

Fife Planning Review Body



Please note that this meeting will be held remotely

Monday, 13th February, 2023 - 2.00 p.m.

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 Fife Planning Review Body of 12th December, 2022. 5 - 6
4. **NATIONAL PLANNING FRAMEWORK 4 (NPF4) – UPDATE** - Verbal update from Strategic Development Manager (Strategic Development Areas and Infrastructure), Economy, Planning and Employability Services.
5. **APPLICATION FOR REVIEW - THE THISTLES, 9 AIKMAN PLACE, ST. ANDREWS (APPLICATION NO. 22/01569/FULL)** – Installation of dormer extension to front of dwellinghouse and installation of balcony to rear of dwellinghouse
 1. Notice of Review 7 – 43
 2. Decision Notice and Report of Handling 44 – 54
 3. Representations 55 - 56
6. **APPLICATION FOR REVIEW - LAND NORTH OF THE STEADING, LUNDIN ROAD, CROSSFORD, DUNFERMLINE (APPLICATION NO. 21/01846/FULL)** – Erection of dwellinghouse and carport with associated access and landscaping works
 1. Notice of Review 57 – 83
 2. Decision Notice and Report of Handling 84 – 100
 3. Representations 101 – 117
 4. Consultee Comments 118 – 141
 5. Further Representations 142 - 150
7. **APPLICATION FOR REVIEW - 24 MAIN STREET, GUARDBRIDGE, ST. ANDREWS (APPLICATION NO. 22/01765/FULL)** – Formation of driveway opening onto an A classified road
 1. Notice of Review 151 – 160
 2. Decision Notice and Report of Handling 161 – 171
 3. Consultee Comments 172 - 178

Members are reminded that should they have queries on the detail of a report they should, where possible, contact the report authors in advance of the meeting to seek clarification.

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

6th February, 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

12th December, 2022.

2.00 p.m. - 4.45 p.m.

PRESENT: Councillors David Barratt (Convener), Ken Caldwell, Jane Ann Liston and Lynn Mowatt.

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

14. DECLARATIONS OF INTEREST

Councillor David Barratt, Convener, declared an interest at para. 18 - Application for Review - Land to north of Burgh Road, Cowdenbeath (Application No. 21/02717/PPP) - having authored one of the supporting documents for the application.

15. MINUTE

The minute of the Fife Planning Review Body of 24th October, 2022 was submitted.

Decision

The Review Body approved the minute.

16. APPLICATION FOR REVIEW - 13 WOODLEA GROVE, GLENROTHES (APPLICATION NO. 22/01489/FULL)

The Review Body considered the Application for Review submitted by MA Design, on behalf of Mr. and Mrs. Crooks, in respect of the decision to refuse planning permission for a first floor extension to the rear of the dwellinghouse (Application No. 22/01489/FULL).

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (upholding 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.

17. APPLICATION FOR REVIEW - 46 CAMERON PARK, THORNTON, KIRKCALDY (APPLICATION NO. 22/01602/FULL)

The Review Body considered the Application for Review submitted by Grayara Designs, on behalf of Mr. Paul Carruthers, in respect of the decision to refuse planning permission for an extension to a domestic outbuilding to the rear of the dwellinghouse (Application No. 22/01602/FULL).

Decision/

Decision

The Review Body agreed:-

- (1) sufficient information was before them to proceed to decide the matter; and
- (2) the application be refused (upholding 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 David Barratt, Convener, having declared an interest, left the meeting for the following item of business. In the absence of the Convener, Councillor Jane Ann Liston was appointed to chair the meeting.

18. APPLICATION FOR REVIEW - LAND TO NORTH OF BURGH ROAD, COWDENBEATH (APPLICATION NO. 21/02717/PPP)

The Review Body considered the Application for Review submitted by JJF Planning, on behalf of Mrs. Angela Harris, in respect of the decision to refuse planning permission for planning permission in principle for the erection of two dwellinghouses and associated development (Class 9) (Application No. 21/02717/PPP).

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 ten conditions detailed in the Decision Notice (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.
-

Agenda Item 5(1)

**The Thistles, 9 Aikman Place, St. Andrews,
KY16 8XS**

Application No. 22/01569/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 100567002-003

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:	M A Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	
Last Name: *	Mclelland	Building Number:	3
Telephone Number: *	07920770177	Address 1 (Street): *	Haig Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Windygates
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY8 5EE
Email Address: *	mclelland1@hotmail.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="Jim"/>	Building Number:	<input type="text" value="9"/>
Last Name: *	<input type="text" value="Sinclair"/>	Address 1 (Street): *	<input type="text" value="Aikman Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="St Andrews"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY16 8XS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="mclelland1@hotmail.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="THE THISTLES"/>
Address 2:	<input type="text" value="9 AIKMAN PLACE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ST ANDREWS"/>
Post Code:	<input type="text" value="KY16 8XS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="715352"/>	Easting	<input type="text" value="349411"/>
----------	-------------------------------------	---------	-------------------------------------

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 dormer extension to front of dwellinghouse and installation of balcony to rear 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.

See Appeal Form.

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)

Photos - Documents with more photographs of the surrounding area. 22_01569_FULL - Report of Handling 22_01569_FULL - Decision Notice Location & Block Plans Rev A. Planning-001_Existing Floor Plans & Elevations. Planning-002_Proposed Floor Plans & Elevations. 22_01569_FULL--3177697 - Application Form. Appeal Form.

Application Details

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

22/01569/FULL

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

24/05/2022

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

18/10/2022

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

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 Mark Mclelland

Declaration Date: 10/11/2022



PLANNING PERMISSION APPEAL TO SCOTTISH MINISTERS

UNDER SECTION 47 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

**IMPORTANT: Please read and follow the notes provided when completing this form -
failure to supply all relevant information could invalidate your appeal**

Use BLOCK CAPITALS if completing in manuscript

<u>Appellant(s)</u>	<u>Agent (if any)</u>
Name	Name
Address	Address
Postcode	Postcode
Contact Tel No 1	Contact Tel No 1
Contact Tel No 2	Contact Tel No 2
Fax No	Fax No
E-mail	E-mail
	Mark this box to confirm all contact should be through this representative

*Do you agree to all correspondence regarding your appeal being sent **by e-mail?**

Yes

No

Planning Authority	
Planning Authority's Application Reference Number	
Site Address	
Description of Proposed Development	
Date of Application	Date of Authority's Decision
OS Map Grid Ref or Postcode	Area of Appeal Site (m ² /ha)

<u>Nature of Application:</u> (Select <u>one</u> option only)	<u>Appeal Against:</u> (Select <u>one</u> option only)
Planning Permission	Refusal of Application
Planning Permission in Principle	Failure to give a decision (deemed refusal)
Approval of Matters Specified of Conditions	Conditions imposed on consent
Variation or Discharge of Conditions	

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 require to be taken into account in determining your appeal.

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.

State the reasons for your appeal and all matters you wish to raise here. (If necessary, this can be continued or provided in full on a separate document.)

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

If yes, you should explain in the box below, why the matter was not raised at that time and why you consider it should now be taken into account.

List of documents/evidence

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 and ensure that the documents are clearly numbered (If necessary, this can be continued or provided in full on a separate document). When listing plans and drawings, please quote the reference the planning authority gave them.

Environmental Impact Assessment Regulations

For an explanation of the terms used in this section, please see [notes for appellants](#).

All questions in this section should be answered unless otherwise instructed

Yes

No

1. Have you submitted an environmental statement or EIA report in respect of the proposed development?

If yes, answer question 2 then go to the next section (Appeal Procedure). If no, go to question 3 in this section.

2. Before 16 May 2017, was either (i) an environmental statement submitted in respect of the application for the proposed development or (ii) a request made for a scoping opinion or direction in respect of the proposed development?

3. Has an EIA screening opinion or direction been issued in respect of the proposed development?

If yes, provide a copy of the screening opinion/direction, and go to the next section (Appeal Procedure)

4. Is the proposed development a schedule 1 development?

If yes, go to the next section (Appeal Procedure)

5. Is the proposed development within any of the descriptions in column 1 of schedule 2?

If no, go to the next section (Appeal Procedure)

6. Does the proposed development exceed the threshold in column 2 of schedule 2?

7. Is the proposed development in a sensitive area?

Appeal Procedure

The person appointed to determine your appeal will decide the procedure to be used. In general, a decision will be made based on your appeal documents and the planning authority's response. In some cases the appointed person may require further procedures to gain more information on specific matters before reaching a decision. This is your opportunity to indicate what procedure you think is most appropriate for the handling of your appeal. (See Notes for Appellants)

Note: If you select Option 1 you should not select any further options.

You may select any combination of Options 2 to 5 if you wish.

1. Review of all relevant information provided by yourself and other parties only , with no further procedure
2. Inspection of land subject of the appeal
3. Further written submissions on specific matters
4. Holding one or more hearing sessions (i.e. round table discussions) on specific matters
5. Holding one or more formal inquiry sessions on specific matters

If boxes 3, 4 or 5 are checked, please explain below which of the matters (as set out in your statement above) you think should be subject to that procedure, and why. (Use additional pages if necessary.)

Site Inspection

In the event that the Scottish Government Reporter appointed to consider your appeal decided to inspect the appeal site, in your opinion:

Can the site be viewed entirely from public land?	Yes	No
Is it possible for the site to be accessed safely, and without barriers to entry?	Yes	No
Are there any biosecurity issues that affect the site? <i>(for more information on biosecurity, please see the site inspection section in the notes for appellants)</i>	Yes	No

If there are any reasons why you think the Reporter would be unable to access and view the appeal site alone, please explain here:

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents/evidence relevant to your appeal:

Full completion of all parts of this form

Full statement of appeal

All documents, materials and evidence which you intend to rely on

Application to Planning Authority, including all plans/drawings and other documents relevant to your application which is now subject of this appeal

Planning Authority's decision notice (if any), which is the subject of your appeal

Where application/appeal relates to an earlier consent (e.g. approval of matters specified in conditions; variation of previous conditions), the application, approved plans and decision notice from that earlier consent

The Report of Handling prepared by the Planning Authority in respect of your application, where one exists (See Notes for Appellants)

Any screening opinion or direction issued

Any request for a scoping opinion or direction and the date upon which it was made

Any scoping opinion or direction issued

Any environmental report or environmental statement and any additional environmental information submitted in respect of the application

***Plans & Drawings** - A copy of the location plan at a scale of 1:1250 or 1:2500 and scale copies of all the drawings submitted as part of the application under appeal should be submitted electronically. Please note that as it is not always possible for electronic plans and drawings to be scaled correctly you may be asked to provide some or all of these in hard copy at a later date.

The Scottish Government routinely publishes all documents relating to each appeal on its website at www.dpea.scotland.gov.uk. You must advise DPEA if there are particular reasons why you think any document you have provided cannot be published.

Other Appeals

Have you made any other appeals to Scottish Ministers concerning this land?

Yes

No

If yes, please give details, including our appeal reference numbers (if known):

Declaration

I appeal to the Scottish Ministers as set out on this form and supporting documents. I can confirm that I have today sent a copy of my appeal to the Planning Authority.

Signed

Date

If you take part in the appeals process, use DPEA websites, contact the division or attend a webcast, the DPEA may collect certain information about you. To find out more about what information is collected, how the information is used and managed please read the [DPEA's privacy notice](#).

This form and all supporting documents should be sent to:

E-mail: dpea@gov.scot

Post: Planning and Environmental Appeals Division
Hadrian House
Callendar Business Park
Falkirk
FK1 1XR

Contact Tel: 0300 244 6668

M A Design
Mark Mclelland
3 Haig Place
Windygates
United Kingdom
KY8 5EE

Planning Services

Kirsten Morsley

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/01569/FULL

Date 18th October 2022

Dear Sir/Madam

Application No: 22/01569/FULL
Proposal: Installation of dormer extension to front of dwellinghouse and installation of balcony to rear of dwellinghouse

Address: The Thistles 9 Aikman Place St Andrews Fife KY16 8XS

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,

Kirsten Morsley, 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: 22/01569/FULL
Proposal: Installation of dormer extension to front of dwellinghouse and installation of balcony to rear of dwellinghouse

Address: The Thistles 9 Aikman Place St Andrews Fife KY16 8XS

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/01569/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of protecting visual amenity; the proposed dormer extension set back distances from ridge, eaves and gables are not acceptable resulting in the dormer being too large in scale and thus overdominating that roofslope. As a result the proposed dormer would have a significant adverse visual impact on the character of this dwellinghouse, it would detract from the visual amenity of the surrounding area and set an undesirable design precedent for any future dormers that may be proposed at a future date on this street. As such, the dormer proposal is considered contrary to the Adopted FIFEplan (2017) polices 1 and 10, Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016).

Dated: 18th October 2022

Chris Smith

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/Block Plan
02	Existing various eg elevation, floor etc
03	Proposed various - elevation, floor etc

Dated:18th October 2022

Chris Smith

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

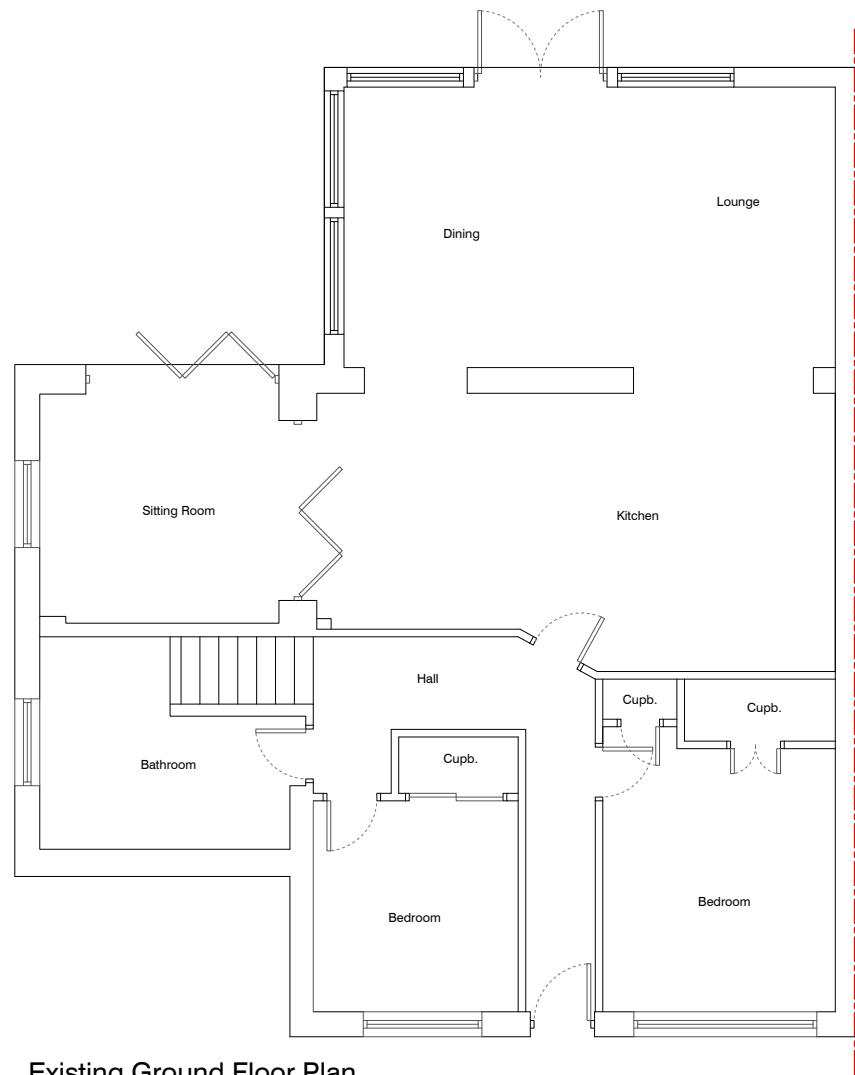
If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 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**

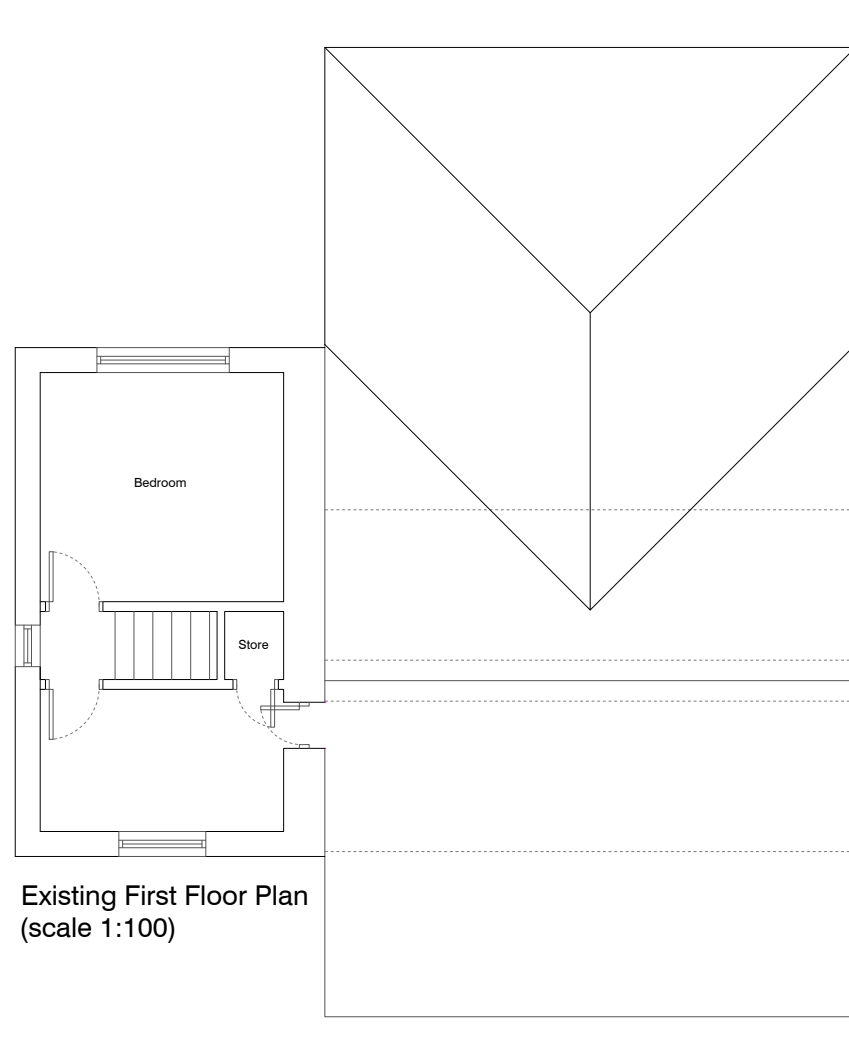
or emailed to local.review@fife.gov.uk

LAND NOT CAPABLE OF BENEFICIAL USE

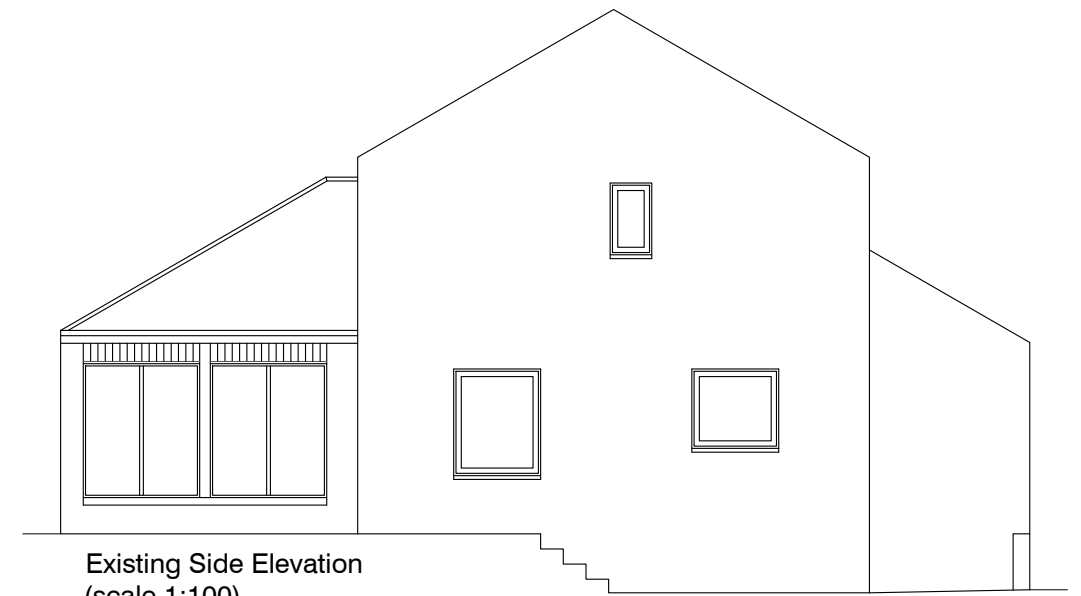
If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably 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.



Existing Ground Floor Plan
(scale 1:100)



Existing First Floor Plan
(scale 1:100)



Existing Side Elevation
(scale 1:100)

Copyright in this design is reserved to Mcllelland Architectural Design. These drawings are for solely Planning or Warrant purposes only. All dimensions should be checked by Contractor before commencing work.

