

FPRB Reference: 22/386

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Prestonview, 6 Veere Park, Culross, Dunfermline
- Application for review by Mr Paul Clarke against the decision by an appointed officer of Fife Council
- Application 22/03236/FULL for Full Planning Permission for Erection of dwellinghouse with associated access and parking
- Application Drawings:
02 - Proposed various - elevation, floor etc, 01B - Location Plan/Block Plan, 07 - Mine Risk Assessment, 08 - Topographic Site Plan, 04 - Statement,
- No Site Inspection took place

Date of Decision Notice: 8th November, 2023.

Decision

The FPRB upholds the determination reviewed by them and refuses Planning Permission for the reason(s) 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 23rd October 2023. The Review Body was attended by Councillors David Barratt (Convener), Robin Lawson and Jane Ann Liston.

2.0 Proposal

- 2.1. The application site comprises a flat, narrow, triangular shaped area of land which was formerly part of the garden ground serving 6 Veere Park and within the Lower Valleyfield settlement boundary.
- 2.2 The application seeks planning permission for the erection of a dwellinghouse with associated access and parking. The long and narrow triangular shape site would site a 1.5 storey dwellinghouse with a footprint of approximately 110m². Vehicular access would be taken from the north-east corner of the site off of Main Street. The proposed dwelling would be finished with a brick base course, off-white wet dash render, brick and grey metal cladded walls and a pitched roof with dark grey interlocking roof tiles.

3.0 Reasoning

- 3.1 Firstly, the FPRB considered residential amenity impacts of the proposal on the surrounding area, cognisant of NPF Policy 14 (Design, Quality and Place), Policy 16 (Quality Homes), Policy 23 (Health and Safety) which seek to protect the amenity of the local area from unacceptable amenity impacts and Policies 1 (Development Principles) and 10 (Amenity) of FIFEPlan which includes criteria requiring development proposals to demonstrate that there

would be no significant detrimental impact on residential amenity. The LRB assessed impacts relating to noise (traffic and potential railway noise), garden ground and plot ratios, with respect impacts on existing and future residential amenity. They found that:

- Giving consideration to the distances between the site and third-party residential properties, the orientation of the proposed dwelling and the positioning of windows, the FPRB determined that any future design, including the orientation and positioning of windows and the distance to the nearest residential dwelling, would avoid any unreasonable adverse impacts on the daylight, sunlight or privacy provisions of neighbouring properties.
- Despite the non-rectangular shape of the garden, the irregular shaped parcels of land would be accessible for a range of activities, resulting in sufficient usable garden ground to accommodate the future needs of residents. Also, that plot ratios would be acceptable in this instance given the varied character within the immediate context.
- With respect to noise, that there would be no unreasonable noise impacts from either road or potential future rail movement, particularly as the railway line was not currently in use and details of strategic ambitions for its future use had not yet been confirmed.
- The FPRB therefore concluded that the proposal would result in an acceptable level of residential amenity, complying with NPF4 Policies 14, 16 and 23 and Policies 1 and 10 of the Adopted FIFEplan with respect to this matter.

3.2 The FPRB assessed the design and visual impact of the proposal on the surrounding character of the area against NPF4 Policy 14 (Design, Quality and Place) and FIFEplan Policies 1 (Development Principles) and 10 (Amenity) and Policy 13 (Natural Environment and Access). They contended that:

- The design and positioning of the proposal would be acceptable given the existing spatial pattern of development and the character within the immediate area, particularly given the siting of traditional properties on the northern side of Main Street. They agreed that the proposal would complement the prevailing pattern of pattern of development within the immediate area and would not result in overdevelopment of the site, despite any relaxation to the plot ratio requirements.
- The FPRB ultimately concluded that the proposal would comply with Policies 14 and 16 of NPF4 and Policies 1 and 10 of FIFEplan relating to design and visual impact.

3.3 The FPRB assessed the transportation and road safety impacts of the proposal considering the proposal against NPF4 Policy 13 (Sustainable Transport) and Policies 1 (Development Principles), 3 (Infrastructure Services) of 10 (amenity) the Adopted FIFEplan and Making Fife's Places Supplementary Guidance (2018) Appendix G Transportation Development Guidelines. They found that:

- Despite concerns from Transportation Development Management and objectors, the proposed arrangement would not result in unreasonable road safety impacts and that future users could manoeuvre appropriately to/from the site, particularly given that visibility splay requirements were met. They also noted that if one of the three car parking spaces was not in use, vehicles could enter/exit in a forward direction.
- Accordingly, the FPRB concluded that the proposal would be acceptable with respect to transportation and would accord with Policy 13 of NPF4 and Policies 1, 3 and 10 of FIFEplan and that any deviation from Making Fife's Places Supplementary Guidance would be acceptable and would avoid unreasonable road safety impacts.

3.4 Turning to drainage and flooding, the FPRB assessed the proposal against NPF4 Policy 22 (Flood Risk & Water Management), Policies 1 (Development Principles) and 12 (Flooding & the Water Environment) of FIFEplan (2017) and Fife Council's Design Criteria Guidance on Flooding (2022). In this regard, they:

- Assessed the accompanying flooding documentation, the applicant's rationale for mitigation (to avoid prescriptive policy assertions) and the objection from Flooding. They concluded that the potential risk of flooding, based on the 1 in 200 year plus climate change event, would result in an unacceptable risk to future residents. They agreed with the policy principle within NPF4 Policy 22 to avoid rather than mitigate risk, despite recognising the applicant's suggestion to raise finished floor levels by 600mm above flood levels to avoid potential water ingress to the dwelling.
- The FPRB therefore found that the proposal would not comply with NPF4 Policy 22, Policies 1 and 12 of the Adopted FIFEPlan (2017) and Fife Council's guidance on flooding and maintained that this be a reason to refuse to grant planning permission.

3.5. The FPRB also agreed with the Appointed Officer's position in relation to the other planning considerations not forming part of the original reasons for refusal. They contended that these matters did not have any material impact that would change their position on this application and concluded that they should not be included as additional reasons for refusal in this instance.

3.6 Overall, the FPRB concluded that, despite complying with the majority of planning considerations relevant to the determination of this proposal (and subsequently setting aside three reasons for refusal identified by the Appointed Officer); the proposal would result in unacceptable flood risk and would fail to comply with NPF4 Policy 22, Policies 1 and 12 of the Adopted FIFEPlan (2017) and Fife Council's guidance on flooding. The FPRB did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB therefore decided that planning permission should be refused, upholding (and varying) the Appointed Officer's decision.

4.0 Decision

4.1 The FPRB upholds, and varies, the determination reviewed by them and refuses Planning Permission for the following reason(s):

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interest of flood prevention and the water environment; the proposed development would be situated within a flood risk area, contrary to Policy 22: Flood Risk and Water Management of NPF4 and Policy 1: Development Principles and Policy 12: Flooding and the Water Environment of the Adopted FIFEplan 2017.

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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.