural form and pattern of development, to the detriment of landscape character and qualities; all contrary to policies 1: Development Principles, 7: Development in the Countryside, 8: Houses in the Countryside, 10: Amenity and 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Low Carbon Fife Supplementary Guidance (2019)

National

Scottish Planning Policy (2014)

Draft Revised National Planning Framework (2022)

Other

Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022)

Fife Council Garden Ground, Minimum Distance Between Window Openings and Sunlight & Daylight planning customer guidelines.

Agenda Item 7(2)

**2 Kilrie Cottages, Auchtertool, Kirkcaldy, KY2 5UX
Application No. 22/03283/PPP**

Planning Decision Notice

Report of Handling

TmC Planning
Philip Landa
Suite 112
Stadium house
Alderstone Road
Livingston
United Kingdom
EH54 7DN

Planning Services

Brian Forsyth

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/03283/PPP

Date 9th February 2023

Dear Sir/Madam

Application No: 22/03283/PPP
Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

Should you require clarification of any matters in connection with this decision please get in touch with me.

Yours faithfully,

Brian Forsyth, Planner, Development Management

Enc



DECISION NOTICE PLANNING PERMISSION IN PRINCIPLE

Fife Council, in exercise of its powers under the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006 **REFUSES PLANNING PERMISSION IN PRINCIPLE** for the particulars specified below

Application No: 22/03283/PPP
Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/03283/PPP on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of residential amenity; the applicant having failed to demonstrate that the private amenity spaces serving the proposed dwellinghouses would not be significantly overlooked by the front gardens of the existing dwellinghouses to the north of the site, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).
2. In the interests of residential amenity; the development would give rise to the loss of the only significant area of non-sloping/useable private amenity space serving the applicant's dwellinghouse, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).
3. In the interests of visual amenity; the applicant having failed to demonstrate that development of the site for two dwellinghouses would accord with the provisions of policy and guidance in relation to design/visual impact, the indicative scheme for two detached one-and-a-half storey dwellinghouses predicted to appear at odds in relation to and visually disconnected from the existing terrace of traditional single-storey cottages to the north of the application site, including in terms of architectural form and pattern of development, to the detriment of landscape character and qualities; all contrary to policies 1: Development Principles, 7: Development in the Countryside, 8: Houses in the Countryside, 10: Amenity and 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

Dated: 9th February 2023

Derek Simpson

For Head of Planning Services

PLANS

The plan(s) and other submissions which form part of this decision are: -

Reference	Plan Description
01	Location Plan
02	Block Plan
03A	Proposed Block Plan
04	Planning Statement
05	Sectional Details

Dated:9th February 2023

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, 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, he/she may serve on the Planning Authority a purchase notice requiring the purchase of his/her interest in the land in accordance with Part V Town and Country Planning (Scotland) Act, 1997.

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	2 Kilrie Cottages, Kilrie, Auchtertool		
PROPOSAL	Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development		
DATE VALID	18/10/2022	PUBLICITY EXPIRY DATE	22/12/2022
CASE OFFICER	Brian Forsyth	SITE VISIT	27/10/2022
WARD	Burrtisland, Kinghorn And West Kirkcaldy	REPORT DATE	30/01/2023

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Scottish Parliament approved National Planning Framework 4 (NPF4) on 11 January 2023, conferring greater materiality prior to its adoption by Scottish Ministers. NPF4's policy context is set at a high level to provide a directive but indicative policy context. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provide the most up to date expression of planning policy for Fife and continue to be part of the Development Plan until it is replaced.

When it is adopted, NPF4 will form part of the statutory Development Plan, and the SESplan and TAYplan Strategic Development Plans and supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan. In this context,

Fife Council Planning Services considers that while NP4 as approved by Parliament is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan.

Having assessed the current application against the policy provisions of NPF4 as approved by Parliament and the adopted FIFEplan, there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

1.0 BACKGROUND

1.1 This c. 0.94 hectare application site is located between Kirkcaldy and Auchtertool, in an area of countryside in terms of the adopted FIFEplan Fife Local Development Plan (2017). It comprises a relatively flat, grassed area of garden ground serving the applicant's dwellinghouse, an end-terrace of a terrace of six dwellinghouses adjoining the northern side of the site, and currently accommodates a number of domestic outbuildings over part. Sloping steeply down to the site from the front of the terrace are areas of garden ground serving each of the dwellinghouses in the terrace, several of which are not screened from public view or from each other. A private access road off the nearby B9157 passes the site on its south side, with a burn and two semi-detached dwellinghouses beyond. The site and a parking area to the rear of the terrace are accessed off this private access road. The site is otherwise surrounded by agricultural land.

1.2 Planning permission in principle is sought for the erection of two dwellinghouses on the site. An indicative plan shows the houses detached with a shared parking area off the above private access road.

1.3 Planning permission (21/00416/FULL) was granted on 10 November 2021 for temporary storage of scaffolding on the site, for a period of two years. A subsequent application for planning permission in principle for four dwellinghouses on the site (22/00132/PPP) was withdrawn on 3 October 2022.

2.0 ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Road Safety/Transportation
- Drainage and Flooding
- Sustainable Buildings

2.2 Principle of Development

2.2.1 The Scottish Planning Policy (2014) promotes the use of the plan-led system to provide a practical framework for decision-making on planning applications, reinforcing the provisions of Section 25 of the Act.

2.2.2 In terms of Part A of Policy 1: Development Principles of FIFEplan, the principle of development in a countryside location such as this is supported provided the use is otherwise supported by the Local Development Plan. Policy 7: Development Principles of FIFEplan states

that housing in the countryside will only be supported where it is for housing in line with Policy 8: Houses in the Countryside. Policy 8 states that development for housing in the countryside will only be supported where:

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits;
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building;
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes);
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes);
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes) or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1

2.2.3 In relation to criterion '2' above, which criterion is considered to apply in this case, it is stated that existing small groups of houses or 'housing clusters' can offer the opportunity for small-scale housing proposals, generally single houses. It is stated that a housing cluster should be made up of a clearly defined grouping of five or more houses, up to a maximum of 24. The supporting text continues that the cluster should be contained by a well-established boundary such as roads, trees or other landscaping features, and should be visually connected through the form or the pattern of development. For housing proposed in a cluster to be acceptable, it is further stated that it requires to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping, with housing proposed clearly outwith or on the edge of the group not permitted; the new houses should not result in ribbon development or coalescence with nearby settlements/another housing cluster. Examples of the type of circumstances which would constitute appropriate development within clusters are shown in Figure 8.2 of FIFEplan.