PROJECT / CLIENT:
 Mr and Mrs Sinclair
 9 Aikman Place
 St Andrews
 KY16 8XS

DRAWING:
 Existing Floor Plans & Elevations

Drawn by: rj	Checked by: mm	Date: 06/04/2022	Scales: 1:100
-----------------	-------------------	---------------------	------------------

Site Code: 99	Job Code: 00	Drawing No.: 001	Revision: -
------------------	-----------------	---------------------	----------------



Existing Front Elevation
(scale 1:100)

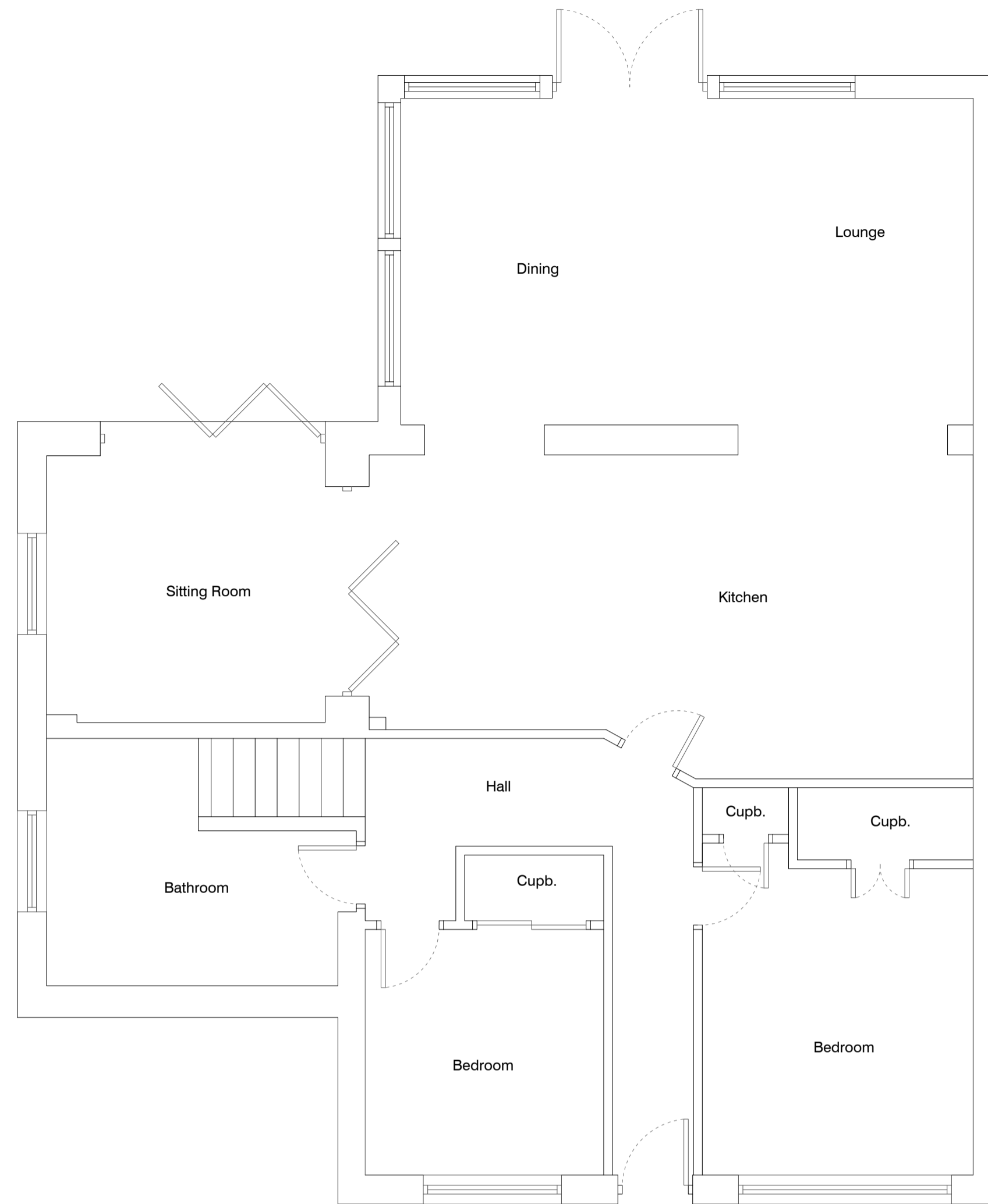


Existing Rear Elevation
(scale 1:100)

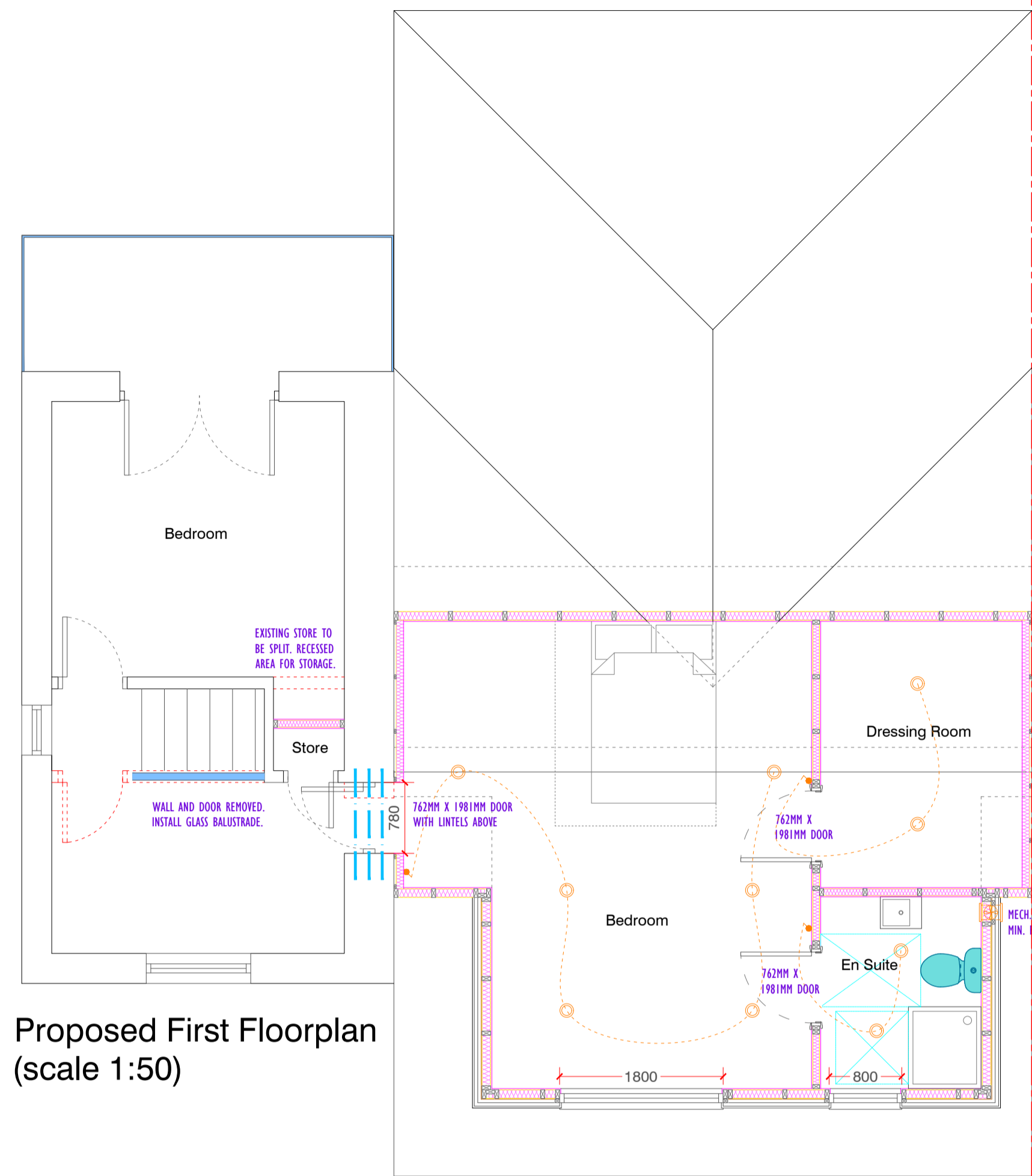


3 Haig Place
 Windygates
 KY8 5EE

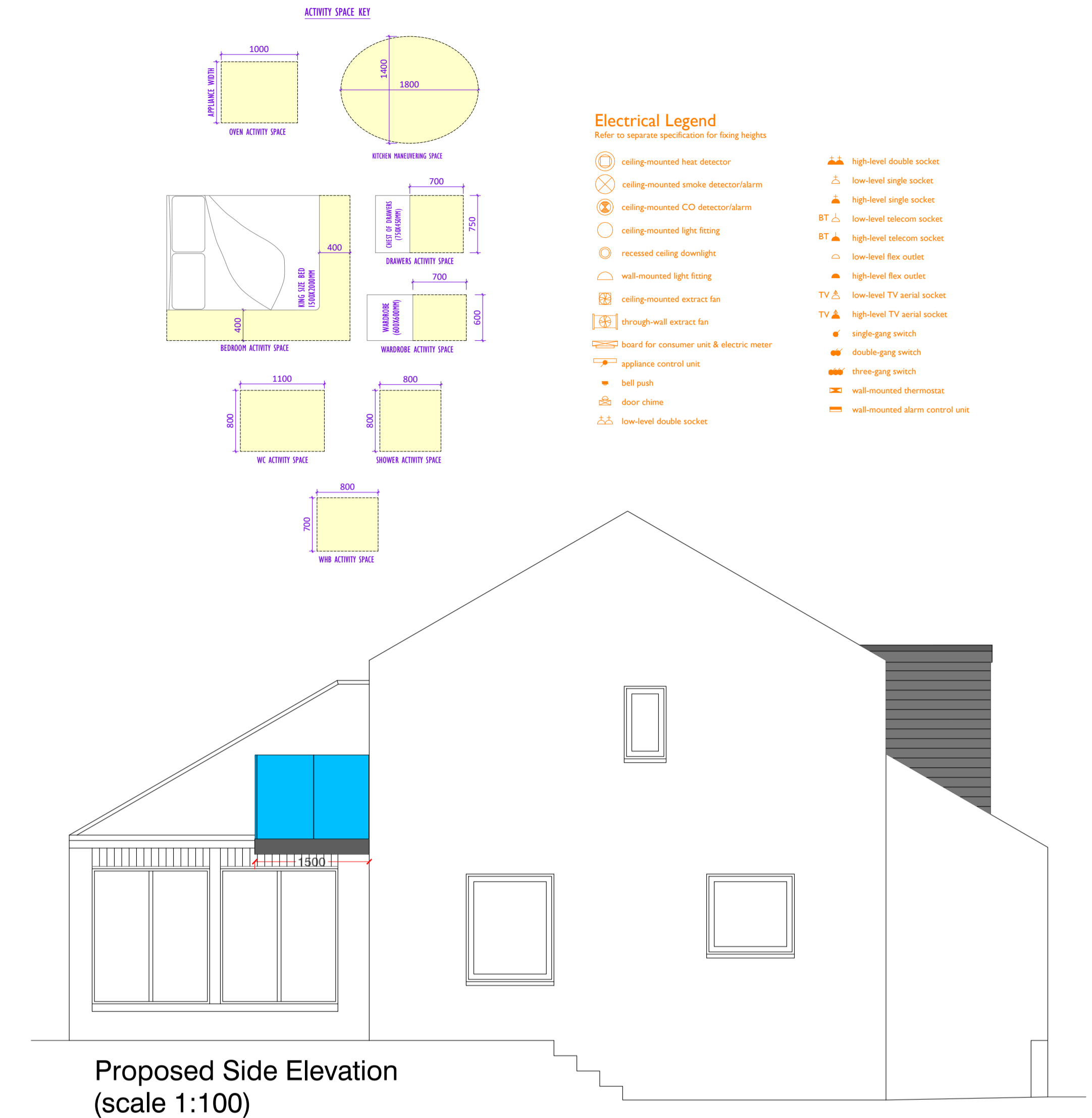
OFFICE: 01333 302585
 MOB: 07920 770177



Proposed Ground Floor Plan
(scale 1:50)



Proposed First Floorplan
(scale 1:50)



Proposed Side Elevation
(scale 1:100)

WALL - UPVC CLADDING (GREY)
ROOF - SINGLE PLY MEBRANE (GREY)
FASCIA/SOFFIT - UPVC (GREY)
WINDOWS - UPVC (GREY OUT/WHITE IN)



Proposed Front Elevation
(scale 1:100)



Proposed Rear Elevation
(scale 1:100)

Copyright in this design is reserved to Mclelland Architectural Design. These drawings are for solely Planning or Warrant purposes only. All dimensions should be checked by Contractor before commencing work.

PROJECT / CLIENT:
Mr and Mrs Sinclair
9 Aikman Place
St Andrews
KY16 8XS

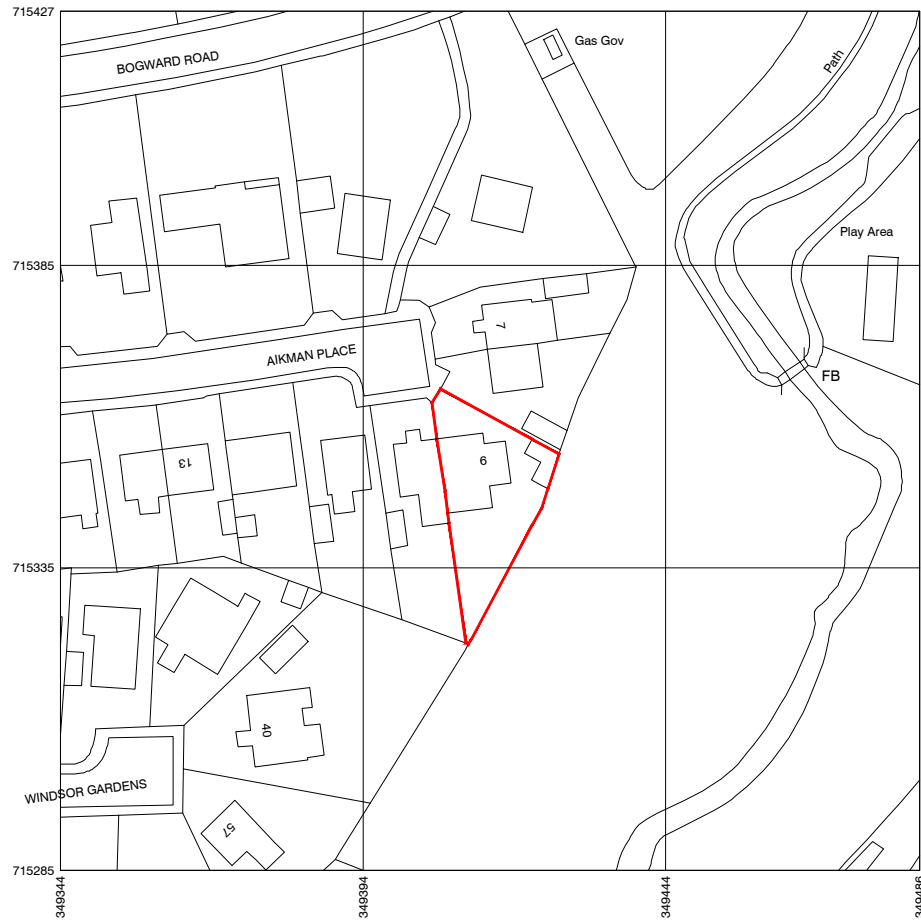
DRAWING:
Proposed Floor Plans & Elevations

Drawn by: rj	Checked by: mm	Date: 06/04/2022	Scales: 1:50 @ A1
Site Code: 99	Job Code: 00	Drawing No.: 002	Revision: -

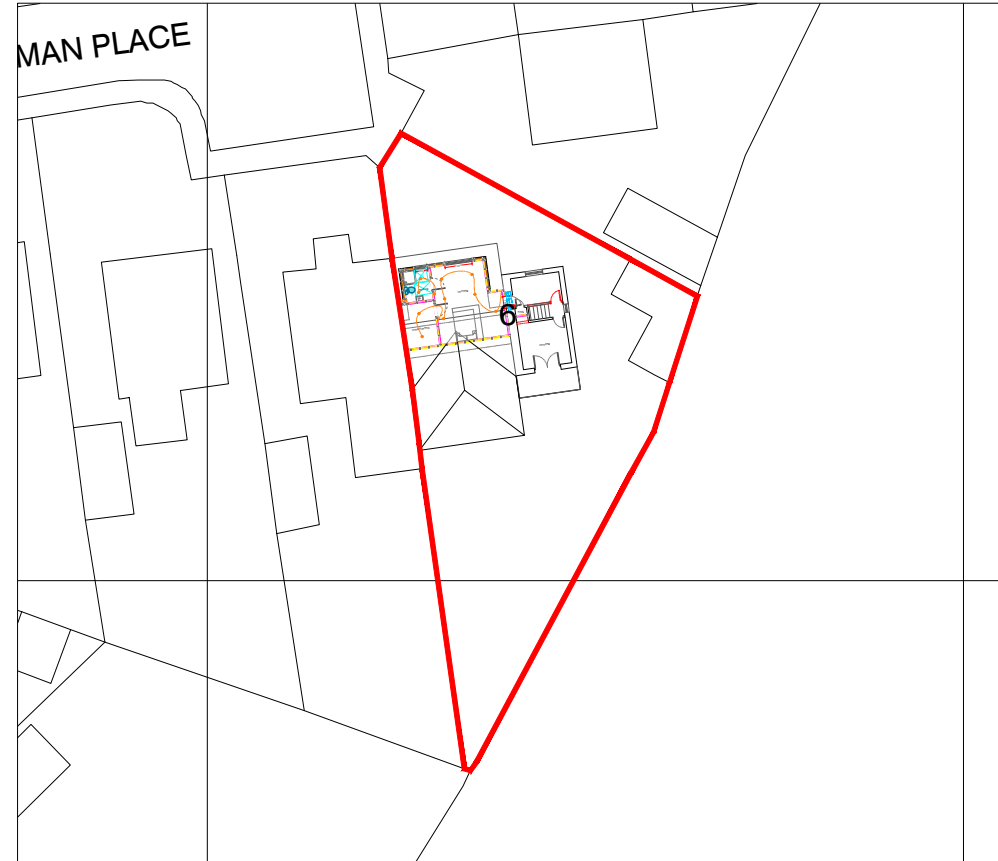


3 Haig Place
Windygates
KY8 5EE
OFFICE: 01333 302585
MOB: 07920 770177





Produced on 20 May 2022 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
 This map shows the area bounded by 349344 715285, 349486 715285, 349486 715427, 349344 715427, 349344 715285
 Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.
 Crown copyright 2022. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).
 Data licence expires 20 May 2023. Unique plan reference: v2c//800694/1082430



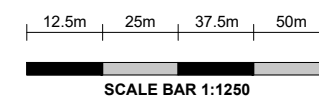
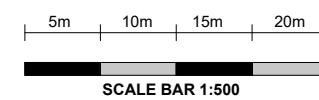
Copyright in this design is reserved to Mclelland Architectural Design. These drawings are for solely Planning or Warrant purposes only. All dimensions should be checked by Contractor before commencing work.

PROJECT / CLIENT:
 Mr and Mrs Sinclair
 9 Aikman Place
 St Andrews
 KY16 8XS

DRAWING:
 Location & Block Plans

Drawn by:	Checked by:	Date:	Scales:
rj	mm	20/05/2022	1:500 & 1:1250

Site Code:	Job Code:	Drawing No.:	Revision:
99	00	000	A



3 Haig Place
 Windygates
 KY8 5EE

OFFICE: 01333 302585
 MOB: 07920 770177

Properties that have dormer extensions within the area:

- 17 Mount Melville Crescent



- 7 Carron Place



- 5 Scooniehill Road



- Crawford Gardens



- Crawford Gardens – Rear



- Learmonth Place



- Learmonth Place



APPLICATION DETAILS

ADDRESS	The Thistles, 9 Aikman Place, St Andrews		
PROPOSAL	Installation of dormer extension to front of dwellinghouse and installation of balcony to rear of dwellinghouse		
DATE VALID	24/05/2022	PUBLICITY EXPIRY DATE	24/06/2022
CASE OFFICER	Kirsten Morsley	SITE VISIT	None
WARD	St. Andrews	REPORT DATE	17/10/2022

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.

1.0 BACKGROUND

1.1 This application relates to a modern semi-detached single storey dwellinghouse situated within a modern residential area of St. Andrews. The dwellinghouse has a detached 'L' shaped garage/store/workshop and a 2 -storey side extension which was approved in 2000. External finishes comprise of an interlocking concrete tiled roof, dry dash rendered walls with facing brick detailing and modern casement windows. The site is located at the end of a cul-de-sac and its curtilage/rear garden is enclosed by woodland to the south-east. The front garden is small and includes a drive for 2 cars.

1.2 This application seeks planning permission to add a set of french doors and a first floor balcony onto the rear elevation of the 2-storey side extension (to serve a bedroom) and to add a boxed dormer extension onto the front of the single storey dwellinghouse to form a 4th bedroom with an en-suite and dressing room. External finishes to the dormer would comprise of a grey coloured single ply roof, grey coloured upvc fascia and soffit, grey coloured horizontal upvc cladding and grey coloured window frames (outside). The balcony would project out from the rear building line by 1.5 metres and its balustrade would have a height of 1.1 metres.

1.3 Planning history associated with the dwellinghouse is summarised below,

- 99/00853/EFULL - Extensions to dwellinghouse - permitted
- 06/00663/EFULL - First floor extension to garage and alterations to dwellinghouse - permitted with conditions

1.4 A physical site visit has not been undertaken. The front of the dwellinghouse and the street are visible from Google Street View. All necessary information has been collated digitally to allow the full consideration and assessment of the application and given the evidence and information available to the case officer, that this is sufficient to determine this proposal.

