

FPRB Reference: 22/372

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: 24 Main Street, Guardbridge, St Andrews, Fife
- Application for review by Ms Senga Oxenham against the decision by an appointed officer of Fife Council
- Application 22/01765/FULL for Full Planning Permission for Formation of driveway opening onto an A classified road
- Application Drawings:
01 - Location Plan, 02 - Location Plan, 03 - Supporting Statement, 04 - Photographs, 05 - Vehicle Turning Details,
- No Site Inspection took place.

Date of Decision Notice: 2nd March, 2023.

Decision

The FPRB overturns the determination reviewed by them and grants Planning Permission subject to conditions as outlined below in section 4.0.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 13th February, 2023. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Fiona Corps, Lynn Mowatt and Ken Caldwell.

2.0 Proposal

- 2.1 The application site comprises a 1.5 storey traditional stone-built end terraced dwellinghouse with a garden area to the front which is partially enclosed by a low boundary wall. There is an existing lamp post in front of the boundary wall. The application site is situated within an area of mixed retail and residential use. The dwellinghouse is not a listed building and is not located within a Conservation Area. Road markings show that there is no on-street parking permitted at the front of this property.
- 2.2 The proposed development comprises formation of driveway opening (including a drop kerb) onto an A classified road (A919).

3.0 Reasoning

- 3.1 The main determining issues in this review were road and pedestrian safety. The FPRB considered the terms of the Development Plan which comprises the Adopted National Planning Framework 4 (2023) (“NPF4”) and the Adopted FIFEplan (2017) (“Local Development Plan”).
- 3.2 The FPRB assessed the potential road and pedestrian safety implications of the proposal against Policy 1 (Development Principles) of the Adopted FIFEPlan and NPF4 Policy 13 (Sustainable Transport). They also assessed the proposed development against Policy 3 (Infrastructure and Services) including criterion 1 which requires safe access routes and criterion 4 of Policy 10 (Amenity) which requires proposals to demonstrate that they would not create a significant detrimental impact on amenity in relation to traffic movements. The FPRB considered the existing parking situation both at the property and in the surrounding area. They noted that the current parking arrangement at the property was unsafe, in that the manoeuvres required in order to park a car at the front of the property would result in both road and pedestrian safety issues. They acknowledged that the visibility splays as required in Appendix G: Fife Council Transportation Development Guidelines of the Making Fife's Places Supplementary Guidance could not be met given the dimensions of the property's front garden and that to achieve these would require land outwith the ownership of the appellant. The FPRB weighed up the potential impacts on road and pedestrian safety if the current parking situation was to continue versus the impacts of approving the proposed development.
- 3.4 Given that the front garden to the property would be lost, the FPRB considered whether the proposal should be assessed against the garden ground requirements set out in the Fife Council Planning Customer Guidelines on Garden Ground (2016). It was found that these are not applicable to the nature of the development proposed.
- 3.5 The FPRB concluded that while the proposed development is contrary to the Development Plan policy and Making Fife's Places Supplementary Guidance, that there are, in this instance, material considerations which would outweigh this. These being regularising the current parking situation with the benefit of having control of certain design requirements in order to minimise any potential road and pedestrian safety impacts. The FPRB voted to overturn the Appointed Officer's decision and grant planning permission subject to a condition requiring relocation of the lamp post.

4.0 Decision

- 4.1 The FPRB overturns the decision of the Appointed Officer and grants planning permission subject to the following conditions and reasons:
1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.
 2. Prior to the commencement of development, details for the re-location of the lamp post, the dropped kerb and finishing materials shall be submitted to, for the approval of the Planning Authority. Thereafter, the development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of visual amenity.

Advisory notes

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

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Proper Officer

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

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

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

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

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

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

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