2.2.4 A number of the six objections received are in relation to the principle of development, in particular that the proposals are contrary to the above cluster provisions of Policy 8 of FIFEplan.

2.2.5 The application site forms a modest gap between the terrace of six houses on the one side and the private access road and two semi-detached dwellinghouses on the other, i.e. it is within a clearly defined gap with built development on two sides, visually-contained, and within a housing cluster of five or more houses. However, the principle of development of the site for two dwellinghouses is also dependent on the development being visually-connected through the form or the pattern of development, which Section 2.3 below explains has not been demonstrated. As such, it is considered that the principle of the development of the site for two dwellinghouses stands to be considered contrary to the above provisions of policy and guidance

in relation to the principle of development. The overall acceptability of the proposal for two dwellinghouses is subject to consideration against all of the below provisions of policy and guidance.

2.3 Design and Visual Impact

2.3.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their individual and cumulative impacts by complying with relevant criteria and supporting policies, including: being a use appropriate for the location and complying with Policy 7: Development in the Countryside and Policy 8: Houses in the Countryside; protecting the amenity of the local community and complying with Policy 10: Amenity; and safeguarding the character and qualities of the landscape and complying with Policy 13: Natural Environment and Access. Collectively, Policies 7, 8, 10 and 13 state that development will only be supported if it does not have a significant detrimental impact on amenity, including in relation to visual impact; in all cases, development must be of a scale and nature compatible with surrounding uses and located and designed to protect the overall landscape and environmental quality of the area. Development will only be supported where it protects or enhances landscape character and views, planning permission not being granted for development of a house on a prominent site. Supporting text to Policy 8 clarifies that unplanned sporadic or ad-hoc development in the countryside could result in the gradual erosion of rural landscape character and qualities, this policy to be used to manage the demand for new housing in the countryside, having regard to the way in which it can bring social, environmental, and economic benefits. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design, encouraging a design-led approach to development proposals through placing the focus on achieving high quality design.

2.3.2 An indicative plan shows the two proposed dwellinghouses being detached and with a shared parking area off the above private access road. A supporting statement indicates the houses would be one-and-a-half storey.

2.3.3 A number of the six objections received state that the proposals are not in keeping with the other buildings in the location and would therefore harm the visual appearance of the area.

2.3.4 It is not considered demonstrated that the proposal for two dwellinghouses would accord with the above provisions of policy and guidance relating to design/visual impact. The indicative scheme, being for detached one-and-a-half storey dwellinghouses of contemporary form, would appear at odds read in relation to the existing terrace of traditional single-storey terrace of cottages which would form the backdrop, originally rural-workers' cottages, failing to connect visually to the existing situation, both in terms of architectural form and pattern of development, and including in passing views from the nearby B9157. It does not appear that the site could otherwise be developed for two dwellinghouses without appearing at odds with and failing to connect visually with the existing terrace. As such, the proposal for two dwellinghouses stands to be considered contrary to the above provisions of policy and guidance relating to design/visual impact.

2.4 Residential Amenity

2.4.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impact of development proposals must be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have

a significant detrimental impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, loss of natural light and privacy. Fife Council's non-statutory Garden Ground, Minimum Distance Between Window Openings and Sunlight & Daylight planning customer guidelines are also relevant here.

2.4.2 A number of the six objections raise concerns in relation to privacy and residential amenity.

2.4.3 The level of physical separation between the development proposals and their surrounds is such that there need be no conflict with the above guidelines relating to natural light and minimum distance between windows. In terms of the Garden Ground guidelines, whilst the indicative scheme shows that plot ratio and garden area requirements could be met, the applicant has failed to submit an updated sectional drawing before the 9 January 2023 deadline set showing the garden areas would not be significantly overlooked from the gardens serving the existing terrace of cottages, which gardens rise above the site; the proposals would also conflict with these guidelines in that they would lead to the applicant's house losing the only area of non-sloping (i.e. fully-useable) private amenity space serving the house. As such and otherwise, it is considered the development proposals stand to be considered contrary to the above provisions of policy and guidance in relation to residential amenity.

2.5 Road Safety/Transportation

2.5.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner; where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, including local transport and safe access routes. Appendix G: Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 A number of the six objections received relate to road safety/transportation, in particular that the proposals would increase the number of vehicles using the junction of the private access road with the B9157, to the detriment of road safety. It is explained that there have been several accidents on this road, some of which have been fatal, the speed restriction on this section of the road has also been reduced to 50mph due to safety concerns.

2.5.3 Planning Services' Transportation Development Management team (TDM) advises it has a policy against the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas, such as here. For clarification purposes, the built-up area, from a transportation point of view, is defined by TDM as the area within a 20, 30 or 40mph speed limit. The reason given by TDM for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. Consideration can be given by TDM to setting aside this policy, for example if the case officer accepts the application is justified in planning policy terms; this relaxation is only permissible if the necessary

junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary.

2.5.4 TDM states that the B9157 is subject to a 50mph speed limit in the vicinity of the site and, according to the current Fife Council Making Fife's Places Appendix G, 4.5m x 180m visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level at the junction of the private access and the public road (B9157); 180m forward visibility must be available for a driver turning right into the access from the B9157; and 180m forward visibility of stationary right turning vehicles and available for drivers travelling west bound on the B9157.

2.5.5 During TDM's site visit, it was noted that the necessary 4.5m x 180m splays were available and that drivers of westbound vehicles on the B9157 would have 180m forward visibility of a stationary right turning vehicle into the junction to the application site; however, drivers turning right into the junction from the B9157 would only have forward visibility of approximately 135 metres (to the near and far side road channel lines) of vehicles travelling eastbound on the B9157. Due to the bend in the B9157 at this point, forward visibility crosses the extents of the field on the south side of the B9157. TDM notes that according to the current Fife Council Making Fife's Places Appendix G, a private access can serve a maximum of 5 dwellings and that from its junction with the B9157, the existing private access already serves eight dwellings and would serve ten dwellings as a result of the proposals; this is unacceptable to TDM, as the access is not suitable to serve any additional development.

2.5.6 TDM concludes by stating it is against the proposals as they would lead to an increase in turning manoeuvres at a junction which has sub-standard forward visibility for right turning drivers, all to the detriment of road safety; and that the existing private access already serves well in excess of the five dwellings permitted under Making Fife's Places Appendix G, the private access being unsuitable to serve any additional development. If the proposals do not have planning policy support, TDM adds that its abovementioned policy presumption would also apply.