2.0 PLANNING ASSESSMENT

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

- Design and Visual Impact
- Residential Amenity

2.2 Design and Visual Impact

2.2.1 Policies 1, and 10 of the Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016) apply to this application.

2.2.2 FIFEplan Policies 1 (Development Principles), Policy 10 (Amenity), and Making Fife's Places Supplementary Guidance require all new development to be placed where the proposed use is supported by the Local Development Plan and for it to be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area. Fife Council's Planning Customer Guidelines on Dormers expands on those policies and states that dormers should fit in with the design, style, proportions and materials of the existing property. The guidance also lists criteria that should be met when proposing a dormer extension. Of particular note is that dormer extensions should not dominate a dwelling or harm its character or that of the street, that it should have mainly glass on its frontage, that the dormer windows should be in the same style and open in the same way as the dwelling's existing windows, that the dormer should be smaller in shape and size than the existing roof and if readily visible from the street, the dormer should be set down from the roof ridge, set up from the eaves, and back from the gable ends by the following minimum recommended distances, 500 mm, 750 mm and 1.0 metre. The guidance advises that these set back distances may be relaxed if the dormer style is not readily visible from the street or if the style and design of the house is modern and the quality of the dormer proposed is particularly high and in keeping with/in harmony with the architectural style of the property.

2.2.3 One letter of representation has been received which raises objections. It states that the property was not built to have any extension placed on top of the main original house as there is no supporting structure to take the weight but highlights that if the proposal meets Building Regulations, they have no problem with a dormer in principle. However the same objection also highlights that the proposal is not in keeping with the character of the existing dwellinghouse and is out of character with the surrounding area.

2.2.4 The balcony proposal, given its rear and largely hidden location is considered to be acceptable in terms of design and visual impact. The issues raised regarding whether the proposed dormer could be structurally supported would be a Building Standards issue and not a Planning issue. However it is considered, the proposed dormer would over-dominate the roof, it would tie into the existing ridge line of the existing dwellinghouse rather than being set down from the ridge by at least 500 mm, and it would sit far too close to the adjoining property (set back is shown as approximately 330 mm rather than 1.0 metre). Furthermore no dormers matching this type of design/layout are present on this street. The agent was made aware of these design concerns on 11 July 2022 and a copy of Fife Council's Dormer guidance was sent. The agent was advised that for the dormer to be supported, it would require to comply with the required set-back distances from ridge, gables and eaves. In response, the agent submitted a series of photographs of other dormer extensions located within the area and across town as a way to justify and keep the set-backs of the dormer as proposed. These dormer examples provided by the agent were reviewed and the agent was advised that the examples given were not considered comparable to this current planning application, for the following reasons,

- they relate to different styles of dwellings, and different styles of dormers
- they are positioned within different streets with different street contexts/history,
- one is located on a rear elevation where a relaxation on set-backs can be permissible and is of a contemporary design
- they are mirroring a dormer design already established within the street

The agent was advised that the balcony proposal was considered acceptable and that the application could be supported if either the dormer was revised along the lines requested or, if this was not possible, for the dormer to be removed altogether from the proposals. However if this was not done the agent was advised that the application would be refused in its entirety. The agent was given until 26 September to confirm how the applicant wished to proceed, and although the agent stated that revised drawings would be provided by Wednesday 28th September, no such drawings were received. Furthermore, despite a further reminder (sent 10th October 2022) no further correspondence has been received from the agent.

2.2.5 In light of the above, the proposed dormer extension is not considered to be acceptable. It is considered that the set back distances from ridge, eaves and gables are not acceptable, the dormer is too large, poorly executed and dominates the roof. It would have a significant adverse visual impact on the character of this dwellinghouse, it would detract from the visual amenity of the surrounding area and set an undesirable design precedent for any future dormers that may be proposed at a future date on this street. As such, the dormer proposal is considered contrary to the Adopted FIFEplan (2017) policies 1, and 10, Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016).

2.3 Residential Amenity

2.3.1 Policies 1 and 10 of the Adopted FIFEplan (2017) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) apply to this application.

2.3.2 Policy 1 of the Adopted FIFEplan (2017) advise that a development proposal will be supported if it is set in a location where the proposed use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. Policy 10 advises that development is required to be implemented in a manner that ensures that existing

uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, potential losses of privacy, overlooking, sunlight, or daylight, overshadowing etc. Fife Council's Planning Customer Guidelines on Daylight and Sunlight expands on those policies highlighted above and outlines in more detail what the design expectations should be.

2.3.3 The dormer extension would be set significantly back from other property and would not materially impact on neighbouring property in respect of daylight and sunlight or overshadow third party garden ground. The dormer windows would overlook front gardens and the public street and would not create any window to window infringements. The proposed balcony extension would be set sufficiently back from adjoining gardens and would be screened by the applicant's and the adjoining neighbour's rear extensions pitched roofs located to the south-west

2.3.4 In light of the above, the development proposals would be considered fully compliant with Development Plan policy in respect of residential amenity.

CONSULTATION RESPONSES

Community Council

No Comments

REPRESENTATIONS

One letter of objection has been received.

The issues raised are summarised below,

- property was not built to have any extension placed on top of the main original house as there is no supporting structure to take the weight but highlights that if the proposal meets building regulations they have no problem with it in principle
- proposals are not in keeping with the character of the existing dwellinghouse and are out of character with the surrounding area.

These issues are addressed within the main body of the report.

CONCLUSION

The dormer proposal would be contrary to the Development Plan and its related guidance and if approved it would detrimentally impact on the visual integrity of the dwellinghouse and the surrounding streetscene.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of protecting visual amenity; the proposed dormer extension set back distances from ridge, eaves and gables are not acceptable resulting in the dormer being too large in scale and thus overdominating that roof slope. As a result the proposed dormer would have a significant adverse visual impact on the character of this dwellinghouse, it would detract from the visual amenity of the surrounding area and set an undesirable design precedent for any future dormers that may be proposed at a future date on this street. As such, the dormer proposal is considered contrary to the Adopted FIFEplan (2017) policies 1 and 10, Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

The Adopted FIFEplan (2017)
Making Fife's Places - Supplementary Guidance (2018)

Other Guidance

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

Proposal Details

Proposal Name	100567002
Proposal Description	Loft conversion with internal alterations
Address	THE THISTLES, 9 AIKMAN PLACE, ST ANDREWS, KY16 8XS
Local Authority	Fife Council
Application Online Reference	100567002-003

Application Status

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

Attachment Details

Notice of Review	System	A4
Photos	Attached	A4
Report of Handling	Attached	A4
Decision Notice	Attached	A4
Location and Block Plan	Attached	A3
001	Attached	A3
002	Attached	A3
Application Form	Attached	A4
Appeal Form	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0



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 100567002-001

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)

loft conversion, external balcony, internal alterations

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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:	M A Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	
Last Name: *	Mclelland	Building Number:	3
Telephone Number: *	07920770177	Address 1 (Street): *	Haig Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Windygates
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY8 5EE
Email Address: *	mclelland1@hotmail.co.uk		

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: *	Jim	Building Number:	9
Last Name: *	Sinclair	Address 1 (Street): *	Aikman Place
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	St Andrews
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	KY16 8XS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

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

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * Yes No

Site Area

Please state the site area:

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)

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.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

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.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

provision for refuse is already in place, no need to add more

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

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

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: Mark Mclelland

On behalf of: Mr Jim Sinclair

Date: 20/05/2022

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 principal 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. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: Mr Mark Mcllelland

Declaration Date: 20/05/2022

Payment Details

Pay Direct

Created: 20/05/2022 15:16

Agenda Item 5(2)

**9 Aikman Place, St. Andrews, KY16 8XS
Application No. 22/01569/FULL**

Planning Decision Notice

Report of Handling

M A Design
Mark Mclelland
3 Haig Place
Windygates
United Kingdom
KY8 5EE

Planning Services

Kirsten Morsley

development.central@fife.gov.uk

Your Ref:

Our Ref: 22/01569/FULL

Date 18th October 2022

Dear Sir/Madam

Application No: 22/01569/FULL
Proposal: Installation of dormer extension to front of dwellinghouse and installation of balcony to rear of dwellinghouse

Address: The Thistles 9 Aikman Place St Andrews Fife KY16 8XS

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,

Kirsten Morsley, 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: 22/01569/FULL
Proposal: Installation of dormer extension to front of dwellinghouse and installation of balcony to rear of dwellinghouse

Address: The Thistles 9 Aikman Place St Andrews Fife KY16 8XS

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/01569/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of protecting visual amenity; the proposed dormer extension set back distances from ridge, eaves and gables are not acceptable resulting in the dormer being too large in scale and thus overdominating that roofslope. As a result the proposed dormer would have a significant adverse visual impact on the character of this dwellinghouse, it would detract from the visual amenity of the surrounding area and set an undesirable design precedent for any future dormers that may be proposed at a future date on this street. As such, the dormer proposal is considered contrary to the Adopted FIFEplan (2017) polices 1 and 10, Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016).

Dated:18th October 2022

Chris Smith

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/Block Plan
02	Existing various eg elevation, floor etc
03	Proposed various - elevation, floor etc

Dated:18th October 2022

Chris Smith

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.

APPLICATION DETAILS

ADDRESS	The Thistles, 9 Aikman Place, St Andrews		
PROPOSAL	Installation of dormer extension to front of dwellinghouse and installation of balcony to rear of dwellinghouse		
DATE VALID	24/05/2022	PUBLICITY EXPIRY DATE	24/06/2022
CASE OFFICER	Kirsten Morsley	SITE VISIT	None
WARD	St. Andrews	REPORT DATE	17/10/2022

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.

1.0 BACKGROUND

1.1 This application relates to a modern semi-detached single storey dwellinghouse situated within a modern residential area of St. Andrews. The dwellinghouse has a detached 'L' shaped garage/store/workshop and a 2 -storey side extension which was approved in 2000. External finishes comprise of an interlocking concrete tiled roof, dry dash rendered walls with facing brick detailing and modern casement windows. The site is located at the end of a cul-de-sac and its curtilage/rear garden is enclosed by woodland to the south-east. The front garden is small and includes a drive for 2 cars.

1.2 This application seeks planning permission to add a set of french doors and a first floor balcony onto the rear elevation of the 2-storey side extension (to serve a bedroom) and to add a boxed dormer extension onto the front of the single storey dwellinghouse to form a 4th bedroom with an en-suite and dressing room. External finishes to the dormer would comprise of a grey coloured single ply roof, grey coloured upvc fascia and soffit, grey coloured horizontal upvc cladding and grey coloured window frames (outside). The balcony would project out from the rear building line by 1.5 metres and its balustrade would have a height of 1.1 metres.

1.3 Planning history associated with the dwellinghouse is summarised below,

- 99/00853/EFULL - Extensions to dwellinghouse - permitted
- 06/00663/EFULL - First floor extension to garage and alterations to dwellinghouse - permitted with conditions

1.4 A physical site visit has not been undertaken. The front of the dwellinghouse and the street are visible from Google Street View. All necessary information has been collated digitally to allow the full consideration and assessment of the application and given the evidence and information available to the case officer, that this is sufficient to determine this proposal.

2.0 PLANNING ASSESSMENT

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

- Design and Visual Impact
- Residential Amenity

2.2 Design and Visual Impact

2.2.1 Policies 1, and 10 of the Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016) apply to this application.

2.2.2 FIFEplan Policies 1 (Development Principles), Policy 10 (Amenity), and Making Fife's Places Supplementary Guidance require all new development to be placed where the proposed use is supported by the Local Development Plan and for it to be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area. Fife Council's Planning Customer Guidelines on Dormers expands on those policies and states that dormers should fit in with the design, style, proportions and materials of the existing property. The guidance also lists criteria that should be met when proposing a dormer extension. Of particular note is that dormer extensions should not dominate a dwelling or harm its character or that of the street, that it should have mainly glass on its frontage, that the dormer windows should be in the same style and open in the same way as the dwelling's existing windows, that the dormer should be smaller in shape and size than the existing roof and if readily visible from the street, the dormer should be set down from the roof ridge, set up from the eaves, and back from the gable ends by the following minimum recommended distances, 500 mm, 750 mm and 1.0 metre. The guidance advises that these set back distances may be relaxed if the dormer style is not readily visible from the street or if the style and design of the house is modern and the quality of the dormer proposed is particularly high and in keeping with/in harmony with the architectural style of the property.

2.2.3 One letter of representation has been received which raises objections. It states that the property was not built to have any extension placed on top of the main original house as there is no supporting structure to take the weight but highlights that if the proposal meets Building Regulations, they have no problem with a dormer in principle. However the same objection also highlights that the proposal is not in keeping with the character of the existing dwellinghouse and is out of character with the surrounding area.

2.2.4 The balcony proposal, given its rear and largely hidden location is considered to be acceptable in terms of design and visual impact. The issues raised regarding whether the proposed dormer could be structurally supported would be a Building Standards issue and not a Planning issue. However it is considered, the proposed dormer would over-dominate the roof, it would tie into the existing ridge line of the existing dwellinghouse rather than being set down from the ridge by at least 500 mm, and it would sit far too close to the adjoining property (set back is shown as approximately 330 mm rather than 1.0 metre). Furthermore no dormers matching this type of design/layout are present on this street. The agent was made aware of these design concerns on 11 July 2022 and a copy of Fife Council's Dormer guidance was sent. The agent was advised that for the dormer to be supported, it would require to comply with the required set-back distances from ridge, gables and eaves. In response, the agent submitted a series of photographs of other dormer extensions located within the area and across town as a way to justify and keep the set-backs of the dormer as proposed. These dormer examples provided by the agent were reviewed and the agent was advised that the examples given were not considered comparable to this current planning application, for the following reasons,

- they relate to different styles of dwellings, and different styles of dormers
- they are positioned within different streets with different street contexts/history,
- one is located on a rear elevation where a relaxation on set-backs can be permissible and is of a contemporary design
- they are mirroring a dormer design already established within the street

The agent was advised that the balcony proposal was considered acceptable and that the application could be supported if either the dormer was revised along the lines requested or, if this was not possible, for the dormer to be removed altogether from the proposals. However if this was not done the agent was advised that the application would be refused in its entirety. The agent was given until 26 September to confirm how the applicant wished to proceed, and although the agent stated that revised drawings would be provided by Wednesday 28th September, no such drawings were received. Furthermore, despite a further reminder (sent 10th October 2022) no further correspondence has been received from the agent.

2.2.5 In light of the above, the proposed dormer extension is not considered to be acceptable. It is considered that the set back distances from ridge, eaves and gables are not acceptable, the dormer is too large, poorly executed and dominates the roof. It would have a significant adverse visual impact on the character of this dwellinghouse, it would detract from the visual amenity of the surrounding area and set an undesirable design precedent for any future dormers that may be proposed at a future date on this street. As such, the dormer proposal is considered contrary to the Adopted FIFEplan (2017) policies 1, and 10, Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016).

2.3 Residential Amenity

2.3.1 Policies 1 and 10 of the Adopted FIFEplan (2017) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) apply to this application.

2.3.2 Policy 1 of the Adopted FIFEplan (2017) advise that a development proposal will be supported if it is set in a location where the proposed use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. Policy 10 advises that development is required to be implemented in a manner that ensures that existing

uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, potential losses of privacy, overlooking, sunlight, or daylight, overshadowing etc. Fife Council's Planning Customer Guidelines on Daylight and Sunlight expands on those policies highlighted above and outlines in more detail what the design expectations should be.

2.3.3 The dormer extension would be set significantly back from other property and would not materially impact on neighbouring property in respect of daylight and sunlight or overshadow third party garden ground. The dormer windows would overlook front gardens and the public street and would not create any window to window infringements. The proposed balcony extension would be set sufficiently back from adjoining gardens and would be screened by the applicant's and the adjoining neighbour's rear extensions pitched roofs located to the south-west

2.3.4 In light of the above, the development proposals would be considered fully compliant with Development Plan policy in respect of residential amenity.

CONSULTATION RESPONSES

Community Council

No Comments

REPRESENTATIONS

One letter of objection has been received.

The issues raised are summarised below,

- property was not built to have any extension placed on top of the main original house as there is no supporting structure to take the weight but highlights that if the proposal meets building regulations they have no problem with it in principle
- proposals are not in keeping with the character of the existing dwellinghouse and are out of character with the surrounding area.

These issues are addressed within the main body of the report.

CONCLUSION

The dormer proposal would be contrary to the Development Plan and its related guidance and if approved it would detrimentally impact on the visual integrity of the dwellinghouse and the surrounding streetscene.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of protecting visual amenity; the proposed dormer extension set back distances from ridge, eaves and gables are not acceptable resulting in the dormer being too large in scale and thus overdominating that roof slope. As a result the proposed dormer would have a significant adverse visual impact on the character of this dwellinghouse, it would detract from the visual amenity of the surrounding area and set an undesirable design precedent for any future dormers that may be proposed at a future date on this street. As such, the dormer proposal is considered contrary to the Adopted FIFEplan (2017) policies 1 and 10, Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Dormer Extensions (2016).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

The Adopted FIFEplan (2017)
Making Fife's Places - Supplementary Guidance (2018)

Other Guidance

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

Agenda Item 5(3)

**The Thistles, 9 Aikman Place, St. Andrews,
KY16 8XS**

Application No. 22/01569/FULL

Representation(s)

Dawn Batchelor

From: Ian Allan Sturrock [REDACTED]
Sent: 04 June 2022 11:00
To: Development Central
Subject: Planning at 9 Aikman Place St Andrews Fife - 22/01569/FULL

Categories: In Progress

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 Sir / Planning

Very sorry to receive the proposed planning application from the above.
This will make an already ugly looking house even more ugly and feel it is
Totally out of character in the surrounding area.

This Betts property was not built to have any extension building above the
Main original house because there is no supporting structure to take the weight ?

Kind Regards

Mr Ian Sturrock

PS If Jim Sinclair meets the building regulations than I have no problem with this plan.Sent from [Mail](#) for Windows

Agenda Item 6(1)

**Land north of the Steading, Lundin Road,
Crossford, Dunfermline, KY12 8QR
Application No. 21/01846/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 100427080-006

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:	Architeco Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Duncan	Building Name:	
Last Name: *	Henderson	Building Number:	43
Telephone Number: *	01369 701988	Address 1 (Street): *	Argyll Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Dunoon
Fax Number:		Country: *	Argyll
		Postcode: *	PA23 7HG
Email Address: *	admin@architeco.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" value="Site North of the Steadings"/>
First Name: *	<input type="text" value="Dan"/>	Building Number:	<input type="text" value="0"/>
Last Name: *	<input type="text" value="Lyth"/>	Address 1 (Street): *	<input type="text" value="Lundin Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Backmuir of Pitfirrane"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Crossford"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY12 8QR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="admin@architeco.co.uk"/>		

Site Address Details

Planning Authority:

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="Site North of the Steading, Lundin Road."/>

Northing	<input type="text" value="687896"/>	Easting	<input type="text" value="306200"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Story and half, 4/5 bed low energy dwelling.

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.

We have attached a separate document outlining our points for the review body to consider. Please reference document CH1026-AECO-XX-XX-SG-A-3002 Appeal Letter.

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)

CH1026-AECO-XX-XX-SG-A-3002 Appeal Letter.docx 1026-AECO-XX-GF-A-DR-2006_S0-06 Site Boundary Plan.pdf 1026-AECO-XX-GF-A-DR-2005_S0-05 Site Plan Proposed Visibility Splay 1_200.pdf 1026-AECO-XX-GF-A-DR-2004_S0-05 Site Plan Proposed Visibility Splay National Guidance.pdf 1026-AECO-XX-GF-A-DR-2003_S0-05 Site Plan Proposed Visibility Splay.pdf 1026-AECO-XX-GF-A-DR-2003_S0-02 Site Plan Proposed Visibility Splay.pdf Fwd Application reference 2001919PREAPP.pdf Preapp response ufm4 Re2101846FULL

Application Details

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

21/01846/FULL

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

11/06/2021

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

29/09/2022

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

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 Colin Potter

Declaration Date: 22/11/2022

Document Number: CH1026-AECO-XX-XX-RP-A-3001 Appeal Letter
Agent: Duncan Henderson
Applicant: Mr Lyth
Planning Application Number: 21/01846/FULL
Location: Land North of the Steading Lundin Road, Crossford, Fife
Project: Proposed Erection of Low Energy Dwellinghouse and carport with associated access and landscaping works.
Refusal Date: 29th September 2022
Appeal Date: 22th November 2022

TABLE OF CONTENTS:

Appeal Statement:	2
Point 1 Expanded (House Cluster):	2
Point 2 Expanded (Access & Visibility):	3
Point 3 Expanded (Subpar standards and Advice):	3
Conclusion:	3
APPENDIX:	5

Appeal Statement:

The Local Review Body is requested to consider this application and approve it for a number of reasons, each of which is expanded below. In sum, however, we would submit that Fife Council's Planning Department's treatment of our client's original application reflects a unfortunate contradictory reading of policy, maladministration, and lack of clarity which now requires to be fully reviewed to ensure a correct decision can be made.

1. - The Report of handling does not fairly assess or clarify the reasoning for the refusal based on Policy 8 which overturns a previous preplanning application judgement that the plot is within a cluster of 5 defined by the adopted FIFEplan (2017) and does not make any reference to further clarify how they are assessing this from the FIFEplan.
2. – The report of handling inaccurately portrays our proposal to be creating a new access to Lundin Road where in fact our proposal was to upgrade the existing shared access. The Report of handling does not refer to any of the further clarified documents passed forward for review by the agent to clarify Road safety with reference to Policies 1, 3 and 10. No discussion or further written request was made to have the updated access proposal reviewed or discussed with the agent or the client by our planning officer.
3. – Throughout the process the planning department refused to advise on the proposal and notify the agent or the client that there would be an issue with the pre-applications judgement on Policy 8. This resulted in additional surveys being required prior to assessment amounting to the sums of around £20,000 for our client. If clarified beforehand that large expense to our client would have been avoided. While this amounts to a gross negligence and irresponsibility by the department, it highlights how the interpretation of the cluster policy has affected every aspect of this application.

Point 1 Expanded (House Cluster):

As previously indicated, the proposed cluster of five houses was advised as acceptable in the response to our client's Pre-application enquiry (appendix 1). This is proposed to included counting Dean Cottage to the North of the site within this cluster.

The report of handling wrongly stated that there is only a cluster of four houses under consideration. For clarification, that mistaken view only included Bankier, Ferness House, The Old Steading and Saddleback Cottage. Please refer to Appendix 2 for site plan clarification of dwelling houses.

On review of the site, we have established that the plot boundary distance from Bankier to Dean Cottage is only 74m - which is directly comparable with the boundary distances from Bankier to Ferness House, The Old Steading and Saddleback Cottage.

We submit that this further clarification firmly places Dean Cottage within the cluster of five house in this case and fully lines up with the preapplication advice.

Point 2 Expanded (Access & Visibility):

Further documents have been issued for this application which clarified using the existing shared access from Lundin Road. The road department's comments clarified that the existing access was not in line with current standards and, due to the current hedges on site, the applicants site works would be required to achieve the required visibility splays required within the Fife council of 140m. As such we proposed to cut back the hedges on site and obtain written approval from the owners of Ferness House that maintaining the visibility to the South over their land would be acceptable (Appendix 3). The majority of the visibility splay is within the council road verge which from our review would be achievable in both directions following maintenance of the existing hedges.

As no further clarification was given by either Roads department or our planning case officer to outline the reason for noncompliance for our updated proposal, we must assume that this further access proposal was not reviewed and appears to have been ignored.

With this being an existing entrance, which is currently assessed to be of a hazard to road safety, our proposal to upgrade the access and ensure maintenance for visibility on this access would seem to be a sensible and approvable proposal.

Again, we have not been provided with any clarification as to how this updated proposal is noncompliant and with this, we feel the planning department has been negligent in their responsibility to address our proposal.

Point 3 Expanded (Sub-par standards and Advice):

After initial submission of the application land surveys, coal surveys plus a full drainage design were requested by the Planning Department before validation would be provided. We then requested that the application be progressed for provisional assessment to ensure this could be supported for approval prior to the surveys and engineering design being instructed. This request was denied, as a result of which our client needlessly and pointlessly instructed surveys amounting to over £20,000.

These surveys and designs were instructed on the basis of the comfort provided by the Pre-application response outlining that a cluster of five dwellings existed in line with planning policy. However, now that the planning department has decided to overrule its own preplanning advice our client is in the position of having spent over £20,000 to apply for planning which was previously clarified as being in line with policy. It appears that the new officers judging the application refused the proposal on the ground of their personal reading of the policy, which has not been fully clarified as to the specific requirements for the cluster along side non-assessment of our updated access proposal, only referencing the original access proposal without further discussion over our updated proposal. We view this as irresponsible and negligent conduct far below the standards expected for the council.

Conclusion:

We submit that our proposal has been judged unfairly and that we have been provided with inadequate advice and instruction from Fife Council throughout the application process. After our initial preapplication received a positive response, confirming that it complied with Fife council's policy for housing within a cluster, we reasonably believed that it would be a simple matter to proceed for full planning approval. As a precaution before we instructed

further expensive land and coal surveys along with full drainage design, which was deemed necessary by Fife Council, we requested that the proposal be provisionally assessed with this information to follow later, however this was refused by the Council.

After our further information had been submitted, it became clear that a new case officer was of the opinion that previous advice from another case officer on the question of a cluster was incorrect, without stating how that new conclusion had been arrived at nor the criteria by which a cluster was now being defined. It was obvious, however, that in order to arrive at the revised conclusion that only four houses existed in this cluster, Dean Cottage to the north of Bankier was not being included.

This irrational and partial view ignored clear mapping data we had provided. That data showed the distances between the five houses in the cluster and their boundaries and clearly established that Dean Cottage's boundary is only fractionally further from Bankier than Bankier is from the boundaries of the other houses in the cluster, including Ferness House which is the furthest from Bankier (Appendix 2).

Regarding the visibility splay which were initially assessed as unsafe due to the splays being out with the land ownership of our client, something quite common, we had provided a letter from a neighbour confirming they would be happy for our client to maintain the visibility for the access over their land however this was refused by the case officer as inadequate and requested this be written as a legally binding contract.

We had since clarified further options to planning where we were to use the existing access used by the cluster of houses and were willing to take on any improvements necessary to increase safety for the currently used access. This further proposal seems to have been completely ignored as we have had no further feedback other than the refusal. Throughout the planning process we have followed all guidance and precaution in order to ensure that we would be able to obtain approval, from initial preapplication advice, requesting initial review and providing further alternatives. However, throughout this process we have been met with inaccurate advice from Fife Council's planning department or no response at all to the alternative solutions we have proposed.

We strongly believe and submit that the proposal has been unfairly assessed and we maintain that the design can be approved as we have shown that roads visibility standards are achievable through use of the existing access with minor site update / maintenance and that the proposed cluster was correctly assessed as acceptable by the preapplication. From our review, the development along Lundin Road clearly groups these five houses as a cluster in accordance with Fife Council's own planning guidance.

We therefore request the Local Review Body to reconsider this application.

APPENDIX:

1. – Pre-Application Extract 20/10/29:- Full email document provided within application for reference.

----- Forwarded message -----
From: **Andrew Taylor** <Andrew.Taylor@fife.gov.uk>
Date: Thu, Oct 29, 2020 at 10:22 AM
Subject: RE: Application reference -20/01919/PREAPP
To: Dan Lyth [REDACTED]

Morning Dan

I did start preparing my response a few weeks ago but I had hoped to visit the site so sorry about the delay. We have been asked to cut back on site visits for obvious reasons. I normally deal with North East Fife so don't really know the area that well.

The Adopted FIFEplan Local Development Plan (2017) Policy 1 sets out the requirements for development principles. This policy supports development proposals providing they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. It further states the development will only be supported if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 7 and 8.

Policy 7 of FIFEplan advises that development in the countryside will only be supported in certain instances. One such circumstance is where the proposal is in line with Policy 8 (Houses in the Countryside). However, it further sets out that all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

Policy 8 of FIFEplan aims 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. Policy 8 sets out that development of houses in the countryside will only be supported where; it is for a site within an established and clearly defined cluster of five houses or more (up to a maximum of 24); or 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; or it is for the rehabilitation and/or conversion of a complete or substantially complete existing building; or it is to support an established rural business.

In this instance from the information provided I'm satisfied that the property would in simple terms be within a cluster the principle would be acceptable subject to complying with other material considerations.

Design/Visual Impact on Countryside

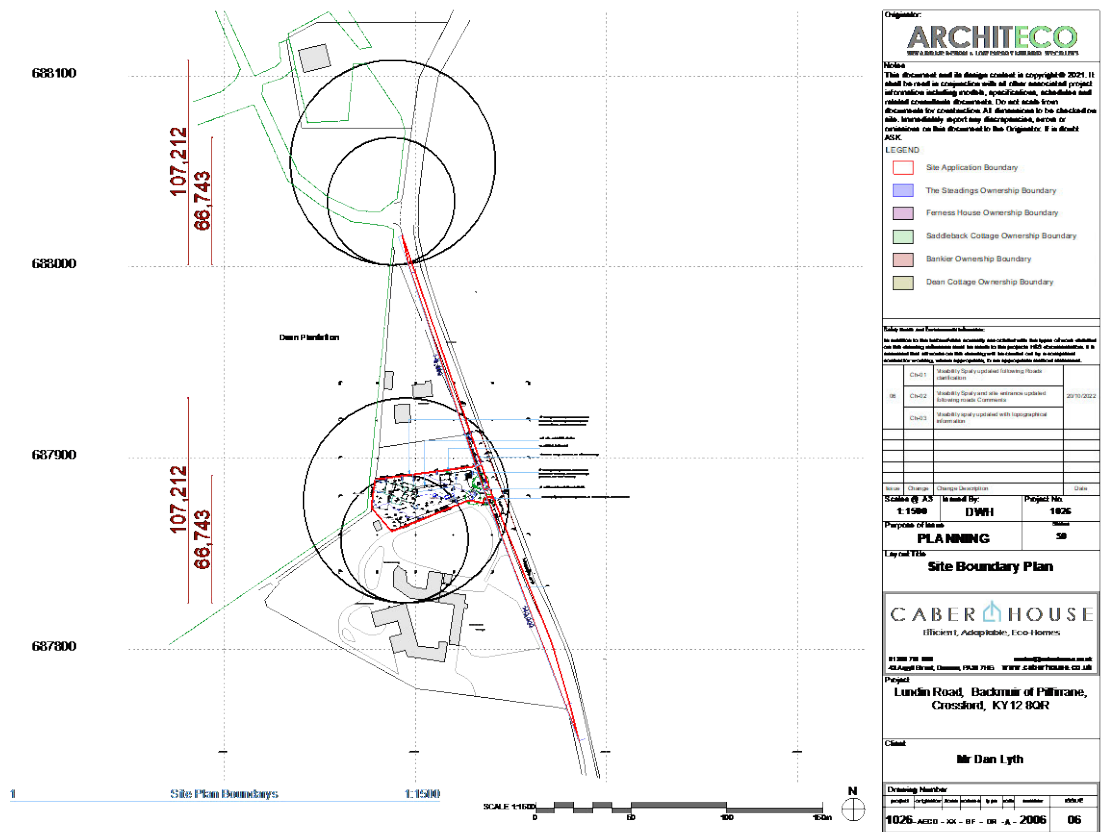
FIFEplan Local Development Plan (2017) Policies 1, 7, 8 and 10, the Making Fife's Places Adopted Planning Policy Guidance Document and the Making Fife's Places Proposed Supplementary Guidance Document (2017) apply with regard to the design and visual impact of the proposal.

Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area.

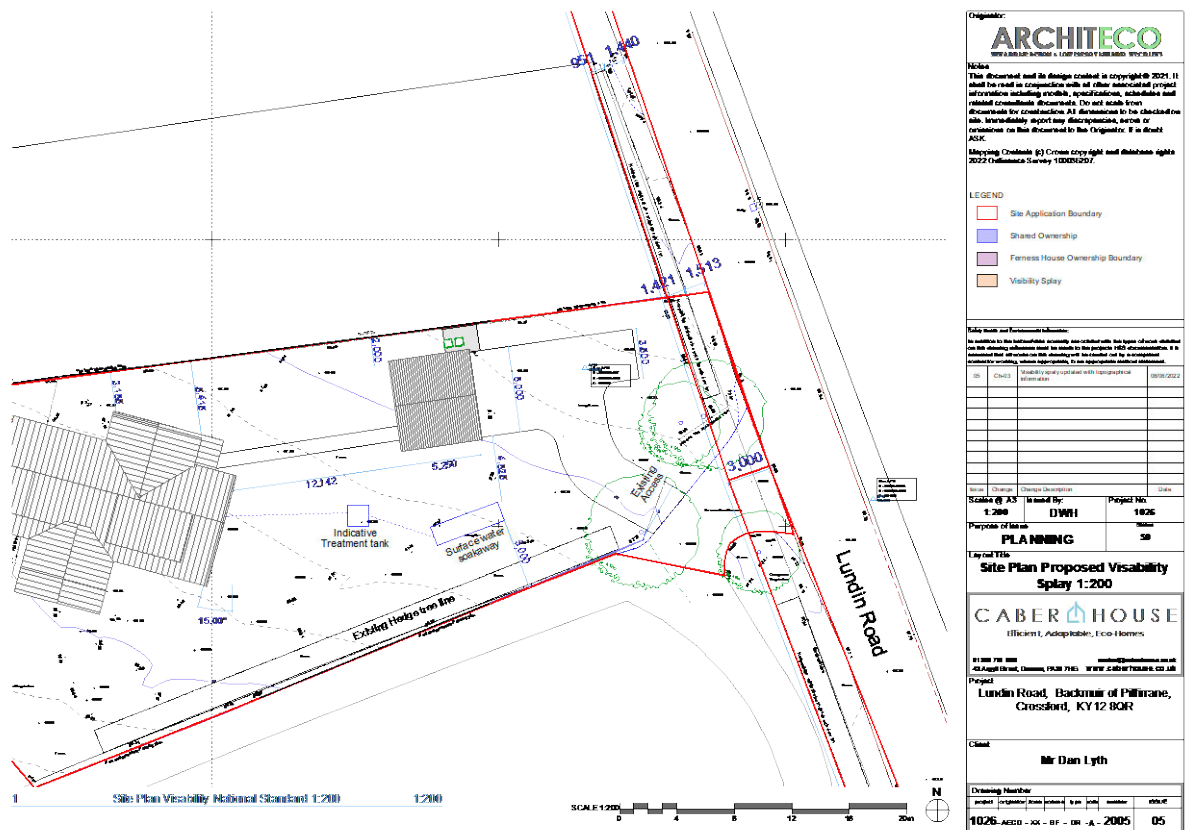
Making Fife's Places Adopted Planning Policy Guidance (2015) and Proposed Supplementary Guidance (2017) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

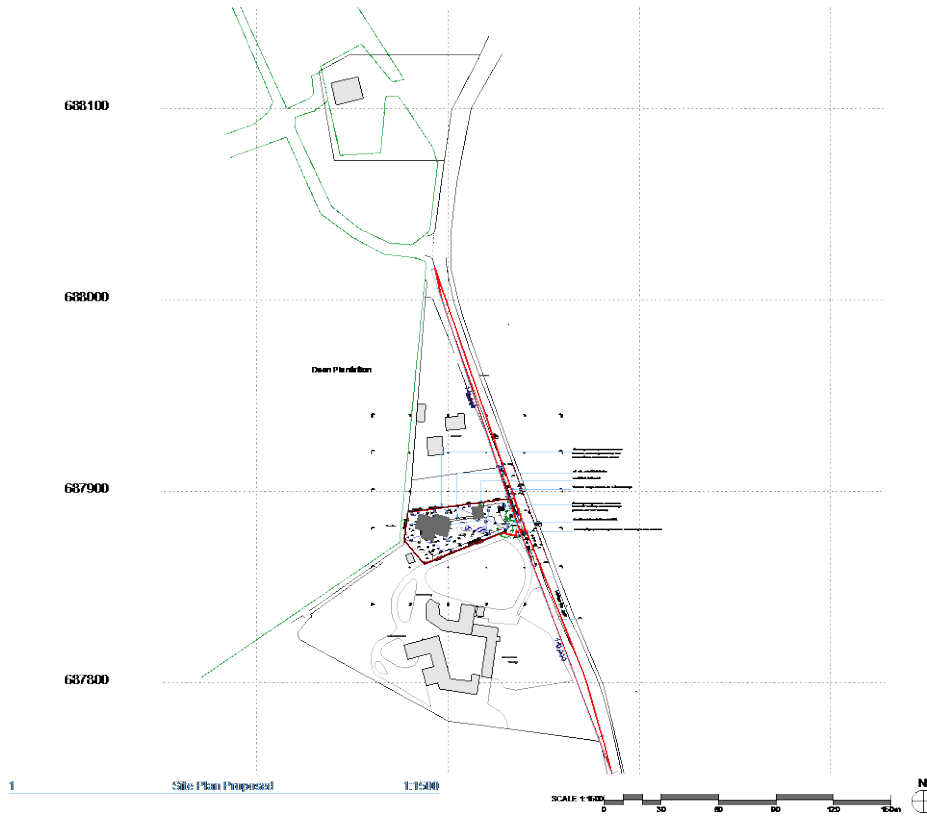
The proposed dwellinghouse type is considered acceptable.

2. - Site Plan:



3. - Visibility Splay Document:





ARCHITECO
Sustainable Design & Low Energy Building Specialists

Notes:
This document and its design content is copyright © 2021. It shall be read in conjunction with all other associated project information including permits, specifications, schedules and related construction documents. Do not scale from documents for construction. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on file returned to the Originator. If in doubt ASK.

Mapping Credits (S) Crown copyright and database rights 2022 (Ordnance Survey 100062007)

LEGEND

- Site Application Boundary
- Shared Ownership
- Ferness House Ownership Boundary
- Visibility Splay 40m/14m at 140m x 3m

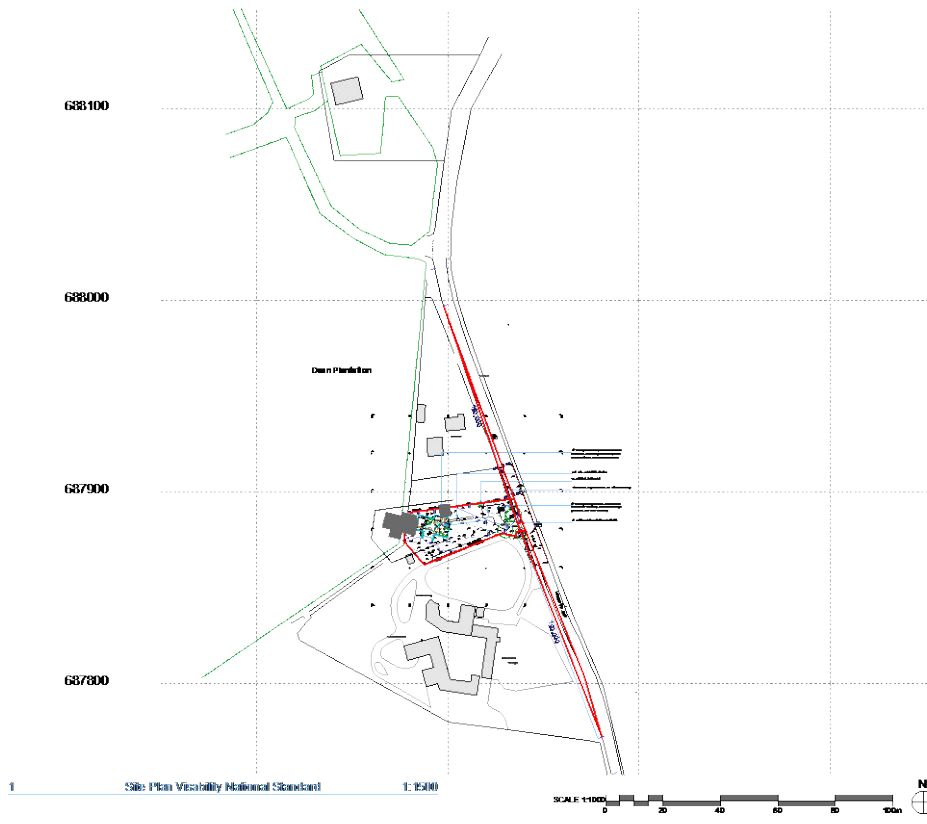
Key Dates and Environmental Information:

Ref	Check	Check Description	Date
01	Check1	Validity of all construction documents	08/02/2021
02	Check1	Validity of all construction documents	08/02/2021
03	Check1	Validity of all construction documents	08/02/2021
04	Check1	Validity of all construction documents	08/02/2021
05	Check1	Validity of all construction documents	08/02/2021

Scale @ A3: 1:1500
 In used by: DWH
 Project No: 1026
 Purpose of Issue: PLANNING
 Issue No: 05

Client: Mr Dan Lyth

Drawing Number: 1026-AR01-XX-BF-DR-A-2003-05



ARCHITECO
Sustainable Design & Low Energy Building Specialists

Notes:
This document and its design content is copyright © 2021. It shall be read in conjunction with all other associated project information including permits, specifications, schedules and related construction documents. Do not scale from documents for construction. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on file returned to the Originator. If in doubt ASK.

Mapping Credits (S) Crown copyright and database rights 2022 (Ordnance Survey 100062007)

LEGEND

- Site Application Boundary
- Shared Ownership
- Ferness House Ownership Boundary
- National Guidance Visibility Splay

Key Dates and Environmental Information:

Ref	Check	Check Description	Date
01	Check1	National Guidance Visibility Splay	08/02/2021

Scale @ A3: 1:1000
 In used by: DWH
 Project No: 1026
 Purpose of Issue: PLANNING
 Issue No: 05

Client: Mr Dan Lyth

Drawing Number: 1026-AR01-XX-BF-DR-A-2004-05

----- Forwarded message -----

From: **Andrew Taylor** <Andrew.Taylor@fife.gov.uk>
Date: Thu, Oct 29, 2020 at 10:22 AM
Subject: RE: Application reference -20/01919/PREAPP
To: Dan Lyth <[REDACTED]>

Morning Dan

I did start preparing my response a few weeks ago but I had hoped to visit the site so sorry about the delay. We have been asked to cut back on site visits for obvious reasons. I normally deal with North East Fife so don't really know the area that well.

The Adopted FIFEplan Local Development Plan (2017) Policy 1 sets out the requirements for development principles. This policy supports development proposals providing they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. It further states the development will only be supported if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 7 and 8.