2.5.7 In addition to the above-described existing development, the existing private access off the B9157 also serves a wedding venue and holiday accommodation. In this context, and notwithstanding the views of TDM, it is not considered that any intensification of vehicle movements arising from the development proposals would be significant. Further, it is noted that consideration can be given by TDM to setting aside its policy presumption against the intensification in use of existing accesses on unrestricted distributor roads where, such as here, the case officer accepts the principle of development and junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary.

2.5.8 Notwithstanding the wider views of TDM and the objectors, and noting that the principle of development for housing is supported in land use terms and junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary, it is not considered that the development proposals would give rise to any significant adverse impact in terms of road safety or transportation generally, according with the above provisions of policy and guidance in relation to road safety/transportation.

2.6 Drainage and Flooding

2.6.1 Policy 1: Development Principles and Policy 3: Infrastructure and Services of FIFEplan collectively state that development proposals must be designed and implemented in a manner

that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such measures will include foul and surface water drainage, including Sustainable Drainage Systems (SuDS). Policy 12: Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) is also relevant here.

2.6.2 A number of the six objections received relate that the burn to the south of the proposal is already polluted by the outfall pipe from the shared septic tank serving the terrace, any further pollution from any outfall from the proposal to be considered unacceptable.

2.6.3 Scottish Water advises that it will not accept any surface water connections into its combined sewer system. Noting this position and commenting in relation to the previous withdrawn application for four dwellinghouses (22/00132/PPP), the Council's Flooding, Shoreline & Harbours team (FSH) raised no objection in relation to flooding and drainage. Taking into particular account FSH's support in relation to the previously proposed four dwellinghouses, and notwithstanding the views of the objectors (FSH raises no concerns in relation to water quality and the matter is otherwise one for the Scottish Environment Protection Agency), it is considered that the more limited development of the site now proposed also accords with the above provisions of policy and guidance in relation to flooding and drainage.

2.8 Sustainable Buildings

2.8.1 Policy 1: Development Principles and Policy 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place.

2.8.2 The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.8.3 A Low Carbon Sustainability Checklist has not been submitted; however, it is considered this can be addressed by a condition of any planning permission in principle. Subject to such a condition, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to sustainable buildings.

CONSULTATION RESPONSES

Transport Scotland	No objection.
Environmental Health (Public Protection)	No objection.
TDM, Planning Services	Objection.
Scottish Water	No objection.
Transportation And Environmental Services - Operations Team	No reply and none required.
Structural Services - Flooding, Shoreline And Harbours	No objection.

REPRESENTATIONS

Six objections have been received from nearby households, raising the following:-

1. The proposals are contrary to the development plan.

Officer response: This is addressed in the 'Conclusion' section of this report.

2. The proposals are contrary to the provisions of Policy 8 of FIFEplan.

Officer response: This is addressed in section 2.2 of this report.

3. The proposals are not in keeping with the other buildings in the location and would therefore harm the visual appearance of the area.

Officer response: This is addressed in section 2.3 of this report.

4. The proposals would increase the number of vehicles using the junction of the private access road with the B9157, to the detriment of road safety. There have been several accidents on this road, some of which have been fatal. The speed restriction on this section of the road has also been reduced to 50mph due to safety concerns.

Officer response: Road safety is addressed in section 2.5 of this report.

5. Residential amenities of the existing properties will be impacted.

Officer response: This is addressed in section 2.4 of this report.

6. The terrace of cottages have a shared septic tank located in the land immediately adjacent to the north-east boundary of the site, the operation of which relies on soakaway into that land. All six properties are liable for the maintenance and repair of this tank and title plans show that there is an area of common access for the pipes/drains relating to this septic tank which runs immediately behind the site of this application. Access to these would therefore be impeded by these houses, and the proposed retaining wall, making repairs and maintenance to this impossible.

Officer response: This is not a material planning consideration.

7. The broadband speed provided through the ADSL telephone lines is limited, with download speeds as low as 2MB with the current use. Additional houses would impact further on this. Access to mobile broadband is limited in this area and not all carriers provide coverage. The

addition of more dwellings in this location would have a detrimental effect on the capacity available to the current residents.

Officer response: It is not considered that weight can be attached to this consideration sufficient to justify refusal of planning permission in principle.

8. The few amenities that we have in this area would be negatively impacted by more houses.

Officer response: Noted.

9. Precedent has already been set for refusal of similar development at/near to this location, with previous applications all being refused as they were contrary to provisions in the local area plans regarding housing development in the countryside and were detrimental to road safety.

Officer response: Noted.

10. The proposed house to the east will require some form of path lighting as their car parking is shown at the west end of the proposal. If so it will be the only form of path lighting in the adjacent cluster.

Officer response: Noted.

11. The burn to the south of the proposal is already polluted by the outfall pipe from no 1 to 6 Cottages' shared septic tank. Any further pollution from any outfall from the proposal should be considered unacceptable.

Officer response: In so far as material to this case, drainage is dealt with in section 2.6 of this report.

12. There will be considerable groundwork required in close vicinity to the current properties of Kilrie Cottages as these proposed properties will require septic tanks. I would also assume that heavy machinery and large deliveries of materials to build these houses will be required, how will these be delivered to the site considering the access to the site is not large enough to accommodate large HGVs?

Officer response: These aspects of construction works are more properly for the developer and neighbouring householders.

13. I have had no notification of this application.

Officer response: Notification has been carried out in accordance with the relevant regulations.

CONCLUSION

The development proposals accord with the provisions of policy and guidance relating to the principle of development, drainage and flooding, and (subject to condition) sustainable buildings. The proposals are contrary to the provisions of policy and guidance relating to design and visual impact, residential amenity and road safety/transportation. Overall, the development proposals are contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of residential amenity; the applicant having failed to demonstrate that the private amenity spaces serving the proposed dwellinghouses would not be significantly overlooked by the front gardens of the existing dwellinghouses to the north of the site, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).

2. In the interests of residential amenity; the development would give rise to the loss of the only significant area of non-sloping/useable private amenity space serving the applicant's dwellinghouse, contrary to Fife Council's non-statutory Garden Ground planning customer guidelines and policies 1: Development Principles and 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).