Policy 7 of FIFEplan advises that development in the countryside will only be supported in certain instances. One such circumstance is where the proposal is in line with Policy 8 (Houses in the Countryside). However, it further sets out that all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

Policy 8 of FIFEplan aims 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. Policy 8 sets out that development of houses in the countryside will only be supported where; it is for a site within an established and clearly defined cluster of five houses or more (up to a maximum of 24); or 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; or it is for the rehabilitation and/or conversion of a complete or substantially complete existing building; or it is to support an established rural business.

In this instance from the information provided I'm satisfied that the property would in simple terms be within a cluster the principle would be acceptable subject to complying with other material considerations.

Design/Visual Impact on Countryside

FIFEplan Local Development Plan (2017) Policies 1, 7, 8 and 10, the Making Fife's Places Adopted Planning Policy Guidance Document and the Making Fife's Places Proposed Supplementary Guidance Document (2017) apply with regard to the design and visual impact of the proposal.

Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area.

Making Fife's Places Adopted Planning Policy Guidance (2015) and Proposed Supplementary Guidance (2017) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

The proposed dwellinghouse type is considered acceptable.

Residential Amenity

Policy 1 and Policy 10 of the Adopted FFEplan (2017) states that development will only be supported in such cases where it would not have a significant detrimental impact on the amenity of existing or proposed land uses. Additionally, any proposed development proposals must sufficiently demonstrate that they would not lead to a significant detrimental impact on amenity in relation to a number of criteria which covers but is not limited to factors such as noise, light and odour pollution as well as the potential loss of privacy, sunlight and daylight. Fife Council Planning Customer Guidelines for Daylight and Sunlight (2010) set out the relevant criteria and advice on how to measure the impacts on existing buildings and adjoining land in order to maintain the current levels of residential amenity in an area. All new development including extensions should be designed to minimise overshadowing of neighbouring properties. All buildings are required to have adequate levels of daylight, however sunlight levels, although desirable, are not a determining factor of new developments.

Fife Council Planning Customer Guidelines on Daylight and Sunlight (2014) further emphasise that new development should be designed to minimise overshadowing of neighbouring properties. The guidelines go on to state that the Council will not support any new development that would result in the loss of sunlight leading to overshadowing for the majority of the day.

The main consideration in this instance relates directly to any impact the proposed dwellinghouse would have on the adjacent residential properties in relation to overlooking, loss of privacy and loss of daylight. Considering the context of the site within an established residential area and the size of the plot, it is considered that the dwellinghouse has been designed in such a way to ensure that there would be no significant detrimental residential amenity issues raised. There are no conventional windows facing directly towards existing buildings and set backs are such that overlooking of garden spaces will not be at an unacceptable level. In addition to the above, Fife Council Environmental Officers who were consulted do not object to the proposals. The application is therefore considered capable of meeting the requirements of national guidance, the Development Plan and supplementary guidance relating to residential amenity.

Fife Council's Planning Customer Guidelines on Garden Ground advises 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 is required.

Road Safety

This pre application is for erection of a dwelling including the formation of a new vehicular access at the Old Steading, Lundin Road.

The section of Lundin Road fronting the site is subject to a 40mph speed limit and according to the current Fife Council Transportation Development Guidelines (TDG), visibility splays 3m x 140m 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 new access and the public road. Forward visibility of 140 metres must be available for drivers of vehicles turning right into the site from the public road and additionally, other drivers travelling southbound on the public road must have 140 metre forward visibility of any stationary vehicle waiting to turn right into the site from the public road.

The Transportation Development Management officer (TDM) has stated that it was not possible to assess the visibility splays that could be provided from a 3m set back distance from the public road channel line, as he could only access a distance 1 metre back, due to the boundary hedging. However, it appeared that it may be challenging to provide the 3m x 140m splays in both directions within land in the applicant's control/the public road boundary.

The 140m forward visibility splay requirement for drivers of right turning vehicles is achievable.

Any planning application submitted would have to commission a detailed engineering survey demonstrating that the 3m x 140m junction visibility splays are achievable.

As the proposal stands, TDM would not be supportive, as it appears it would result in the formation of a new access with sub standard visibility splays in both directions to the detriment of road safety.

If the applicant can demonstrate he has control over all the land necessary to provide the required 3m x 140m splays, then TDM would be willing to reconsider our position.

Ground Stability

Coal Mining Legacy/Land Stability

The site lies within a Coal Authority High Risk Area. An appropriate Coal Mining Risk Assessment (not simply a coal mining report) should be submitted with any planning application. Further ground investigation works may be required. Failure to provide an appropriate Coal Mining Risk Assessment at submission will result in the application becoming invalid.

Other Matters

Application procedure

Below is a summary of the key matters you should be aware of prior to and during the submission of your application

Application Fees

A proposal based on the information submitted in this pre app would require a full planning application or an application for planning permission in principle (PPP) to be submitted. Details of current fee scales can be found on the Fife Council website. Advertising fees may also apply.

(see the current Scale of Fees document on the Fife Council website https://www.fife.gov.uk/kb/docs/articles/planning_and_building2/planning/planningapplications/ apply for planning permission)

Any further queries in this regard can be addressed to the Validations team at development.central@fife.gov.uk

How to Pay

Please be aware that Fife Council no longer accepts cash or cheque as payment methods. Your client can however pay the application fee and any applicable advert fees by the following methods:

The Scottish Government e planning portal

Fife Council Online Payments

Telephone payments

Bank Transfer

Whichever payment method you choose please ensure that your payment reaches us within 5 days of submitting your application. For further guidance on how to pay please visit www.fifedirect.org.uk/planning and select the "completing your application" tab from the left hand side of the webpage.

Ordnance Survey Licence

All plans that use the Ordnance Survey map as a base map must be appropriately licensed and details of the date and licence number added to each plan. Please ensure this is addressed in all your documents including any plans inserted within reports and other supporting documents.

Application form and Plans

It is expected that the application be accompanied by the usual application form and suite of drawings for the application type; including a site plan, location plan, block plans, existing/proposed elevations etc. Please refer to Fife Council's Planning Application Validation Checklist for further details on the information we require to validate your application.

Document size for scanning

All planning applications require to be uploaded to the Council's e planning website. It is the Council's preference for applications to be submitted online to reduce the time taken for documents to be scanned and uploaded to the website. All documents submitted electronically either online, via email or by disk, must be less than 10MB in size. Anything above this cannot be loaded to the online system. Should a document need to be divided into smaller pieces it is preferred that this would be done logically.

Likely timescales & decision making

As the proposal falls within the category of Local developments the Scottish Government advises that the Council should strive to determine the application within 2 months of its receipt. This may not be possible if we need to consult with external organisations or statutory consultees and/or seek additional information or design changes from applicants. This can be factored into a processing agreement however.

Conclusion

I am satisfied that the property would comply with housing in the countryside policies in that it sits within an existing group of 4 houses making 5 and could offer an attractive addition to the area. Road safety issues should be addressed prior to submitting any planning application. A full coal mining risk assessment should be undertaken and submitted with any planning application. Details of drainage should also be submitted.

Please note that this information is given at officer level only and is made strictly without prejudice to the eventual decision of Fife Council as Planning Authority. Please also note that this advice does not take into account land ownership and extra information may be required for any application. Please refer to our Validation Standards at www.fifedirect.org.uk/planning to confirm the exact details required.

I trust this clarifies the position.

Andy

Andy Taylor
Planner (North Team)
Planning Services
Fife Council, 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: Dan Lyth [REDACTED]
Sent: 28 October 2020 15:45
To: Development Central <Development.Central@fife.gov.uk>; Andrew Taylor <Andrew.Taylor@fife.gov.uk>
Subject: Re: Application reference 20/01919/PREAPP

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.

Hi again

Just enquiring (for the third time!) if there has been any progress with this pre application enquiry? It's now been 45 working days since it was submitted

Thank you

Daniel

On Wed Oct 21 2020 at 4:32 PM Dan Lyth [REDACTED] > wrote:

Hi again

Just wondering if there was any progress with this application? It's been 40 working days since it was submitted now

Thank you

Daniel

On Wed 7 Oct 2020 21:11 Dan Lyth [REDACTED] > wrote:

Hi

was just wondering how you were getting on with this as it's now been 30 working days since this was submitted. Thanks for your time

Daniel

On Thu 3 Sep 2020 11:01 <development.central@fife.gov.uk> wrote:

Please see attached correspondence

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed and should not be disclosed to any other party
If you have received this email in error please notify your system manager and the sender of this message

This email message has been swept for the presence of computer viruses but no guarantee is given that this email message and any attachments are free from viruses

Fife Council reserves the right to monitor the content of all incoming and outgoing email

Information on how we use and look after your personal data can be found within the Council's privacy notice:
www.fife.gov.uk/privacy

LEADER LEAD FROM THE FRONT

With COVID-19 around, it's more important than ever to get your free flu vaccine.

Protect our communities, yourself, and the NHS from the impact of flu this winter.

www.nhsinform.scot/flu

Remember FACTS for a safer Scotland

- F** Face coverings
- A** Avoid crowded places
- C** Clean your hands regularly
- T** Two metre distance
- S** Self-isolate and book a test...

.....

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed and should not be disclosed to any other party.

If you have received this email in error please notify your system manager and the sender of this message.

This email message has been swept for the presence of computer viruses but no guarantee is given that this email message and any attachments are free from viruses.

Fife Council reserves the right to monitor the content of all incoming and outgoing email.

Information on how we use and look after your personal data can be found within the Council's privacy notice www.fife.gov.uk/privacy.

Fife Council

.....

From: Development Central <Development.Central@fife.gov.uk>
Subject: Re: 21/01846/FULL
Date: 3 August 2021 at 15:47
To: Duncan Henderson <duncan@caberhouse.co.uk>

Afternoon

Thank you for your email regarding invalid reasons and advising that the low carbon checklist will be uploaded via the portal.

We do not require SUDs given that it is a single dwelling but we will require a coal risk assessment prior to validation of the application, we can't deal with this as a condition.

I trust this clarifies our position

Regards
Mags Doyle
Planning Assistant

Get [Outlook for Android](#)

From: Duncan Henderson <duncan@caberhouse.co.uk>
Sent: Monday, August 2, 2021 10:40:27 AM
To: Development Central <Development.Central@fife.gov.uk>
Subject: 21/01846/FULL

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.

FAO Jack Wilson,

Hello Jack

Thank you for forwarding the invalid letter.

I have tried to get in touch to discuss as I have a few points I would like to discuss. From your letter dated the 30th July 2021 I have outlined my queries below.

1. You have requested a full SUDS Compliance check although several of the points from this will not be dealt with until an engineer is appointed which will follow on at the warrant stage. SUDS compliance is mandatory and this will be done though I would expect this as a condition not as a requirement for validation. I would appreciate if this can be clarified and if dealt with as a condition would be appreciated. I would be happy to discuss.
2. I'm happy to submit a low carbon checklist I have attached this for your reference though I would be happy to upload this through the eportal if preferred.
3. I understand that the Coal Mining Report will be required though I would like to deal with this as a condition to follow on with. I would also be happy if this is required to have this arranged all-though I would expect to have assurance that the prospect of a dwelling on the plot would be acceptable before a coal mining report is arranged. I would appreciate if this can be clarified as the best process to follow on this point as well.

I trust this is clear and would be grateful to have these points clarified.
I look forward to hearing from you and would be happy to take a call for clarity on these points.

Kind regards,

Duncan Henderson
MArch, BSc

CABER HOUSE
email: duncan@caberhouse.co.uk

email: admin@caberhouse.co.uk
tel: 01369 510 050
web: www.caberhouse.co.uk

CABER HOUSE LTD REGISTERED IN SCOTLAND No SC658742

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed and should not be disclosed to any other party.

If you have received this email in error please notify your system manager and the sender of this message.

This email message has been swept for the presence of computer viruses but no guarantee is given that this e-mail message and any attachments are free from viruses.

Fife Council reserves the right to monitor the content of all incoming and outgoing email.

Information on how we use and look after your personal data can be found within the Council's privacy notice: www.fife.gov.uk/privacy

Fife Council

Notes
 This document and its design content is copyright © 2021. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultants documents. Do not scale from documents for construction. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Originator. If in doubt ASK.

LEGEND

	Site Application Boundary
	The Steadings Ownership Boundary
	Ferness House Ownership Boundary
	Saddleback Cottage Ownership Boundary
	Bankier Ownership Boundary
	Dean Cottage Ownership Boundary

Safety Health and Environmental Information:
 In addition to the hazard/risks normally associated with the types of work detailed on this drawing reference must be made to the projects H&S documentation. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

06	Ch-01	Visibility Spaly updated following Roads clarification	20/10/2022
	Ch-02	Visibility Spaly and site entrance updated following roads Comments	
	Ch-03	Visibility spaly updated with topographical information	

Issue	Change	Change Description	Date
Scales @ A3 1:1500			
Issued By: DWH		Project No. 1026	

Purpose of Issue PLANNING		Status S0
-------------------------------------	--	---------------------

Layout Title
Site Boundary Plan

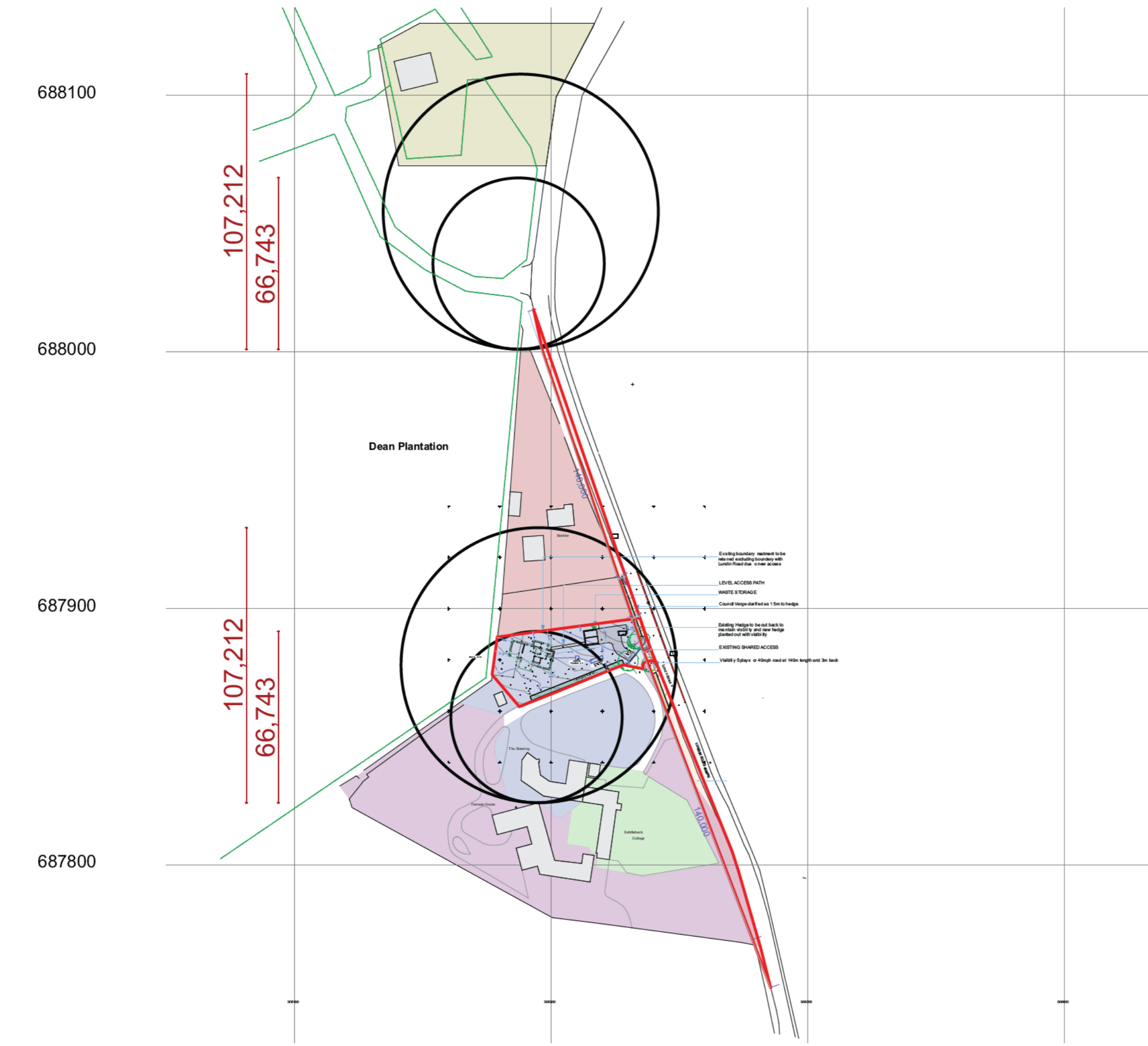
CABERHOUSE
 Efficient, Adaptable, Eco-Homes

01369 701 988 contact@caberhouse.co.uk
 43 Argyll Street, Dunoon, PA23 7HG www.caberhouse.co.uk

Project
 Lundin Road, Backmuir of Pitfirrane,
 Crossford, KY12 8QR

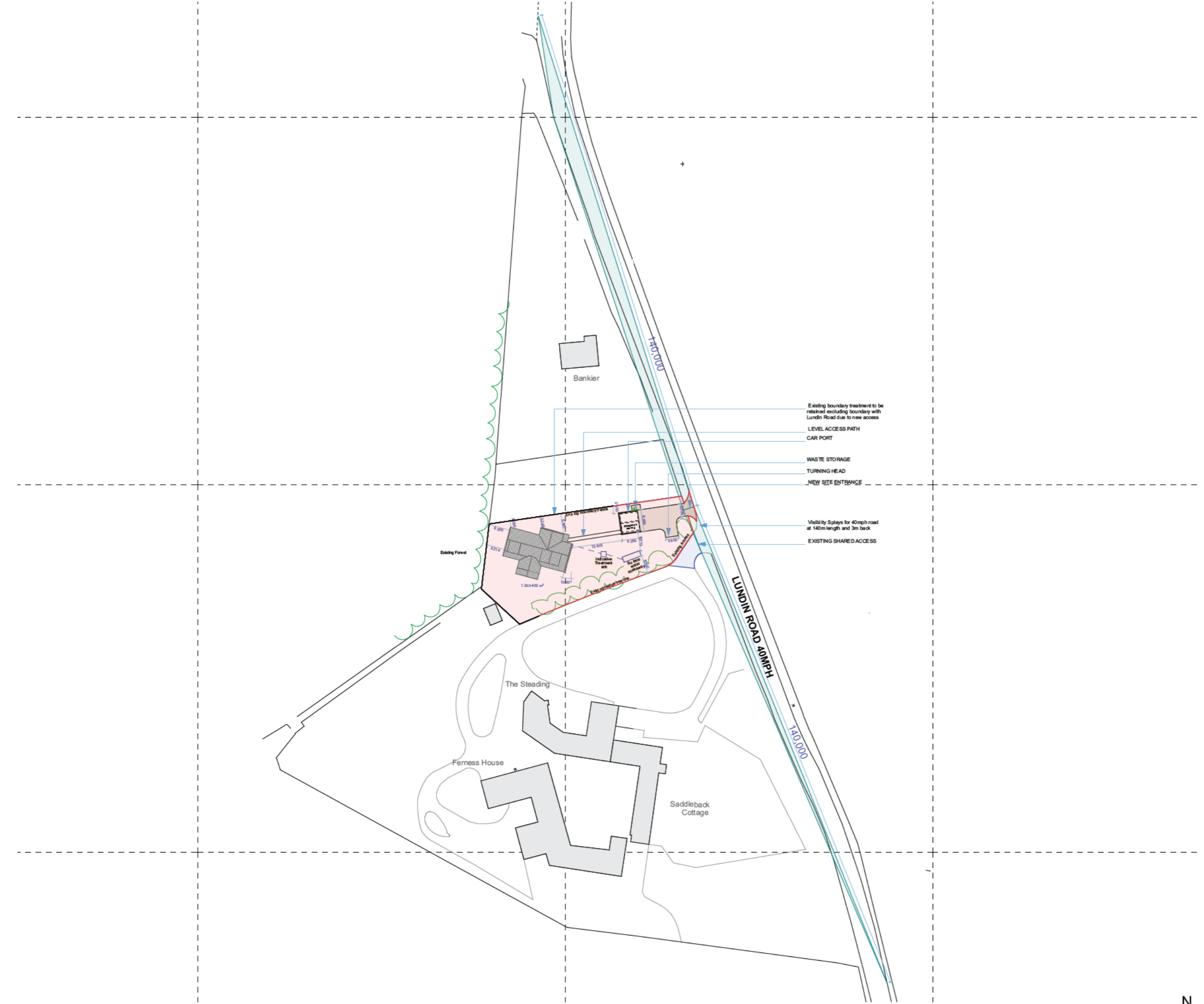
Client
Mr Dan Lyth

Drawing Number							
project	originator	zone	volume	type	role	number	ISSUE
1026-AECO-XX-GF-DR-A-2006						078	



1 Site Plan Boundaries 1:1500





Notes
 This document and its design content is copyright © 2021. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultants documents. Do not scale from documents for construction. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Originator. If in doubt ASK.

Mapping Contents (c) Crown copyright and database rights 2021 Ordnance Survey 100035207

Safety Health and Environmental Information:
 In addition to the hazard/risks normally associated with the types of work detailed on this drawing reference must be made to the projects H&S documentation. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

02			31/05/2021

Issue	Change	Change Description	Date
Scales @ A3		Issued By:	Project No.
1:1000		DWH	1026
Purpose of Issue			Status
WIP			S0

Layout Title
Site Plan Proposed Visibility Splay

CABERHOUSE
 Efficient, Adaptable, Eco-Homes

01369 701 988 contact@caberhouse.co.uk
 43 Argyll Street, Dunoon, PA23 7HG www.caberhouse.co.uk

Project
 Lundin Road, Backmuir of Pitfirrane,
 Crossford, KY12 8QR

Client
Mr Dan Lyth

Drawing Number						
project	originator	zone	volume	type	role	number
1026-AECO-XX-GF-DR-A-	2003					
						ISSUE
						079

688100

688000

687900

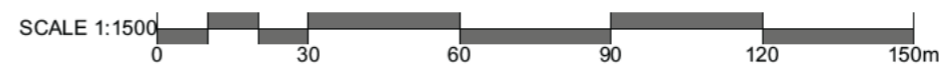
687800



Dean Plantation

- Existing boundary treatment to be retained excluding boundary with Lundin Road due to new access
- LEVEL ACCESS PATH
- WASTE STORAGE
- Council Vege clarified as 1.5m to hedge
- Existing Hedge to be set back to maintain visibility and new hedge planted out with visibility
- EXISTING SHARED ACCESS
- V visibility Splays at 40mph road at 140m length and 3m back

1 Site Plan Proposed 1:1500



Originator:
ARCHITECO
 SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS

Notes
 This document and its design content is copyright © 2021. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultants documents. Do not scale from documents for construction. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Originator. If in doubt ASK.

Mapping Contents (c) Crown copyright and database rights 2022 Ordnance Survey 100035207.

LEGEND

	Site Application Boundary
	Shared Ownership
	Ferness House Ownership Boundary
	Visibility Splay 40mph at 140m x 3m

Safety Health and Environmental Information:
 In addition to the hazard/risks normally associated with the types of work detailed on this drawing reference must be made to the projects H&S documentation. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

Issue	Change	Change Description	Date
02			31/05/2021
03	Ch-01	Visibility Splay updated following Roads clarification	05/10/2021
04	Ch-02	Visibility Splay and site entrance updated following roads Comments	21/12/2021
05	Ch-03	Visibility splay updated with topographical information	08/08/2022

Scale @ A3 1:1500	Issued By: DWH	Project No. 1026
-----------------------------	--------------------------	----------------------------

Purpose of Issue PLANNING	Status S0
-------------------------------------	---------------------

Layout Title
Site Plan Proposed Visibility Splay

CABERHOUSE
 Efficient, Adaptable, Eco-Homes

01369 701 988 contact@caberhouse.co.uk
 43 Argyll Street, Dunoon, PA23 7HG www.caberhouse.co.uk

Project
 Lundin Road, Backmuir of Pitfirrane,
 Crossford, KY12 8QR

Client
Mr Dan Lyth

Drawing Number							
project	originator	zone	volume	type	role	number	ISSUE
1026	AECO	XX	GF	DR	A	2003	050

688100

688000

687900

687800



Originator:

ARCHITECO
SUSTAINABLE DESIGN & LOW ENERGY BUILDING SPECIALISTS

Notes

This document and its design content is copyright © 2021. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultants documents. Do not scale from documents for construction. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Originator. If in doubt ASK.

Mapping Contents (c) Crown copyright and database rights 2022 Ordnance Survey 100035207.

LEGEND

- Site Application Boundary
- Shared Ownership
- Ferness House Ownership Boundary
- National Guidance Visibility Splay

Safety Health and Environmental Information:

In addition to the hazard/risks normally associated with the types of work detailed on this drawing reference must be made to the projects H&S documentation. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

Issue	Change	Change Description	Date
05	Ch-04	National Visibility splay option	08/08/2022

Scale @ A3 1:1500	Issued By: DWH	Project No. 1026
Purpose of Issue PLANNING		Status S0

Layout Title
Site Plan Proposed Visibility Splay National Guidance

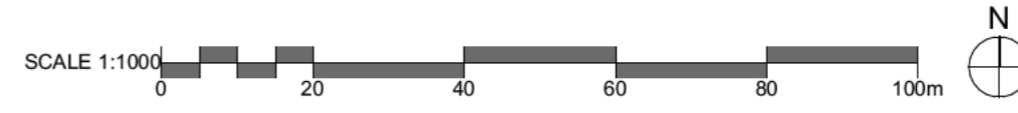
CABERHOUSE
Efficient, Adaptable, Eco-Homes

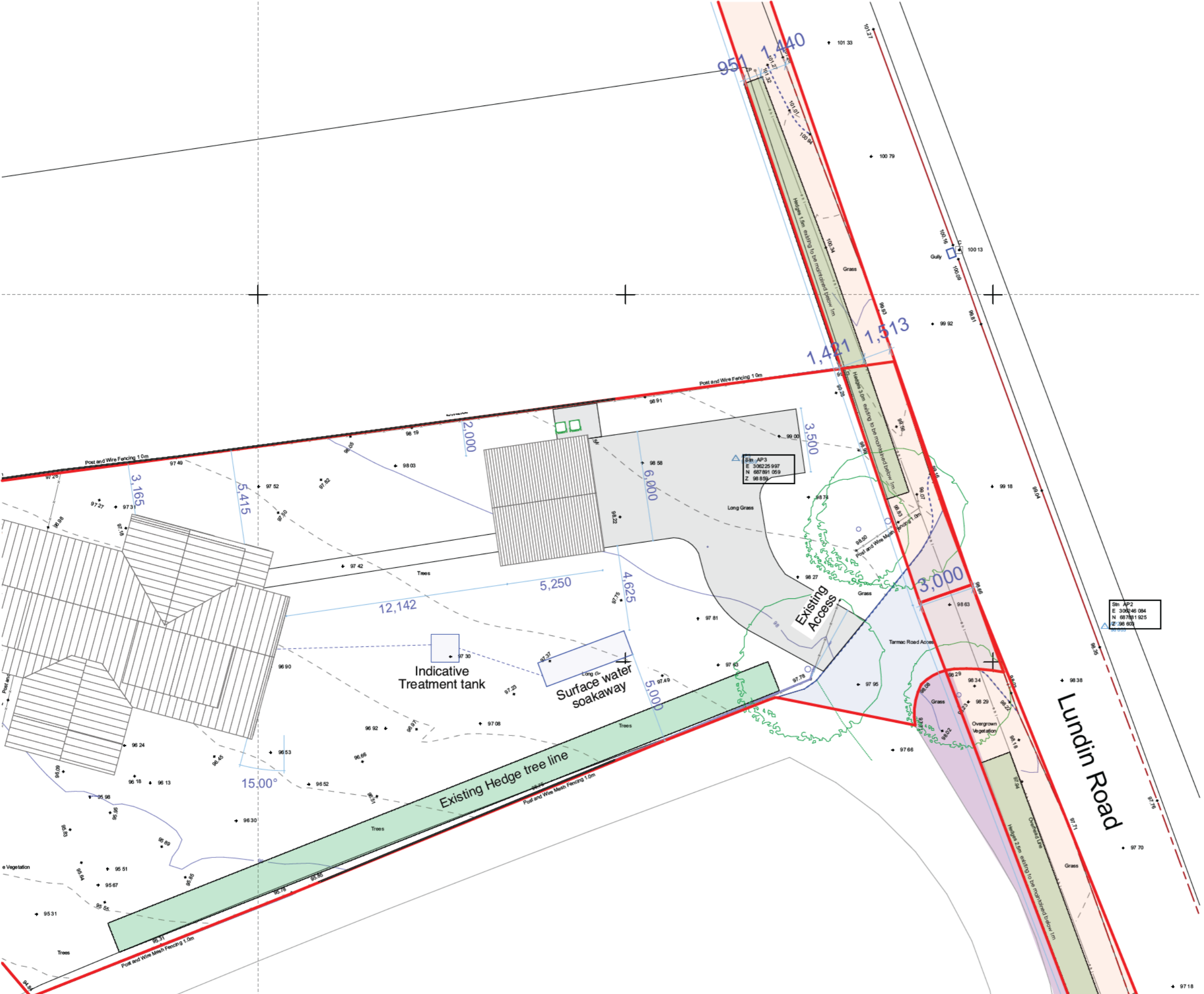
01369 701 988 contact@caberhouse.co.uk
43 Argyll Street, Dunoon, PA23 7HG www.caberhouse.co.uk

Project
Lundin Road, Backmuir of Pitferrane,
Crossford, KY12 8QR

Client
Mr Dan Lyth

Drawing Number							
project	originator	zone	volume	type	role	number	ISSUE
1026	AECO	XX	GF	DR	A	2004	0581





Notes
 This document and its design content is copyright © 2021. It shall be read in conjunction with all other associated project information including models, specifications, schedules and related consultants documents. Do not scale from documents for construction. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to the Originator. If in doubt ASK.

Mapping Contents (c) Crown copyright and database rights 2022 Ordnance Survey 100035207

LEGEND

	Site Application Boundary
	Shared Ownership
	Ferness House Ownership Boundary
	Visibility Splay

Safety Health and Environmental Information:
 In addition to the hazard/risks normally associated with the types of work detailed on this drawing reference must be made to the projects H&S documentation. It is assumed that all works on this drawing will be carried out by a competent contractor working, where appropriate, to an appropriate method statement.

Issue	Change	Change Description	Date
05	Ch-03	Visibility splay updated with topographical information	08/08/2022

Scale: 1:200	Issued By: DWH	Project No. 1026
--------------	----------------	------------------

Purpose of Issue: PLANNING	Status: S0
-----------------------------------	-------------------

Layout Title
Site Plan Proposed Visibility Splay 1:200

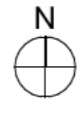
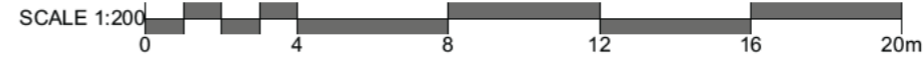
CABERHOUSE
 Efficient, Adaptable, Eco-Homes

01369 701 988 contact@caberhouse.co.uk
 43 Argyll Street, Dunoon, PA23 7HG www.caberhouse.co.uk

Project
 Lundin Road, Backmuir of Pitfirrane, Crossford, KY12 8QR

Client
Mr Dan Lyth

Drawing Number							ISSUE
project	originator	zone	volume	type	role	number	ISSUE
1026	AECO	XX	GF	DR	A	2005	082



Proposal Details

Proposal Name	100427080
Proposal Description	Story and half, 4/5 bed low energy dwelling
Address	
Local Authority	Fife Council
Application Online Reference	100427080-006

Application Status

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

Attachment Details

Notice of Review	System	A4
fwd Application reference 2001919PREAPP	Attached	A4
CH1026-AECO-XX-GF-A-2006 _S0- 06 Site Boundary Plan	Attached	A3
CH1026-AECO-XX-GF-A-DR-2005 _S0-05 Site Plan Propsoed Visability Splays 1_200	Attached	A3
CH1026-AECO-XX-GF-A-DR-2004 _S0-05 Site Plan Proposed Visability Splay National Guidance	Attached	A3
CH1026-AECO-XX-GF-A-DR-2003 _S0-05 Site Plan Proposed Visability Splay	Attached	A3
CH1026-AECO-XX-GF-A-DR-2003 _S0-02 Site Plan Proposed Visability Splay	Attached	A3
Re 2101846FULLpdf	Attached	A4
CH1026-AECO-XX-XX-SG-A-3002 Appeal Letter	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-006.xml	Attached	A0

Agenda Item 6(2)

**Land north of the Steading, Lundin Road,
Crossford, Dunfermline, KY12 8QR
Application No. 21/01846/FULL**

Planning Decision Notice

Report of Handling

Architeco Ltd
Duncan Henderson
43 Argyll Street
Dunoon
Argyll
PA23 7HG

Planning Services

Andy Taylor
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/01846/FULL

Date 29th September 2022

Dear Sir/Madam

Application No: 21/01846/FULL
Proposal: Erection of dwellinghouse and carport with associated access and landscaping works
Address: Land North Of The Steading Lundin Road Crossford 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 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 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: 21/01846/FULL
Proposal: Erection of dwellinghouse and carport with associated access and landscaping works
Address: Land North Of The Steading Lundin Road Crossford Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/01846/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need for a dwellinghouse in this location is not considered justified as the application site lies outwith any defined settlement boundary or defined dwelling cluster in terms of the adopted FIFEplan Fife Local Development Plan (2017) and the proposal does not meet any of the criteria set out in Policy 8 therein; the development therefore contrary to Policies 1: Development Principles, 7: Development in the Countryside and 8: Houses in the Countryside of the Adopted FIFEplan - Fife Local Development Plan (2017).
2. In the interests of road safety, the formation of a new access for the proposed dwellinghouse would result in a new access with sub-standard visibility splays in both directions to the detriment of road safety. It is therefore considered that the proposal would have a significant detrimental impact on road safety and would therefore be contrary to Policies 1, 3 and 10 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

Dated: 29th September 2022

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	Existing Site Plan
03	Proposed Site Plan
04B	Visibility splay plan
05	Floor Plan Proposed
06	Floor Plan Proposed
07	Proposed Elevations
08	Proposed various - elevation, floor etc
09	Design and/or Access Statement
10	Low Carbon Sustainability Checklist
11	Report
12	Statement
13	Drainage Plan
14	Visibility splay plan
15	Visibility splay plan
16	Statement

Dated:29th September 2022

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.fifedirect.org.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 North Of The Steading, Lundin Road, Crossford		
PROPOSAL	Erection of dwellinghouse and carport with associated access and landscaping works		
DATE VALID	23/08/2021	PUBLICITY EXPIRY DATE	07/10/2021
CASE OFFICER	Andy Taylor	SITE VISIT	30/09/2021
WARD	Dunfermline Central	REPORT DATE	27/09/2022

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.

1.0 BACKGROUND

1.1 The application site relates to an area of grass/ground located to the north of a group of 4 houses just to the west of Lundin Road, between Crossford and Backmuir of Pitfirrane and located in a countryside location as defined by the adopted local development plan FIFEplan (2017). There is one house 'Bankier', situated to the North of the site, along with the converted old steadings to the South.

1.2 Planning permission is sought for the erection of a dwellinghouse.

1.3 A planning permission in principle application for the erection of a dwellinghouse (Ref: 06/04283/WOPP) was refused on this site in March 2007 due to road safety reasons and unjustified development in the countryside.

1.4 A physical site visit has not been undertaken for this planning application on this occasion. 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/Water Issues
- Houses in Multiple Occupation
- Coal Mining High Risk Area/Ground Stability

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 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 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 The proposed dwelling does not sit within a cluster of at least 5 houses as defined by the adopted FIFEplan (2017), currently there are 4 existing dwellings. The proposed dwellinghouse does not meet the terms of any of the other criteria listed above for a dwellinghouse in the countryside. In conclusion, the proposal would be considered to represent sporadic and unplanned development in the countryside, failing to accord with the above provisions of policy relating to the principle of development.

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 The proposed dwellinghouse incorporates modern and traditional styles would be one and a half storey with metal roof finish, larch timber cladding and metal sheet dormers to match the proposed roof. In relation to the urban scale and the juxtaposition of the proposed building, it is considered that the proposal is of a scale that sits comfortably within the immediate built environment. It is designed to reflect the area in its scale and design. The design and materials proposed, are reflective of contemporary architecture and the countryside location, which would allow it to sit comfortably within the site and wider townscape.

2.3.4 Overall, it is considered that the proposal is of an appropriate quality of architectural design. The design philosophy has been thought through with full consideration of the site, the previous structure on site and the surrounding townscape, to propose a building that is reflective of, and sits comfortably within, its setting. It is considered that this presents a form and style that is grounded in the site's context, consistent with the planning policies/guidance as referred to above. The proposal is therefore considered to comply with the relevant local development plan policies in this regard.

2.4 Residential Amenity

2.4.1 Policies 1 and 10 of FIFEplan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise, Fife Council Customer Guidelines on Daylight and Sunlight (2018), Minimum Distances between Window Openings (2011) and Garden Ground (2016) apply in terms of residential amenity.

2.4.2 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.

2.4.3 It is considered with respect to the relationship between the proposed and existing dwellings that the proposed dwellinghouse would be provided within the proposed area without any significant detrimental impact on residential amenity. The proposal therefore complies with the above provisions of policy. Again this is not a determining factor in the decision of this planning application. Environmental Health Public Protections Officers have been consulted but raise no issues.

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 The details submitted demonstrate a well-proportioned private garden ground to be provided as part of the development proposals. 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 have stated that the proposed development the 3m x 140m visibility splays shown on Drawing No 2003 Issue 2 cannot be achieved within land in the red application site boundary. In addition, these splays must be shown for their full length to the nearside road channel line (west side of the road) and this has not been shown in the south direction. TDM have confirmed that they are unable to determine the exact splays that are achievable in both directions at the proposed new junction, as the existing hedge prevents access to a point 3 metres back from the road channel line. The roadside verge is only 1.5 metres wide along the frontage of the application site. TDM confirm that there is an existing hedgerow approximately 25 metres to the south of the proposed new access location. The hedgerow runs for approximately 30 metres southwards and would obscure a significant amount of the oncoming visibility splays that is incorrectly shown on the submitted visibility splay plan. Similarly, it is likely that the hedging at the roadside of Bankier to the North would obscure the visibility splay in that direction. TDM are concerned that the proposed access would be directly adjacent to the existing access. As it stands, TDM recommend refusal, as it would result in the formation of a new access with sub-standard visibility splays in both directions to the detriment of road safety.

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 with basic information has been submitted with the application sustainable methods of construction based on Passivhaus principles. Again, this is not a determining factor in the decision of this planning application.

2.8 Drainage/Water Issues

2.8.1 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 is installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.8.2 Fife Council Structural Services, Flooding, Shoreline and Harbours Officers (FSHO) though no drainage has been provided with the application. FSHO have stated that the applicant should follow current SUDS guidance and an appendix 8 including details regarding the following;

- Calculations of the SuDS/attenuation volume required. The results should show the 1 in 200year return period events plus climate change (40%)
- If a soakaway is proposed, then porosity tests will be required to demonstrate that a 1 in200 year return period plus climate change event (40%) can be accommodated without presenting a flood risk to property and that it can drain in a suitable time to accommodate successive events.
- Assessment of the maximum groundwater level at the location of any underground attenuation feature to demonstrate that the base of the feature will remain above this level.
- A maintenance schedule for all proposed SuDS, to include a detailed list of activities and timescales Confirmation of ownership of the land for route of the surface water outfall to watercourse.
- Completed SuDS design certificate Appendix 1

2.8.3 At this stage no details have been requested because this is not a determining issue in this case.

2.9 Houses in Multiple Occupation

2.9.1 Policy 2 of the Adopted FIFE Plan 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 normally a suitable condition would be recommended to ensure that the property will not be used as a HMO in the future unless a further application for that use is submitted for consideration.

2.10 Coal Mining High Risk Area/Ground Stability

2.10.1 The Coal Authority has a strategic objective to manage the legacy of coal mining activities arising from the UK coal mining industry. There are potentially some serious public safety hazards and risks associated with former mining activities and a greater awareness of the issues is needed. The planning system considers new development and redevelopment of land and therefore it is part of the general duties of the Local Planning Authorities to consider public safety which includes land instability as one of the many material considerations in decision making on planning matters. It is often the new development or redevelopment of land which provides a trigger for many of these problems. The planning application area is within a Coal Authority Referral Area. For all new development proposals within Coal Mining Development Referral Areas that require planning permission, except householder developments, the Coal Authority will expect a Coal Mining Risk Assessment to be prepared and submitted following gaining a Coal Mining Report with the planning application to the Local Planning Authority. Policy E6 of the Adopted Local Plan advises development proposals involve sites where land instability is suspected the developer will be required to submit details of a site investigation to assess the nature and extent of any risks presented by land instability which may be present.

2.10.2 The site is within an area of high risk as defined by the Coal Authority. The Coal Authority has been consulted. The Coal Authority considers that the content and conclusions of the Mineral Investigations Report are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. Fife Council Land and Air Quality Officers have recommended the inclusion of a number of conditions relating to contamination and gas mitigation should planning permission be granted.

2.11 Ecology/ Trees

2.11.1 Policies 1, 10 and 13 of FIFE Plan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018) and British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction apply with regard to the potential impact on trees and ecology as a result of this development.

2.11.2 Policies 10 and 13 of FIFE Plan set out that development proposals will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Policy 13 states that where development is proposed on a site where trees are present, consideration will be given to whether, and in what form, development should be supported, having regard to the desirability of retaining and protecting mature and semi-mature trees, and other examples likely to be become attractive in amenity terms, or of a rare species.

2.11.3 An objection has been received in relation to the impact of wildlife on the site. There are a number of tree and shrubbery around the site and therefore there is always a chance that development could impact on protected birds and wildlife. Further details could be requested by the imposition of an appropriate condition, but this not is a deciding factor in assessing this application at this time

CONSULTATION RESPONSES

Environmental Health (Public Protection)	Has no comment to make on the proposed development.
Land And Air Quality, Protective Services	Has recommended the inclusion of a number of conditions relating to contamination and gas mitigation should planning permission be granted.
TDM, Planning Services	Recommend the application for refusal.
Structural Services - Flooding, Shoreline And Harbours	Has sought the submission of further information to enable a full assessment to be carried out.
TDM, Planning Services	Object due to poor visibility
Scottish Water	Has no objection and has provided the applicant with separate advice relating to private waste water infrastructure.
The Coal Authority	Has no objection to the proposed development but has provided the applicant separate advice relating SUDs.
Structural Services - Flooding, Shoreline And Harbours	Has confirmed there is insufficient information submitted to enable a full assessment to be carried out.