3. In the interests of visual amenity; the applicant having failed to demonstrate that development of the site for two dwellinghouses would accord with the provisions of policy and guidance in relation to design/visual impact, the indicative scheme for two detached one-and-a-half storey dwellinghouses predicted to appear at odds in relation to and visually disconnected from the existing terrace of traditional single-storey cottages to the north of the application site, including in terms of architectural form and pattern of development, to the detriment of landscape character and qualities; all contrary to policies 1: Development Principles, 7: Development in the Countryside, 8: Houses in the Countryside, 10: Amenity and 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Low Carbon Fife Supplementary Guidance (2019)

National

Scottish Planning Policy (2014)

Draft Revised National Planning Framework (2022)

Other

Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022)

Fife Council Garden Ground, Minimum Distance Between Window Openings and Sunlight & Daylight planning customer guidelines.

Agenda Item 7(3)

**2 Kilrie Cottages, Auchtertool, Kirkcaldy, KY2 5UX
Application No. 22/03283/PPP**

Representation(s)

Comments for Planning Application 22/03283/PPP

Application Summary

Application Number: 22/03283/PPP

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development |cr|

Case Officer: Brian Forsyth

Customer Details

Name: Ms Helen Brogan

Address: 1 Kilrie Cottages, Kilrie, Auchtertool Kirkcaldy, Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this development based on the Traffic and Road safety issues raised at the previous proposal.

The access to Kilrie Cottages from the B9157 is already oversubscribed and another possible 4 or more cars will make it more dangerous.

I have been in a situation myself where I have tried to turn into the access road and a lorry was coming out, leaving me in a very scary and vulnerable position with cars and buses travelling at speed approaching. More traffic will add substantially to the risk of a fatal accident here.

Comments for Planning Application 22/03283/PPP

Application Summary

Application Number: 22/03283/PPP

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development |cr|

Case Officer: Brian Forsyth

Customer Details

Name: Mrs Anne Muirwell

Address: 5 Kilrie Cottages, Kilrie, Auchtertool Kirkcaldy, Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The drainage and sewerage for this proposed development are a considerable concern:

- If a septic tank is installed for each property, these have to be emptied (very large, heavy vehicles) and also have to drain somewhere. If drainage is to the burn, there are consequential concerns over pollution

- Surface water drainage is also an issue - although the burn has not overflowed since I moved here in summer 2010 (although it's come close), it should not be forgotten that the burn flows down to Kirkcaldy, where it has certainly caused flooding problems at the bottom of Bridge Street - I've seen water fountaining up over 2 feet from the drain in the centre of the road.

2. The access/egress from and to the main road are a concern: there have been several accidents at the junction (more than are acknowledged in the application) , and increased traffic would only make that more likely.

3. Facilities and amenities here are minimal: no mains gas, no bus service (despite the buses running along the B9157, the on-request stop facility has ceased), no street lighting, almost non-existent broadband, overhead cables for electricity and telephone... and those cables run almost immediately above the proposed development.

4. The track in front of the proposed development (to the south east) is used by (and, I think, owned by) the farm and is not suitable for regular routine traffic.

5. This development would severely affect my privacy and outlook - contrary to what is stated in the application

Comments for Planning Application 22/03283/PPP

Application Summary

Application Number: 22/03283/PPP

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development |cr|

Case Officer: Brian Forsyth

Customer Details

Name: Mr Colin Mathieson

Address: 3 Kilrie Cottages, Kilrie, Auchtertool Kirkcaldy, Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Please find my comments below with regards to application 22/03283/PPP | Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development.

Justification:

"The garden is an open space/garden, and a small section is designated for temporary scaffold storage".

Comment: This is partly true; however, it does not advise that a large proportion of the "Garden" has kennels built for hosting greyhounds which also includes a fenced run area. Only approximately a third of the land is being used as a "Garden".

Policy 8: Housing in the Countryside

"In all cases, development must be:

well-located in respect of available infrastructure and contribute to the need for any improved infrastructure;"

Comment: There is no public transport available to this site. The nearest bus stop is at Bernards Smithy which is 2.3 miles from the site location. A handout service was previously provided;

however, this was stopped in 2015 due to health and safety concerns of buses stopping suddenly.

The current step-down transformer servicing the cottages is sporadic and numerous short outages throughout the year. Adding another two dwellings onto this power source could have a detrimental impact to the existing properties.

The application is making the proviso that the dwellings will be in a clearly defined cluster, which they defined by:

" They are identifiable by "a clearly defined grouping of 5 or more houses (up to a maximum of 24). The buildings will be close to and out of the settlement boundaries identified in this plan. These buildings should be complete and can be occupied if they are not already. The cluster should contain a well-established boundary, such as roads, trees, or other landscaping features. It should be visually connected through the form or the development pattern."

Comment: However, Kilrie cottages and North/South Cottages cannot be considered a cluster as they are separated by an access road and burn and as suggested by the plans entered there is a large distance between these properties, and they are not within a well-established boundary and therefore cannot be classified as being within a cluster. The proposed properties will also not be following the development pattern by being east/west facing rather than north/south facing and are also detached properties.

"It will require to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping. Housing proposed clearly out with or on the edge of the group will not be permitted. In addition, the new houses should not result in ribbon development (that is, building houses alongside a transport route) or coalescence (joining up) of the group with a nearby settlement/another housing cluster."

Comment: The proposed properties will not incorporate built developments on both sides, and they will be next to an access road.

To add, under point 6 of Policy 8: Housing in the Countryside it indicates that these policies are normal for single houses and not multiple houses.

"However, outwith the towns and villages, existing small groups of houses or 'housing clusters' can offer the opportunity for small-scale housing proposals; these are, generally, single houses."

2.4.4 Policy 10: Amenity

"Adding these houses will constitute growth in traffic movement, but it will be minimal. There will approximately be an addition of 4 vehicle movements on the street"

Comment: An addition of 4 cars may seem minimal in an urban setting, however this would be an increase of approximately 33% in traffic movement, and this isn't taking into consideration any deliveries or visitors to the proposed properties. Also not taken into consideration is available space for visitor.

section 3.1.7 Rural Areas (c) - Road Widths - Fife Council Transportation Development Guidelines states:

"Transportation Development Management have a policy against the formation of new access roads or intensification of existing accesses and junctions on unrestricted roads out with established urban areas. From a transportation point of view a built-up area is defined as the area within a 30 or 40mph speed limit."

As stated by the proposal "There will approximately be an addition of 4 vehicle movements on the street" which is an intensification of an existing access, especially when you take into consideration any deliveries, visitors and the vehicles that would be required to build the properties in the first instance.

"The construction impacts will also be limited. The development construction would not be overly intrusive as there will only be two houses."

Comment: There will be considerable groundwork required in close vicinity to the current properties of Kilrie Cottages as these proposed properties will require septic tanks. I would also assume that heavy machinery and large deliveries of materials to build these houses will be required, how will these be delivered to the site considering the access to the site is not large enough to accommodate large HGVs?

"The visual impact of the surrounding will not be affected, as stated previously, as the cluster will appear unchanged from the street. The materials and design of the buildings will also complement the existing buildings surrounding them."

Comment: According to document SITE SECTION A-A the retaining/privacy wall will be 1.4M high from the neighbour's ground. This would therefore create a retaining/privacy wall with a minimum height of 3 Metres and run along the whole length of the land which will be approximately 50 metres long. How can a wall with an overall area of 150m² not create a visual impact? Also, the wall will be next to the proposed parking area, will this cause an increase in noise with regards to the sound rebounding against the wall from car exhausts?

In conclusion I therefore object to 22/03283/PPP | Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development.

If this application were to be approved, I believe it would create a precedent and allow other landowners surrounding Kilrie cottages to apply for similar housing developments. This would therefore make it difficult for similar applications to be refused, causing a detrimental impact to the appearance and character of the countryside surrounding Kilrie cottages

Comments for Planning Application 22/03283/PPP

Application Summary

Application Number: 22/03283/PPP

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development |cr|

Case Officer: Brian Forsyth

Customer Details

Name: Miss Catriona Maclean

Address: 4 Kilrie Cottages, Kilrie, Auchtertool Kirkcaldy, Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:22/03283/PPP Erection of 2 dwellinghouses at 2 Kilrie Cottages, Auchtertool, Kirkcaldy.

I would like to object to the above application, and I believe the following are all material planning considerations which mean that it should not be given permission.

1. This is contrary to the local development plan - the FifePlan. This location is in an area which is designated as a "Local Landscape Area" named "Cullaloe Hills and Coast" and is not in the plan as an area for residential development. In the application it is suggested by the applicant that the retrospective temporary planning permission granted in November 2021 (ref 21/00416/FULL) that the planning officer decided the change of use at that time was not contrary to the development plan. This is incorrect. In the decision notice for 21/00416/FULL the change of use was granted on a temporary basis only, for a period of 2 years, and thereafter the land is to be restored to its original pre-development condition.

2. As this location is not within a settlement boundary, FifePlan Policy 8: Houses in the countryside would apply. This application does not fulfil any of the nine reasons stated in this policy where this would be allowed - as stated on the Fife Council, Adopted FifePlan internet site.

The application claims that the proposal satisfies the requirements under point 2 of Policy 8 development of houses in the countryside being "within an established and clearly defined cluster of five houses or more". It does not. This policy states that:

"outwith the towns and villages, existing small groups of houses or 'housing clusters' can offer the opportunity for small-scale housing proposals; these are, generally, single houses"

As this application is for 2 houses, it does not meet this criteria. Also, this policy states that for additional housing in a cluster to be acceptable, it should be within a clearly defined gap in the cluster and have built development on at least 2 sides forming a continuous interconnected group. This application is not filling a gap and does not form a cluster with the existing cottages at 1-6 Kilrie Cottages or the other 2 cottages nearby (North & South Cottage, Kilrie West Lodge). Kilrie West Lodge cottages are separated by both a farm access road and the Balbie Burn and are different in structure/design to the row of cottages at no 1-6, and cannot be considered part of the "cluster". This policy states that housing proposed clearly outwith or on the edge of the group will not be permitted. The illustrated examples in FifePlan of what suitable housing proposals as part of a cluster could look like show that this proposal does not fit any of these examples/criteria.

3. FifePlan Policy 8 also states that in all cases, development must be of a scale and nature compatible with surrounding uses, well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and located and designed to protect the overall landscape and environmental quality of the area. All of the other houses in this location are single storey, this proposal is for houses which are one and a half storeys high. This is therefore not in keeping with the other buildings in the location and would therefore change the visual appearance of the area.

4. Road Safety / Traffic / parking / access. It was also highlighted in the decision to 21/00416/FULL that there was a need to retain proper control over the use of the site in the interest of road safety; to avoid the intensification of use of the junction of the vehicular access with the public road.

The private access road from the B9157 is at a "bend" in the road. There have been several accidents on this road, some of which have been fatal. The speed restriction on this section of the road has also been reduced to 50mph due to safety concerns. The building of 2 houses on this site with the potential of 2 cars per house, and additional vehicles visiting, would increase the number of cars using this junction and thus result in the intensification of this junction.

Fife Council Transport Development Management, in response to the previous withdrawn application (document ref 22_00132_PPP-TRANSPORTATION-3179640) stated that they were:

"against the proposals, as they would lead to an increase in turning manoeuvres at a junction which has sub-standard forward visibility for right turning drivers, all to the detriment of road safety. In addition, the existing private access already serves far in excess of the 5 dwellings permitted under current Fife Council Making Fife's Places Appendix G. The private access is unsuitable to serve any additional development".

As they have said that this private access already serves more dwellings than permitted, any additional houses should not be permitted - regardless of number.

A document included with this application from Transport Scotland (TRANSPORT_SCOTLAND-3315176) in which the director of roads is said to "not propose to advise against the granting of permission" makes reference to the development affecting the A92 Trunk Road. As the A92 is nowhere near this location this is clearly an error and bears no relevance to this application.

5. Residential amenities of the existing properties will be impacted. The 6 cottages located directly behind the site have a shared septic tank which is located in the land immediately adjacent to the northeast boundary of this site and the operation of which relies on soakaway into that land. All 6 properties at Kilrie Cottages are liable for the maintenance and repair of this tank and title plans show that there is an area of common access for the pipes/drains relating to this septic tank which runs immediately behind the site of this application. Access to these would therefore be impeded by these houses, and the proposed retaining wall, making repairs and maintenance to this vital amenity impossible.

6. The other houses in this location are remote ex-farmworkers cottages. They are by their very nature isolated in nature and are not a community as suggested in the application. The rural nature of this location means that it is not possible to live here without a vehicle, as there is no bus stop and no safe walking route to the nearest town. The bus route which is on the B9157 is an express one which cannot be safely "flagged" down in this location (indeed this policy is no longer supported by the operator). The closest bus stop for these services is located approximately 3.5km/2.2 miles west at "West Lodge/Bernards Smithy" along a road with no pavements or street lighting and could not be considered safe to walk to.