REPRESENTATIONS

A total of 6 objections have been received from 3rd parties on the proposed development who have raised the following concerns:

- Proposed is contrary to FIFEplan as it does not form part of an existing cluster

See Section 2.2

- Would set a precedent for further applications for houses in the countryside

Every application is dealt with on its own merit and any future applications would be assessed appropriately

- Road Safety

See Section 2.6

- Applications have previously been refused on the site for a single dwellinghouse

Not a material planning consideration

- Plans are inaccurate relating to visibility splays

See section 2.6

- Submission is misleading

The Application has been assessed as submitted.

- wildlife concerns

No information has been provided or asked for in relation to ecology on the site, further details could be requested by the imposition of an appropriate condition but this is not a deciding factor in assessing this application at this time. See Section 2.11

- private legal matters

Not a material planning consideration.

In addition to the above, 2 supportive comments have also been received from 3rd parties in relation to the design of the proposed development.

CONCLUSION

The development constitutes unplanned, sporadic and unjustified residential development in the countryside; contrary to Policies 1: Development Principles, 7: Development in the Countryside and 8: Houses in the Countryside of FIFEplan of the adopted FIFEplan Fife Local Development Plan (2017). For that reason, the development would also fail to protect the overall landscape and environmental quality of the area, contrary to Policies 1: Development Principles, 7: Development in the Countryside, 8: Homes in the Countryside, 10: Amenity and 13: Natural Environment and Access of FIFEplan and Making Fife's Places Supplementary Guidance (2018). In addition, it is considered that the proposal would have a significant detrimental impact on road safety and would therefore be contrary to Policies 1, 3 and 10 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018). Overall, the development is 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 safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need for a dwellinghouse in this location is not considered justified as the application site lies outwith any defined settlement boundary or defined dwelling cluster in terms of the adopted FIFEplan Fife Local Development Plan (2017) and the proposal does not meet any of the criteria set out in Policy 8 therein; the development therefore contrary to Policies 1: Development Principles, 7: Development in the Countryside and 8: Houses in the Countryside of the Adopted FIFEplan - Fife Local Development Plan (2017).

2. In the interests of road safety, the formation of a new access for the proposed dwellinhouse would result in a new access with sub-standard visibility splays in both directions to the detriment of road safety. It is therefore considered that the proposal would have a significant detrimental impact on road safety and would therefore be contrary to Policies 1, 3 and 10 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

National

Scottish Planning Policy 2014 (SPP)

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Low Carbon Fife Supplementary Guidance (2019)

Other

Fife Council non-statutory Garden Ground customer guidelines (2016)

Fife Council non-statutory Minimum Distance Between Window Openings customer guidelines

Fife Council non-statutory Daylight and Sunlight customer guidelines

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020)

Fife Council Transportation Development Guidelines

Agenda Item 6(3)

**Land north of the Steading, Lundin Road,
Crossford, Dunfermline, KY12 8QR
Application No. 21/01846/FULL**

Representation(s)

Comments for Planning Application 21/01846/FULL

Application Summary

Application Number: 21/01846/FULL

Address: Land North Of The Steading Lundin Road Crossford Fife

Proposal: Erection of dwellinghouse and carport with associated access and landscaping works

Case Officer: David Shankland

Customer Details

Name: Mr Colin Hutchison-Reddie

Address: Dean Cottage, Backmuir Of Pitfirrane Lundin Road, Crossford Dunfermline, Fife KY12 8QR

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application primarily on the grounds that the proposal does not comply with Policy 8 of the Adopted FIFEplan Local Development Plan 2017.

Specifically, this application is for the siting of a dwelling on an undeveloped portion of land currently forming part of and lying on the periphery of the cluster of three houses formed from the former Lundin Farm.

In terms of the relevant policy exceptions: -

- 1 - There is no suggestion this application is in support of an existing rural business.
- 2 - The plot is not within a cluster of five houses. It is on the periphery of three and fails this test on both aspects.
- 3 - This application is for a single dwelling, hence not a new cluster in itself.
- 4 & 5 - There is no pre-existing building, whether to be built on or converted.

All other policy exceptions are self-explanatory.

This policy clearly states that "unplanned sporadic and ad-hoc development in the countryside could result in the gradual erosion of the rural landscape character and qualities." This statement perfectly expresses how I feel this application could affect Backmuir of Pitfirrane.

I also note that this plot currently forms part of a property with the post code KY12 8QP. Two previous applications for planning consent made for a not dissimilar proposal on this same plot have been made in recent years. Both listed the plot with this post code and both were rejected by committee. This application has been made with a slightly different name for the plot and using the

post code of the properties to the north of the proposed site. Could this be a conscious decision to distance this application from the previous rejections?

I believe FIFEplan is correct in the level of protection it provides to our rural environment and it is in the interests of Backmuir of Pitfirrane for this application to be rejected. Were it to be granted I believe it would be the first step towards a fundamental change in the character of this hamlet.

My second concern is for road safety. While it is correctly stated that the road passing through Backmuir is within a 40mph restricted zone there is no enforcement of that and the road users regularly drive through the area far in excess of that speed. I can often see and hear vehicles speeding through and the short straight adjacent to this proposed plot seems to be considered an opportunity for maximum speed and as an overtaking opportunity.

A short distance north of this proposed plot is Dean Plantation and that area attracts a significant number of people enjoying the great outdoors. They arrive by vehicle, on foot, on cycles and on horseback. This brings a large amount of more vulnerable slower moving traffic to the area. In relation to this application this means that the view north from the proposed driveway access is of particular importance. There will be vehicles being driven south towards the proposed entrance in circumstances where the driver finds themselves encountering a slower vehicle near to the Dean Plantation entrance and will overtake as they enter the short straight. They will therefore be on the west carriageway travelling south at speed as they approach the proposed driveway. With the existence of an established and mature hedgerow adjacent to the roadway immediately north of this plot I see considerable danger in this location and difficulty in attaining the relevant splay.

I have wider concerns for the road safety in the area in general and when these were discussed with the local police community team an initial acceptance of the problem and willingness to carry out speed enforcement patrols was quickly tempered by the reality that there was no part of the road with sufficient visibility to carry this out safely. I am not aware of any such enforcement ever taking place.

Between the presumption against rural development and the ongoing issues of road safety I firmly believe this application should be rejected.

Comments for Planning Application 21/01846/FULL

Application Summary

Application Number: 21/01846/FULL

Address: Land North Of The Steading Lundin Road Crossford Fife

Proposal: Erection of dwellinghouse and carport with associated access and landscaping works

Case Officer: David Shankland

Customer Details

Name: Mrs N Cun

Address: Saddleback Cottage, Lundin Road, Crossford Dunfermline, Fife KY12 8QP

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We acknowledge this planning application however after full consideration there are significant shortcomings and therefore we are firmly opposed to this development on Lundin Road, Crossford for several key reasons.

These are as detailed as follows:

Location - Countryside

New/ proposed access - Dangerous location and public safety.

Misleading Application

Environmental - Wildlife/Endangered Red Squirrels

Firstly this proposal is situated in a rural "countryside" location, this provides every property with a reasonable amount of land with the property.

Policy 8 - Houses in the Countryside, Guide to Fife Plan Policies - this proposal does not fit the criteria as the existing cluster is 4 properties and not 5 as the act stipulates. Also there isn't the road infrastructure or access which will be detailed in this objection.

Policy 7 - does not fit the criteria as this is for residential purposes.

The properties and land in the immediate area and close proximity are used as private gardens or for livestock/horses/business purposes.

However if you begin to allow one property to build in this area then there is absolutely no doubt that others will see the immediate financial incentive in that and request planning permission also.

We do not wish to be surrounded on all sides with new builds or people. We perceive this as a breach of our privacy and this would impact on our health, wellbeing and most importantly our private lives. This privacy factor is fundamental to why we moved to this location and didn't acquiesce to buying a cheaper property in the much densely populated Dunfermline. The appeal and charm of this area in our view is the exclusivity and this is why we moved to this location. Also this exclusivity means that our house valuations are secure. A further development in our view will have a detrimental impact on our financial foundation and that of the Area.

Secondly - Access. The current situation to access Lundin Road is clearly dangerous. Road use has increased over recent years and with proposed housing estate development at the North and South of Lundin Road it is only a matter of time before we see a rise in vehicles. It was not that long ago that the road limit was reduced to 40mph. However that has not reduced the significant risk posed by road users and doesn't stop some from driving recklessly at ridiculously high speeds. On a weekly basis whilst on foot accessing the Dean Plantation myself and children are passed by inconsiderate and inexperienced motorists who do not give us room to walk on the verge or do not slow down. This is in all weather's. Just at the start of the year a serious accident occurred at the entrance to the Dean Plantation on an icy day due to road users not driving to conditions on a blind bend. Crossing the road currently is a danger and therefore not only adding to the residential traffic but adding another entrance in-between 2 existing entrances is currently something not suitable for further traffic and in our opinion reckless. The building of the project on this stretch of road would again cause major daily issues that is clearly not safe for us or others to endure. The splays detailed in the diagram do not appear in our opinion to be sufficient to afford safe and full visibility for vehicles attempting to egress and entry.

Whilst there is reference to a new access area it is apparent that this location situated between two existing access points is dangerous. Impact of visibility of Lundin Road is a clear issue. 3 entrances in a 20 or 30 metre stretch is not practical or safe.

Point 3. On the plans the owners have marked out existing access to the plot utilising our shared driveway from Lundin Road. But I believe from title deeds that this access is only for the existing three properties and does NOT include the new owner of this land. Therefore, that piece of land currently has NO right of vehicular access to or from Lundin Road.

At no point have we been approached regarding using our access and we are strongly against it.

Furthermore we don't believe the post code referred to in the planning application refers to the specific plot. This is misleading and would not afford the historical applications to be apparent to others reviewing this application and history, all of which included several objections to similar proposed developments.

Ultimately this is an application without access and we do not provide our permission to use the shared access.

Fourthly- Local Environment - Wildlife/Endangered Red Squirrels - Dean Plantation is currently in the process of encouraging Red Squirrels to infiltrate the woods at the rear of this site. This has taken many years to develop and has so far been successful. I have not only seen them within the woods but I have also seen them using the tree corridor of the three properties to then spread towards the farm east of the Dean..... Red Squirrels are currently an endangered species in the UK and their numbers are in severe decline. They are currently protected species.

In summary, we have provided clear evidence and rationale in support of firmly objecting to this planning application.

We fully acknowledge our objection will be disappointing, however this is our honest, personal opinion to protect our family home for many years to come.

Comments for Planning Application 21/01846/FULL

Application Summary

Application Number: 21/01846/FULL

Address: Land North Of The Steading Lundin Road Crossford Fife

Proposal: Erection of dwellinghouse and carport with associated access and landscaping works

Case Officer: David Shankland

Customer Details

Name: Mr Mark McVay

Address: Bankier, Backmuir Of Pitfirrane Lundin Road, Crossford Dunfermline, Fife KY12 8QR

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to this the most recent attempt to build a house on this particular site. The current application on this site portrays it as having no previous planning applications, no address and also avoids listing its correct postcode which is in fact KY12 8QP, this quite frankly is wrong especially considering its history. The actual history in question is partially detailed later in this objection but for now the truth of the matter is that it has been the subject of 10 planning applications (current included) 9 of which were in the name of a currently unregistered property stated as The Old Steading (this property does not exist with the Registers Of Scotland). These 9 applications include applications previously refused by planning committees, Transportation Development and also withdrawn due to questionable boundary/ownership statements.

The applicant's Agent actually confirms by his own submitted information that his client's proposal for a New Dwellinghouse does not meet Fife Councils Legislation on Cluster Housing in the Countryside. The Agent quotes FIFE plan policy 7 and goes on to say "This proposal can be seen to satisfy the requirement for new houses within the countryside by being within an existing established housing cluster of 4 houses". Contrary to the Agents beliefs this does not satisfy, as the requirement is for a minimum of 5 houses that must be located in very close proximity to one another. The true number of houses contained within the cluster that the Agent refers to is actually only 3. There is no justification whatsoever for the building of a completely new dwellinghouse in a part of the countryside that Fife Council has chosen to protect in their Adopted Plan. It quite simply goes against all Planning and Transportation policies for this rural area and would also without a shadow of doubt endanger road users and walkers alike. The Backmuir area is what it is - a small community of scattered cottages and smallholdings occupied by people who love the area for what it is and also for what it is not! (Not being an immaculate door to door street). There is however a minority who are not so passionate about the area, who are observing this proposal with a vested interest and will be more than happy to support this application and develop their excess land if

planning legislation permits "New Builds".

The Agent states that "they recognise that a popular walking route passes by the site from Crossford around Dean Plantation which they intend not to disturb". Yet they contradictorily intend to create an access over the route where it passes the site! They also state that "To comply with Fife Council Transportation Development Guidelines, visibility splays have been assessed and are achievable with a 3m distance from the road and a 140m distance in either direction." This once again is seriously incorrect as crucially a North viewed splay safe enough to meet Transportation Development Guidelines is completely unachievable. An average vehicle exiting the proposed access would have to encroach on the carriageway before they had a clear line of vision to the North, which would be one of the most vulnerable manoeuvres carried out on that particular stretch of road due high speed overtaking manoeuvres from southbound vehicles. We can only assume that the applicant is fully aware that the legally required visibility splays cannot be achieved for the proposed new development/access. The reason being, that he has actually approached us with a proposition to purchase a section of our land to the North of the application site - which we declined. This leaves the applicant unable to control any boundary hedging out with the application site, which in turn makes it impossible for him to meet the safety standards set out by Transportation Development. The position remains that the creation of a new or intensification of the existing access would without doubt have a serious further detrimental impact on the safety of other road users and pedestrians. The proposed new access is in fact located at the fastest stretch of Lundin Road and although the road is currently registered as restricted with 40mph signage - it does in fact retain, not only the characteristics of an unrestricted road but also those of a highly dangerous road. Frequently there are drivers of cars and motorcycles heading south from Carnock Road who see this stretch of road as being their first and probably their only opportunity to overtake cyclists or cars that are adhering to speed limits.

The width of Lundin Road is tricky enough for two average vehicles to pass in opposite directions but when you have one travelling at high speed overtaking another at the end of your driveway, causing roadside debris to be propelled everywhere! It can only be described as petrifying but also enraging. I would like to add that this is not just a generic statement made for the sake of it - We have personally encountered the dangers from bad/speeding drivers on this road on a number of occasions now. We have had two incidents where cars have crashed into our garden - one of which hit our house, another incident in which a speeding vehicle wrote off our own vehicle and another where it crashed on to its side outside our property. There was also an incident where a vehicle crashed into the existing access of The Steading. The most recent accident being earlier this year when a member of our family was hospitalised after a speeding vehicle lost control and ran into the vehicle he was travelling in. This collision occurred immediately outside our property (Bankier) blocking the road and forcing a HGV lorry to reverse all the way back down to Crossford Village.

According to the Land Registers Of Scotland as of 14/09/21 the area of land shown as the application site, and the bordering property known as The Steading are still as one. The Registers

state that there is no information indicating any recent or pending sales or disposition of land from the registered property The Steading. This makes the Land Ownership Certificate presented within this application questionable, but we would expect the applicant would want to offer clarification to the contrary on this matter, possibly in the form of completed missives or such like being presented to Fife Council. If it is the case (which it appears to be) that these two properties are still as one, then we have to ask why this is not shown in the description or in the sites history and why has neighbour notification been offered to the land owners at their dwellinghouse, which is shown in the guise of The Old Steading as opposed to its registered name of simply "The Steading". It appears for some reason that the alias name "The Old Steading" (which does not exist as a property with the Land Registers Of Scotland) is only used in planning matters; this can be clearly seen in all 9 previous planning applications listed below! There is no valid reason to use two names for one property (especially on the same application). Should this property -The Steading/The Old Steading qualify for neighbour notification and be given the rights as a consulted neighbouring property if they themselves are the owners of the application site?

With the inability to meet Fife Councils Legislation set out for Planning /Transportation and the Agents demonstrated failure to meet the cluster housing criteria, this surely makes this case black and white in terms of a decision. In reality it is as simple as asking - Does the proposed dwellinghouse meet any of the criteria required for building in the countryside -NO. Would the creation of a sub-standard access be detrimental to the safety of others - YES. We would urge Fife Council to continue to uphold their protection of the public and that of our countryside and reject this application in its entirety.

History of Planning Applications (9)

Revised planning application for the conversion of outbuildings to form a dwellinghouse with an integral double garage

Ref. No: 00/02251/WFULL | Status: Application Permitted - no conditions

Alterations and extension to dwellinghouse

Ref. No: 03/02851/WFULL | Status: Application Permitted with Conditions

Revised application for the conversion of outbuildings to form a dwellinghouse with an integral double garage

Ref. No: 99/01636/WFULL | Status: Application Permitted with Conditions

Outline planning permission for the erection of a dwellinghouse

Ref. No: 06/04283/WOPP | Status: Application Refused

Erection of double domestic garage with workspace and WC

Ref. No: 07/02149/WFULL | Status: Application Permitted with Conditions

Conservatory extension to rear of dwellinghouse

Ref. No: 08/00295/WFULL | Status: Application Permitted with Conditions

Erection of two storey double garage with workshop, study and toilet including formation of external staircase and relocation of existing single garage

Ref. No: 09/01542/WFULL | Status: Application Withdrawn

Certificate of lawfulness (proposed) for erection of double garage, re-position of single garage and erection of outbuilding

Ref. No: 12/02167/CLP | Status: Application Permitted - no conditions

Certificate of lawfulness (proposed) for single storey extension to front of dwellinghouse

Ref. No: 17/01924/CLP | Status: Application Permitted - no conditions

Building Standards Warrants (3)

Alteration to dwellinghouse to convert garage to habitable rooms

Ref. No: 07/02227/W_BW | Status: Completion Accepted

Extension to dwellinghouse to form conservatory

Ref. No: 08/00269/W_BW | Status: Completion Accepted

Extension to dwelling

Ref. No: 17/02073/BW | Status: Approved

Comments for Planning Application 21/01846/FULL

Application Summary

Application Number: 21/01846/FULL

Address: Land North Of The Steading Lundin Road Crossford Fife

Proposal: Erection of dwellinghouse and carport with associated access and landscaping works

Case Officer: David Shankland

Customer Details

Name: Mr Thomas Brown

Address: Braefoot, Backmuir Of Pitfirrane Lundin Road, Crossford Dunfermline, Fife KY12 8QR

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to this application for a few reasons as detailed below.

1. Adding another house to the road would add more traffic to an already very fast busy road where walkers, cyclists and horse riders have to deal with speeding motorists daily.
2. The new entrance to this house would be on a dangerous part of the road with insufficient sight lines to both the north and south to allow for safe entrance and exit.
3. After reading Fife Council guidelines on building in rural clusters, I do not believe this project fits the criteria. There are less than five houses in the so called cluster and this new house would not be adjacent to them and therefore not in their cluster.
4. I am also concerned that if this application was to be granted then a precedent would have been set and many more building applications would be put forward for the surrounding area. Thus bringing more traffic to this already busy fast road.
5. There is an environmental impact as well as this site is adjacent to the Dean Plantation where there are a number of protected species living.
6. There was originally only one house in the area where the proposed site is. Over recent years that has grown to two then three houses. This latest development would bring it to four houses around what was originally one plot. Other residents in the area have previously been instructed that if they wanted to build they would need to knock down their original house. It would therefore be one house on one plot within the Backmuir area.

Comments for Planning Application 21/01846/FULL

Application Summary

Application Number: 21/01846/FULL

Address: Land North Of The Steading Lundin Road Crossford Fife

Proposal: Erection of dwellinghouse and carport with associated access and landscaping works

Case Officer: David Shankland

Customer Details

Name: Mrs Catherine Brown

Address: Kersewell, Backmuir Of Pitfirrane Lundin Road, Crossford Dunfermline, Fife KY12 8QR

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Permitted Development-

1 The development does not comply with guidance based on the "cluster" premise. There are 3 dwellings on the site which was previously known as Lundin Farm. A cluster is described as an area having between 5 and 24 dwellings. This area does not constitute a cluster.

2 Bankier is " north of The Steading" It has its own access and a substantial piece of land separating it from The Steading. The site of the development is within The Steading.

3 The development would not be between existing properties.

Visibility splays-

This is one of the most hazardous locations on the road due to the blind summit/corner to the north and the blind summit to the south. There are already 3 accesses on this the fastest, short stretch of road. Query whether the splays are adequate if vehicles were travelling to the 40mph limit, never mind above as is the norm.

There are neighbouring hedges and trees to both sides of the proposed access. These are countryside hedges which are regularly maintained but they cut across visibility splays at the point of the proposed new access.

Sustainable Transport-?

This site could not be further from the roads mentioned-it is mid way between the two. Given the

hazardous nature of the road, this site would not be conducive to walking or cycling. The right of way which ran from Dunfermline via Berrylaw through "Lundin Farm" was redirected up this stretch of road to the entrance into the Dean Plantation forcing walkers, horse riders and cyclists to negotiate this hazardous area instead of simply crossing the road.