7. This location is not in an area with superfast broadband area and is not intended for upgrade in the Scottish Government R100 programme for all homes in Scotland to be able to have access. The broadband speed provided through the adsl telephone lines is limited with download speeds as low as 2MB with the current use. Additional houses would impact even further on this. Access to mobile broadband is limited in this area and not all carriers provide coverage. The addition of more dwellings in this location would have a detrimental effect on the capacity available to the current residents.

8. In section 2.2 of the application, page 8, it states that the applicant feels that the land should "be repurposed for housing, believing that the small community here would benefit from more houses". As the definition of "community" is a unified body of individuals, such as the people with common interests living in a particular area, and that all neighbours objected to the previous application (22/00132/PPP - Withdrawn) it is unclear what benefit this "community" gains from this proposal. In fact, the few amenities that we do have in this area would be negatively impacted by more houses.

Precedent has already been set for refusal of similar development at/near to this location, with applications in 2006, 2000 and 1991 all being refused as they were contrary to provisions in the local area plans regarding housing development in the countryside and were detrimental to road

safety at the same road junction. (As documented in Fife Council planning ref 06/00466/COPP).

In light of all of the above points, I believe that this planning permission should not be granted.

Comments for Planning Application 22/03283/PPP

Application Summary

Application Number: 22/03283/PPP

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development |cr|

Case Officer: Brian Forsyth

Customer Details

Name: Mr Andrew Barker

Address: South Cottage, Kilrie West Lodge Kilrie, Auchtertool Kirkcaldy, Fife KY2 5UX

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Planning in Principle document

para 2.1 says one and a half stories - all other properties in the cluster are single story. Also stated is the existing properties are significantly higher - they are not that high.

para 2.2 I guess having a sit on mower makes it difficult to maintaining cutting the grass....

However it does state "The housing design will be respectful of the character of the surrounding buildings." From this I would expect sandstone construction and grey slate roofing, and as above single story.

para 2.4.4 Access onto the B9157 is at a known accident blackspot, this proposal will increase any accident risks. Reference to the visual splays does not take into account the roadside verge which gets very overgrown and creates a visual impairment when trying to access the B9157.

Others - the proposed house to the east of the application will require some form of path lighting as I assume their car parking is shown at the west end of the proposal. If so it will be the only form of path lighting in the adjacent cluster.

The burn to the south of the proposal is already polluted by the outfall pipe from no 1 to 6 cottages shared septic tank. Any further pollution from any outfall from the proposal should be considered unacceptable.

Comments for Planning Application 22/03283/PPP

Application Summary

Application Number: 22/03283/PPP

Address: 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife KY2 5UX

Proposal: Planning permission in principle for erection of two dwellinghouses (Class 9) and associated development |cr|

Case Officer: Brian Forsyth

Customer Details

Name: Mrs Suzanne Drysdale

Address: Kilrie Mansion House, Piteadie, Kirkcaldy, Fife KY2 5UW

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As a neighbour I have had no notification of this application.

Agenda Item 7(4)

**2 Kilrie Cottages, Auchtertool, Kirkcaldy, KY2 5UX
Application No. 22/03283/PPP**

Consultee Comments

Thursday, 20 October 2022



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

2 Kilrie Cottages, Kilrie Auchtertool, Kirkcaldy, KY2 5UX
Planning Ref: 22/03283/PPP
Our Ref: DSCAS-0074833-PN3
Proposal: Planning Permission in Principle for erection of two dwellinghouses.

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Glendevon Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- ▶ Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- ▶ 50mm MDPE water main within the site boundary
- ▶ 4" uPVC water main within the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223

- ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk

 - ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

 - ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

 - ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ **All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ **Trade Effluent Discharge from Non-Domestic Property:**

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

FIFE COUNCIL

ASSETS, TRANSPORTATION AND ENVIRONMENT

TO: Planner, Development Management
FROM: Denise Richmond, Structural Services, Flooding, Shoreline & Harbours
DATE: 25 October 2022
OUR REF: DR/22/03283/PPP
YOUR REF: **22/03283/PPP**
CONTACT: Denise Richmond Ext 477003
SUBJECT: **Planning permission in principle for the erection of 2 dwelling houses.
2, Kilrie Cottages, Kilrie, Auchtertool, Kirkcaldy, KY2 5UX.**

I refer to your memo dated 18 October 2022 requesting observations on the application forms and associated plans for the above proposed development and comment only on matters relating to flooding and surface water management.

Our updated guidance on Flooding and Surface Water Management is available to download:

https://www.fife.gov.uk/_data/assets/pdf_file/0012/160122/FC-Flooding-and-SWMP-Guidance-v2.1.pdf

Appendix 7 should be completed for all PPP Applications. We would also expect to see:

An outline drainage plan showing the final discharge point. It should be noted that Scottish Water no longer routinely accept surface water runoff to the combined sewer.

Calculations for attenuation volume required.

SEPA SIA tool to confirm treatment train of runoff.

SuDS design and check certificates (Appendices 1 and 2).

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2013 S.I.2013 No 155 (S.25)

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Fife Council Planning Services Fife House, North Street, Glenrothes, KY7 5LT	Council Reference:-	22/03283/PPP
	TS TRBO Reference:-	NE/142/2022

Application made by Ms Maureen Wilkie per Philip Landa, TmC Planning Suite 112 Stadium house Alderstone Road Livingston, United Kingdom EH54 7DN and received by Transport Scotland on 27 October 2022 for planning permission for erection of two dwellinghouses (class 9) and associated development located at 2 Kilrie Cottages Kilrie Auchtertool Kirkcaldy Fife affecting the A92 Trunk Road.

Director, Roads Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Area Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Area Manager (A92) 0141 272 7100 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	NORTH EAST
Address:-	Caledonian House, West Kinfauns, Perth, PH2 7XZ
Telephone Number:-	
e-mail address:-	occr-northeast@amey.co.uk

Transport Scotland Response Date:- 28-Oct-2022

Transport Scotland Contact:- Iain Clement

Transport Scotland Contact Details:-

Roads - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number:

e-mail: development_management@transport.gov.scot

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland , Roads Directorate, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted .

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	22/03283/PPP
	Planning Permission in Principle for Erection of 2 Dwellinghouses at 2 Kilrie Cottages, B9157, Auchtertool
Date:	6th January 2023
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

Important Note

This is an internal planning assessment response provided from within Planning Services. It forms part of the overall assessment to be carried out by staff on behalf of Fife Council as Planning Authority. The internal assessment is a material consideration in the determination of the application but it requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course. The assessment will not be made publicly available until the case officer has completed the overall planning assessment.

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 This PPP application is for the erection of 2 dwellings and the indicative layout on Drawing No 004 shows that the parking areas for both dwellings would be situated on the western boundary of the site. A previous application for 4 dwellings on this site was submitted under reference 22/00132/PPP.
- 1.2 Transportation Development Management has a policy against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. For clarification purposes, the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements

and so increase the probability of accidents occurring, to the detriment of road safety. Consideration can be given to setting aside this policy, for example if the case officer accepts the application is justified in planning policy terms. This relaxation is only permissible if the necessary junction visibility splays can be provided within land in the applicant's control/the extents of the public road boundary.

1.3 The B9157 is subject to a 50mph speed limit in the vicinity of the site and according to the current Fife Council Making Fife's Places Appendix G, 4.5m x 180m visibility splays must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the private access and the public road (B9157). In addition, 180m forward visibility must be available for a driver turning right into the access from the B9157. Finally, 180m forward visibility of stationary right turning vehicles must be available for drivers travelling west bound on the B9157.

1.4 I visited the site in May 2022 when assessing the previous application (22/00132/PPP). As this site visit was within the last 12 months, I have undertaken a desk based assessment of the current application using my previous assessment and the current application submission.

During my previous site visit, I assessed the junction visibility splays on site and noted that the necessary 4.5m x 180m splays were available.

However, drivers turning right into the junction from the B9157 would have forward visibility of approximately 135 metres (to the near and far side road channel lines) of vehicles travelling eastbound on the B9157. Due to the bend in the B9157 at this point, forward visibility crosses the extents of the field on the south side of the B9157.

Drivers of westbound vehicles on the B9157 would have 180m forward visibility of a stationary right turning vehicle into the junction to the application site.

1.5 According to the current Fife Council Making Fife's Places Appendix G, a private access can serve a maximum of 5 dwellings. From its junction with the B9157, the existing private access already serves 8 dwellings and would serve 10 dwellings as a result of the proposal. This is unacceptable to TDM, as the access is not suitable to serve any additional development.

2.0 CONCLUSIONS

2.1 TDM are against the proposals, as they would lead to an increase in turning manoeuvres at a junction which has sub-standard forward visibility for right turning drivers, all to the detriment of road safety.

2.2 In addition, the existing private access already serves well in excess of the 5 dwellings permitted under current Fife Council Making Fife's Places Appendix G. The private access is unsuitable to serve any additional development.

2.3 If the proposals do not have support in terms of the relevant planning policies, then TDM's policy presumption in 1.2 above would also apply.

3.0 RECOMMENDATIONS

3.1 Refusal for the reasons detailed above.

Important note

The above internal planning assessment response has been prepared at officer level within the Planning Service team responsible for the specific topic area. It is an assessment of the specific issue being

consulted upon but it is important to remember that the response cannot be considered in isolation and outwith the overall assessment of the proposal under consideration. Fife Council as Planning Authority, in considering all the material considerations in an individual application can legitimately give a different weighting to the individual strands of the assessment, including consultation responses and the final assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 06/01/2023

E-mail: andy.forrester@fife.gov.uk

Number: 03451 555555 extension 480211

Charlie Ewan-fs

From: Brian Forsyth
Sent: 05 December 2022 11:24
To: Development Central
Subject: FW: 22/03283/PPP - Kilrie Cottages

Hi, please upload as consultation response.

Thanks,

B



Brian Forsyth | Planner | Planning Services
Fife House | North Street | Glenrothes | KY7 5LT

LISTEN | CONSIDER | RESPOND

For more information, please see our website www.fife.gov.uk/planning
or follow us on Twitter @<https://twitter.com/FifePlanning>

From: Don Taylor <Don.Taylor@fife.gov.uk>
Sent: 02 December 2022 12:05
To: Brian Forsyth <Brian.Forsyth@fife.gov.uk>
Subject: 22/03283/PPP - Kilrie Cottages

Afternoon Brian,

We won't be commenting on this.

Thanks

Don

Don Taylor
Lead Officer – Environmental Health (Public Protection)
Protective Services
Fife Council
3rd floor West
Fife House
North Street
Glenrothes
Fife
KY7 5LT
03451 555 555 ext. 470076
www.facebook.com/EHFife

Agenda Item 7(5)

**2 Kilrie Cottages, Auchtertool, Kirkcaldy, KY2 5UX
Application No. 22/03283/PPP**

**Planning Case Officer's Position Statement
on National Planning Framework 4 (NPF4)**

Application Ref. 22/03283/PPP – 2 Kilrie Cottages, Auchtertool
Fife Local Review Body – Monday, 12th June, 2023
Request for Comments on National Planning Framework 4

NPF4 Position Statement: Planning Case Officer

National Planning Framework 4 (NPF4) was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application process and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan Fife Local Development Plan (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

Section 24(3) of the Town and Country Planning (Scotland) Act 1997 states that where there is any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail. The Chief Planner's letter adds that provisions that are contradictory or in conflict would likely be considered incompatible.

The case officer has identified the following issues for assessment against NPF4.

Principle of Development

NPF4 Policy 9 Brownfield, Vacant and Derelict Land and Empty Buildings, 16 Quality Homes and 17 Rural Homes collectively state that proposals on greenfield sites in rural areas, such as is the case here, will not be supported unless allocated for development or explicitly supported by LDP policies. As the proposal has been considered contrary to the provisions of FIFEplan relating to the principle of development, it is considered contrary to the provisions of NPF4 relating to the principle of development.

Design/Visual Impact

NPF4 Policy 14 Design, Quality and Place states that proposals that are poorly designed or detrimental to the amenity of the surrounding area will not be supported. NPF4 Policy 17 Rural Homes and Policy 29 Rural Development collectively add that development proposals for new homes in rural areas require to be suitably scaled, sited and designed to be in keeping with the character of the area.

The proposal has been considered contrary to similar provisions of FIFEplan relating to design/visual impact and is considered contrary to the provisions of NPF4 relating to design/visual impact in turn.

Flood Risk and Water Management

NPF4 Policy 22 Flood Risk and Water Management states proposals at risk of flooding or in a flood risk area will only be supported in certain instances; will not increase the risk of surface water flooding to others, or itself be at risk, managing all rain and surface water through sustainable urban drainage systems (SuDS); should presume no surface water connection to the combined sewer; and seek to minimise the area of impermeable surface. Proposals will be supported if they can connect to the public water mains.

The proposal has been considered to accord with similar provisions of FIFEplan relating to flood risk and drainage. As such, and now noting that Scottish Water has confirmed the proximity of a public water main, the proposal is considered to accord with the above provisions of NPF4 relating to flood risk and water management.

Sustainability

NPF4 Policy 1 Tackling the Climate and Nature Crises states that significant weight will be given to the global climate and nature crises. NPF4 Policy 2 Climate Mitigation and Adaptation states that proposals will be sited and designed to minimise lifecycle greenhouse gases as far as possible. NPF4 Policy 3 Biodiversity states that proposals for local development will include appropriate and proportionate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 Policy 13 Sustainable Transport states, amongst other things, that development proposals will be supported where they provide vehicle charging, if appropriate. NPF4 Policy 14: Liveable Places states that development proposals will be supported where they are compliant with the qualities of successful places, including 'Sustainable' - supporting the efficient use of resources, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

These policy provisions add to the principally operational greenhouse gas emissions/low and zero carbon generating technology and sustainable construction provisions referred to in the Report of Handling, now giving significant weight to lifecycle greenhouse gas emissions as a whole and biodiversity enhancement; and requiring vehicle charging, if appropriate. The condition of planning permission referred to in the Report of Handling can be expanded to address these additional provisions. Subject to such a condition, the proposal is considered to accord with the above provisions of NPF4 relating to sustainability.

Quality of Place

NPF4 Policy 14: Liveable Places states that development proposals will be designed to improve the quality of an area, with proposals that are inconsistent with the qualities of successful places, including pleasant (supporting attractive natural and built spaces) not supported.

In light of the conclusions of the above assessment in relation to design/visual impact and the related assessment in the Report of Handling, it is not considered that the proposal would be consistent with the qualities of successful places, thereby contrary to the above provisions of NPF4 relating to quality of place.

NPF4 can be viewed at <https://www.gov.scot/publications/national-planning-framework-4/>

Agenda Item 7(6)

**2 Kilrie Cottages, Auchtertool, Kirkcaldy, KY2 5UX
Application No. 22/03283/PPP**

**Comments on Planning Case Officer's
Position Statement on NPF4**

From: [Denise Richmond](#)
To: [Michelle McDermott](#)
Cc: [Brian Forsyth](#); [Rick Haynes](#); [Steve Iannarelli](#)
Subject: Re: Application Ref. 22/03283/PPP - 2 Kilrie Cottages, Auchtertool
Date: 25 May 2023 11:32:25

"NPF4 Policy 22 Flood Risk and Water Management states proposals at risk of flooding or in a flood risk area will only be supported in certain instances; will not increase the risk of surface water flooding to others, or itself be at risk, managing all rain and surface water through sustainable urban drainage systems (SuDS); should presume no surface water connection to the combined sewer; and seek to minimise the area of impermeable surface. Proposals will be supported if they can connect to the public water mains.

The proposal has been considered to accord with similar provisions of FIFEplan relating to flood risk and drainage. As such, and now noting that Scottish Water has confirmed the proximity of a public water main, the proposal is considered to accord with the above provisions of NPF4 relating to flood risk and water management"

A proposed development being in proximity to a water supply main is very different to being permitted to discharge surface water runoff to a combined sewer.

A water main supplies a site with fresh water supply. A combined sewer allows foul (sewage) to discharge from the site. Where will the surface water from this site discharge to?

Scottish Water PDE response dated October 22 states, "Waste Water Capacity Assessment Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options."

Denise
Denise Richmond IEng MICE
Technician Engineer
Flooding, Shoreline and Harbours
Roads and Transportation Services
Fife Council
Tel 03451555555 Ext 477003
Mob 07729123756
Available Mon-Thurs

From: [Brian Forsyth](#)
To: [Steve Iannarelli](#)
Cc: [Rick Haynes](#); [Denise Richmond](#); [Michelle McDermott](#)
Subject: RE: Application Ref. 22/03283/PPP - 2 Kilrie Cottages, Auchtertool
Date: 25 May 2023 11:49:12
Attachments: [image001.png](#)

Actually, scrub that and ignore what I say about water supply, I misread. I stand by what I say in my statement. NPF4 doesn't move the goalposts in terms of flooding and surface water drainage in this case.

B



Brian Forsyth | Planner | Planning Services
Fife House | North Street | Glenrothes | KY7 5LT

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or follow us on Twitter @<https://twitter.com/FifePlanning>

From: Brian Forsyth
Sent: 25 May 2023 11:43
To: Steve Iannarelli <Steve.Iannarelli@fife.gov.uk>
Cc: Rick Haynes <Rick.Haynes@fife.gov.uk>; Denise Richmond <Denise.Richmond@fife.gov.uk>;
Michelle McDermott <Michelle.McDermott@fife.gov.uk>
Subject: RE: Application Ref. 22/03283/PPP - 2 Kilrie Cottages, Auchtertool

Hi Steve,

Just to clarify, in this particular case I don't consider the adoption of NPF4 has moved the goal posts in terms of surface water and flooding since the application was refused.

Denise makes a valid point in relation to water supply, highlighting an oversight on my part. I now consider that there is insufficient information to conclude that the proposal accords with NPF4 Policy 22 in relation to sustainability of private water supply.

Cheers,

Brian



Brian Forsyth | Planner | Planning Services
Fife House | North Street | Glenrothes | KY7 5LT

LISTEN | CONSIDER | RESPOND

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or follow us on Twitter @<https://twitter.com/FifePlanning>

From: Denise Richmond <Denise.Richmond@fife.gov.uk>
Sent: 25 May 2023 11:32
To: Michelle McDermott <Michelle.McDermott@fife.gov.uk>

Cc: Brian Forsyth <Brian.Forsyth@fife.gov.uk>; Rick Haynes <Rick.Haynes@fife.gov.uk>; Steve Iannarelli <Steve.Iannarelli@fife.gov.uk>

Subject: Re: Application Ref. 22/03283/PPP - 2 Kilrie Cottages, Auchtertool

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