This site does not encourage "sustainable transport"

I am sure this development would be energy efficient and aesthetically pleasing-but not in this location. The fact remains this site is already over developed. The original farm buildings have already been developed to the maximum.

Given the concerns raised, especially regarding the safety of all road users, to allow this development would be foolhardy and dangerous. There have been many incidents, bumps and accidents over the years where vehicles have crashed through fences and into fields and gardens but where no police presence was required, so no record of these. The latest one I know of was earlier this year at Bankier just a few yards north of the proposed new access, when a speeding van came round the corner and crashed into the back of a Land Rover. Police attended and 2 people sustained injuries requiring hospital treatment.

Many years ago now there was a fatal head on crash at the site of "Lundin Farm".

We don't want another one.

Comments for Planning Application 21/01846/FULL

Application Summary

Application Number: 21/01846/FULL

Address: Land North Of The Steading Lundin Road Crossford Fife

Proposal: Erection of dwellinghouse and carport with associated access and landscaping works

Case Officer: David Shankland

Customer Details

Name: Mr John Sheddon

Address: Kariba, Backmuir Of Pitfirrane Lundin Road, Crossford Dunfermline, Fife KY12 8QR

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Sirs,

I wish to formally register my objections to this planning application on the following grounds:

1. I believe the Development of this area of land to be contrary to Fife Councils established local development policy.
2. The proposed building is not related to either, agriculture, forestry concerns or any other rural economic activities.
3. Road Safety: The suggested new / additional entrance to the property is in quite a dangerous position with visibility severely restricted. I'm not sure if required splays can actually be achieved without agreement from neighbours to cut down large sections of hedgerows.

Comments for Planning Application 21/01846/FULL

Application Summary

Application Number: 21/01846/FULL

Address: Land North Of The Steading Lundin Road Crossford Fife

Proposal: Erection of dwellinghouse and carport with associated access and landscaping works

Case Officer: David Shankland

Customer Details

Name: Mr Neil Lyndon

Address: The Old Steading, Lundin Road, Crossford Dunfermline, Fife KY12 8QP

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My wife, my mother-in-law (who lives with us) and I all support this application.

We are satisfied that, if it is permitted, the new house will not overlook our property and, given the new access planned from Lundin Road, will not interfere with our own and our neighbours' access to existing properties.

Not only will the new development make good use of land which we have effectively abandoned, it will also help to improve the general appearance of the immediate area which, at the moment, is dominated and disfigured by what amounts to a scrapyards and used vehicle business conducted at Bankier.

Comments for Planning Application 21/01846/FULL

Application Summary

Application Number: 21/01846/FULL

Address: Land North Of The Steading Lundin Road Crossford Fife

Proposal: Erection of dwellinghouse and carport with associated access and landscaping works

Case Officer: David Shankland

Customer Details

Name: Ms Linda Darling

Address: The Old Steading, Lundin Road, Crossford Dunfermline, Fife KY12 8QP

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Lyth's proposal for a low-lying, eco-friendly house set back from Lundin Road is a positive addition to the area south of the Dean Plantation. It is a very carefully considered application which will be unobtrusive and aesthetically pleasing. In terms of the exit onto Lundin Road it will indisputably be safer and with better visibility than most of the other driveways between Crossford village and the junction with the Carnock Road.

I can understand reluctance towards major developments along this road, so close to Dunfermline, yet attractively rural in character. However, this is not a major development, but is a single, fairly modest house designed for a young, local family who have worked very hard, at considerable expense, in preparing this application and trying to satisfy Fife Council's stipulations.

They have also approached the most geographically local neighbours to explain their plans, gather their views and to establish positive relationships.

It is unfortunate, but not unexpected or unprecedented, that this application has attracted objections, from those immediately affected, and from those further afield - without viewing the content I can't gauge if they are reasonable or simply mean-spirited. I would be very happy to have the Lyths as neighbours and admire their vision, optimism and tenacity in making this application. I hope they get the chance to build - I'm sure they deserve it more than many.

Dawn Batchelor

From: david brown [REDACTED]
Sent: 22 September 2021 14:12
To: Development Central
Subject: Planning application query

Categories: In Progress

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.

Hi

I am the owner of Ferness House, Lundin Road, Crossford, ky12 8qp and am fully aware (and have no objections to) of the planning application number 21/01846/Full.

However I am a bit puzzled as to why our property is referred to in the section titled 'there are 3 properties associated with this application'. Could you let me know why we are associated with this as it may give other neighbours the impression that we have some part in the sale of the land which we don't ?

Many thanks

Regards

David

David Brown

[REDACTED]

Agenda Item 6(4)

**Land north of the Steading, Lundin Road,
Crossford, Dunfermline, KY12 8QR
Application No. 21/01846/FULL**

Consultee Comments



Economy, Planning and Employability Services

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

Response from Environmental Health (Public Protection)

PPT Reference No:	21/17809/CONPLA		
Name of Planning Officer dealing with the matter:	No Officer Allocated as Yet		
Application Number:	21/01846/FULL		
Proposed Development:	Erection of dwellinghouse, carport and associated road and landscaping works		
Location:	Land North Of The Steading Lundin Road Crossford Fife		
Date Required By Planning:		Decision Notice Required?	-----
COMMENTS			
<p>After reviewing the above application, I have no comments</p> <p>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.</p>			
Date:	08/09/21	Officer	Brian Hill Environmental Health Officer Public Protection Team

Wednesday, 08 September 2021



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,

Land North Of The Steading, Lundin Road, Crossford, KY12 8QP
Planning Ref: 21/01846/FULL
Our Ref: DSCAS-0048110-G9Y
Proposal: Erection of dwellinghouse, carport and associated road and landscaping works

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 and 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.

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 Dom 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

Planning Applications Analyst

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."

FIFE COUNCIL

ASSETS, TRANSPORTATION AND ENVIRONMENT

TO: Planner, Development Management
FROM: Denise Richmond, Structural Services, Flooding, Shoreline & Harbours
DATE: 09 September 2021
OUR REF: DR/21/01846/FULL
YOUR REF: 21/01846/FULL
CONTACT: Denise Richmond
SUBJECT: **Erection of dwelling house, carport and associated road and landscaping works.
Land north of The Steading, Lundin Road, Crossford.**

I refer to your Consultation dated 7 September 2021 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.

All Applicants are required to follow our current SuDS guidance:

https://www.fife.gov.uk/__data/assets/pdf_file/0025/193255/DESIGN-CRITERIA-GUIDANCE-NOTE-ON-FLOODING-AND-SURFACE-WATER-MANAGEMENT-PLAN-REQUIREMENTS-valid-from-01.01.2021.pdf

Appendix 8 should be completed for all applications.

We would also expect to see:

An outline drainage plan

Calculations of the SuDS/attenuation volume required. The results should show the 1 in 200 year return period events plus climate change (40%)

If a soakaway is proposed, then porosity tests will be required to demonstrate that a 1 in 200 year return period plus climate change event (40%) can be accommodated without presenting a flood risk to property and that it can drain in a suitable time to accommodate successive events.

Note that any soakaway should be a minimum of 5m away from any building and plot boundary.

Assessment of the maximum groundwater level at the location of any underground attenuation feature to demonstrate that the base of the feature will remain above this level.

A maintenance schedule for all proposed SuDS, to include a detailed list of activities and timescales

Completed SuDS design certificate Appendix 1

FIFE COUNCIL

ASSETS, TRANSPORTATION AND ENVIRONMENT

TO: David Shankland, Planner, Development Management
FROM: Denise Richmond, Structural Services, Flooding, Shoreline & Harbours
DATE: 11 November 2021
OUR REF: DR/21/01846/FULL
YOUR REF: 21/01846/FULL
CONTACT: Denise Richmond
SUBJECT: **Erection of dwelling house, carport and associated road and landscaping works.
Land north of The Steading, Lundin Road, Crossford.**

I refer to your memo dated 4 November 2021 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.

All Applicants are required to follow our current SuDS guidance:

https://www.fife.gov.uk/__data/assets/pdf_file/0025/193255/DESIGN-CRITERIA-GUIDANCE-NOTE-ON-FLOODING-AND-SURFACE-WATER-MANAGEMENT-PLAN-REQUIREMENTS-valid-from-01.01.2021.pdf

Appendix 8 should be completed for all applications.

We would also expect to see:

Calculations of the SuDS/attenuation volume required. The results should show the 1 in 200year return period events plus climate change (40%)

If a soakaway is proposed, then porosity tests will be required to demonstrate that a 1 in 200 year return period plus climate change event (40%) can be accommodated without presenting a flood risk to property and that it can drain in a suitable time to accommodate successive events.

Assessment of the maximum groundwater level at the location of any underground attenuation feature to demonstrate that the base of the feature will remain above this level.

A maintenance schedule for all proposed SuDS, to include a detailed list of activities and timescales

Confirmation of ownership of the land for route of the surface water outfall to watercourse.

Completed SuDS design certificate Appendix 1

From: Andy Forrester <Andy.Forrester@fife.gov.uk>
Sent: 04 February 2022 15:15
To: David Shankland <David.Shankland@fife.gov.uk>
Cc: Alastair Hamilton <Alastair.Hamilton@fife.gov.uk>; Derek-J Simpson <Derek-J.Simpson@fife.gov.uk>; Mark Barrett <Mark.Barrett@fife.gov.uk>
Subject: RE: Application ref 21/01846/FULL and 20/0919/PREAPP re Site to North of the Steading, Lundin Road, Crossford.

Alastair,

I believe you are now leading on the above application.

As requested, I have now undertaken another site visit and assessed the revised proposal to use the existing shared vehicular access for the proposed new dwelling.

In terms of the provision of the necessary 3m x 140m oncoming splay (southwards) at the existing access, as per point 1.3 of my previous response there is a hedgerow that obscures this splay and the current splay that is available is approximately 3m x 22m. A boundary fence has also been erected to the south of the hedgerow. Even if a legal agreement was acceptable for the provision of the oncoming splay, a maximum splay of 3m x 130m could be achieved over the area of land (shaded purple on the plan) that I understand belongs to the neighbour at Ferness Cottage. Beyond this point there is an agricultural field access gate and a high hedgerow which would obscure visibility beyond this point.

In my opinion, a 3m x 140m splay in the other direction (north) cannot be achieved within land in the applicant's control/the public road boundary. At present, a splay of approximately 3m x 19m is available in the north direction, although, this could be improved with the removal of the hedgerow at the frontage of the application site. However, the 3m x 140m splay has been incorrectly plotted on Drawing No 1026-AECO-XX-GF-DR-A-2003 Issue 4, as it hasn't been provided to all points on the nearside road channel line. In addition, the roadside verge at the frontage of the application site and northwards of that is shown as approximately 2.9 metres in width on this plan. Even allowing for the fact that the existing 1.5 metre verge width may be widened slightly with the removal/cutting back of the existing hedgerow, I do not accept that it is 2.9 metres width.

Therefore, the 3m x 140m splay shown in the North direction on the plan is still inaccurate, due to a combination of the splay not being shown to all points on the nearside public road channel line and the roadside verge being shown wider than it actually is. TDM could not support a revised proposal to access the proposed dwelling for the existing shared vehicular access, due to the sub-standard visibility splays in both directions. Even if a Section 75 legal agreement was agreed with the owner of Ferness Cottage, the full 3m x 140m oncoming visibility splay could not be provided within the land shaded purple/the public road boundary on the two revised plans.

I trust this clarifies TDM's position and outlines the concerns previously expressed as part of our response to the pre-application enquiry.

Thanks

Andy Forrester
Fife Council
Planning Service, Transportation Development Management
3rd Floor West, Fife House

Glenrothes
Normal working hours Mon to Fri

From: David Shankland <David.Shankland@fife.gov.uk>
Sent: 20 January 2022 11:52
To: Andy Forrester <Andy.Forrester@fife.gov.uk>
Cc: Alastair Hamilton <Alastair.Hamilton@fife.gov.uk>; Derek-J Simpson <Derek-J.Simpson@fife.gov.uk>
Subject: FW: Application ref 21/01846/FULL and 20/0919/PREAPP re Site to North of the Steading, Lundin Road, Crossford.

Hi Andy,

Derek and I met with Alastair yesterday where we had a chat about the above application for the single house in the countryside.

Would it be possible for you to review the attachments and advise Alastair of your considerations to enable him to go back to the email below dated 17th January. I've also attached your last response for convenience.

Thanks,
David

From: Alastair Hamilton <Alastair.Hamilton@fife.gov.uk>
Sent: 17 January 2022 12:48
To: David Shankland <David.Shankland@fife.gov.uk>
Cc: Derek-J Simpson <Derek-J.Simpson@fife.gov.uk>
Subject: FW: Application ref 21/01846/FULL and 20/0919/PREAPP re Site to North of the Steading, Lundin Road, Crossford.

David some further info received on this can you upload to case file as sensitive at the moment
We can discuss
Thanks
Alastair

From: Duncan Henderson <duncan@caberhouse.co.uk>
Sent: 17 January 2022 12:33
To: Alastair Hamilton <Alastair.Hamilton@fife.gov.uk>
Subject: Fwd: Application ref 21/01846/FULL and 20/0919/PREAPP re Site to North of the Steading, Lundin Road, Crossford.

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.

Hello Alister,

I wished to get in touch regarding Dan Lyth's application 20/0919/PREAPP and previous emails. I realise that the Transportation Development Management were not accepting the visibility splay

from our outlined new location. As this was the case I wished to pass along a further update on this for review where we are using the existing access. This will allow the visibility splay to the North to be maintained within the clients land where the existing hedges can be trimmed and maintained and the council verge out with this. For the South visibility splay land within a neighbours land would require to be maintained to which a legal agreement can be sought if this would allow approval of the access. Out-with the neighbours land would again be council verge and from the topographical information and site photos I would suggest this looks to be acceptable.

I will look forward to your review on this and will advise our client as we hear back.

Kind regards,

Duncan Henderson
MArch, BSc

CABER HOUSE

email: duncan@caberhouse.co.uk

tel: 01369 510 050

web: www.caberhouse.co.uk

CABER HOUSE LTD.
REGISTERED IN SCOTLAND No. SC658742

The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

On 29 Nov 2021, at 15:03, Dan Lyth <danlyth@gmail.com> wrote:

Update from Alastair. Not fantastic news to be honest... Shall we meet later in the week to discuss if/how we want to proceed?

Dan

----- Forwarded message -----

From: **Alastair Hamilton** <Alastair.Hamilton@fife.gov.uk>

Date: Fri, 26 Nov 2021 at 18:03

Subject: Application ref 21/01846/FULL and 20/0919/PREAPP re Site to North of the Steading, Lundin Road, Crossford.

To: Dan Lyth <danlyth@gmail.com>

Cc: EPES MSU <EPES.MSU@fife.gov.uk>

Dear Mr Lyth,

Firstly I apologise unreservedly for the length of time it has taken to respond to you regarding this matter however it is a complex issue which required me to fully review the case file for the PREAPP and the current case file for the planning application as well as discuss the situation with the officers involved. Having done so and had the opportunity to consider the updated position from Transportation following further advice from your agent on the visibility splay issue I have set out my position below.

The pre app provided clear advice that the site was within a cluster and complied with the policy; it is unclear to me why this advice was given as the nature of the housing pattern clearly does not comply with the policy as is set out in the guidance. The properties to the south amount to 3 units and the property to the north one, meaning the development of your application site would be the 5th house which doesn't comply. There isn't a clear reason as to why this occurred and having considered the context of this I am going to action the refund of the planning fee and the pre app fee in this case. I apologise on behalf of the service that this situation occurred and I have considered the context on the ground carefully to determine if it is at all appropriate to consider the situation in a wider context in terms of how the cluster policy could be interpreted and thereby come to a different view on that position.

While there is a wider open semi suburban pattern of sporadic housing clusters in the area to the north of the site; having given this careful consideration this does not give sufficient policy weight to that interpretation of the cluster policy to enable me to consider that your proposed site could be considered to comply with the policy. I am also mindful that in applying the terms of the cluster policy that the interpretation of the policy that your application site complies with it would open the potential of wider exceptions to the policy being promoted throughout Fife.

Other exceptions to the general position regarding development in the countryside provide opportunities for one off developments of outstanding architectural design and where experimental or innovative forms of renewable energy or green building techniques are proposed. It would not appear that this would apply to the proposal which you are proposing; though you may wish to consider that aspect further.

There is a further outstanding issue it would seem with the context of the visibility splay and that issue was clearly referenced in the Pre App response as a matter which would need to be addressed. From the revised plans submitted recently, colleagues in Transportation Development Management have reviewed the issue and also taken measurements on site. The recommendation for the roads officer remains refusal as they advise that the verge is much narrower on site than shown on the plans and that the required splay cannot be secured due to land outwith your control. I am aware that a written note from one of the neighbours has been submitted indicating they would permit the visibility splay to be maintained to the south but that would not provide sufficient long term ongoing security in planning terms that the splay would be maintained for the lifetime of the development. This also would not address the substandard visibility splay to the north which is also highlighted by the Transportation officer. I note that there is reference to the option of a legal agreement to secure the maintenance however that does not offer the necessary security in this case given objections from neighbouring land owners. Given the context of the substandard visibility splay and there being no overriding reason to set aside the required road safety element the service would still be considering the application for refusal on road safety grounds even if the proposal was considered to comply with the cluster policy guidance. As matters stand the application would be refused based on both the housing in the countryside policy relating to the interpretation of the cluster policy guidance and on road safety reasons.

I fully appreciate that the position set out in the PREAPP indicated that the proposal would comply with the housing in the countryside policy in terms of the advice given in relation to how the cluster policy guidance would be applied to this site and you have taken that at face value, however even were the site able to be viewed as complying with that the recommendation would as things stand still have to be for refusal given the position expressed by Transportation Development Management as there would be no overriding reason to set aside the road safety issue to accommodate the approval of a house in the countryside. We would adopt a similar position for

similar developments for residential development within settlements where there is a presumption in favour of development.

As the recommendation would be for refusal the application would be delegated with any future appeal of that decision taken to the Local Review Board of the council where the proposal would be considered afresh. The recommendation of the Local Review Body is independent of the decision taken by the case officer. However once it has determined the case that decision is final other than being challenged through the courts.

I apologise that this situation has occurred which is deeply regrettable and I have as you will imagine spoken to the officer who dealt with the PREAPP and they also personally apologise for the fact that incorrect advice was given in relation to the application of the cluster policy.

As I have said I will action the refund of the fees for the original PREAPP and the current planning application given the poor level of service which you have experienced in this case and the inconvenience caused. I also appreciate that you may wish to pursue the matter more formally through the Fife Council complaints process you can obtain further advice on this service through the following link- <https://www.fife.gov.uk/kb/docs/articles/have-your-say2/make-a-complaint> .

While I am not recommending approval of the application for the reasons given above I hope the above information is of some assistance to you.

Yours sincerely
Alastair Hamilton
Service Manager
Development Management

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed and should not be disclosed to any other party.
If you have received this email in error please notify your system manager and the sender of this message.
This email message has been swept for the presence of computer viruses but no guarantee is given that this e-mail message and any attachments are free from viruses.
Fife Council reserves the right to monitor the content of all incoming and outgoing email.
Information on how we use and look after your personal data can be found within the Council's privacy notice: www.fife.gov.uk/privacy

Fife Council



The Coal
Authority



INVESTOR IN PEOPLE



RTPI

Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr D Shankland – Case Officer
Fife Council

[By Email: development.central@fife.gov.uk]

20 September 2021

Dear Mr Shankland

PLANNING APPLICATION: 21/01846/FULL

Erection of dwellinghouse and domestic garage with associated access and landscaping works; land north of The Steading, Lundin Road, Crossford, Fife

Thank you for your consultation letter of 13 September 2021 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area.

The Coal Authority information indicates that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mining at shallow depth.

The Coal Authority notes the submitted Mineral Investigation Report (dated 19 August 2021) from Ardmore Point Ltd, the content of which confirms site investigations across the site. In terms of the results, the Report confirms that only intact coal seams were encountered and that consequently, shallow coalmine workings do not pose a stability risk to the development.

On account of the above, I can confirm that the Coal Authority is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the information prepared by Ardmore Point Ltd are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore **has no objection** to the proposed development.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The

Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

Economy, Planning and Employability Services

MEMORANDUM

TO: Development Management

FROM: Blair Falconer, Technical Officer, Land & Air Quality

DATE: 21st September 2021

OUR REF: PC210145.C1

YOUR REF: 21/01846/FULL

SUBJECT: Erection of dwellinghouse, carport and associated road and landscaping works at land north of The Steading, Lundin Road, Crossford, Fife

After receiving your request for comment regarding the above planning application, I would provide the following:

Land Quality – Ground/Mine Gas Remedial Strategy requested and use of Suspensive Condition advised

It is noted that an ardmore point 'Mineral Investigation' dated 19 August 2021 has been submitted in support of the application. This report should be passed to the Coal Authority for comment/approval/coal mining related planning condition advice.

The above report is noted to recommend the inclusion of a gas protection membrane as a precaution owing to the presence of intact coal seams directly below the site.

Gas Mitigation Remediation Strategy

Details/design of the proposed gas protection system and a verification methodology (detailing proposed installation, testing and verification methods) should be provided within a **Remediation Strategy**.

Gas Mitigation Verification Report

Quality assurance information (including but not limited to: installation photographs, validation testing and sign off sheets) should be collated and included within a **Verification Report**. Gas mitigation measures should only be installed by the manufacturer or by suitably trained personnel.

Land Quality

Given the above and the former inert landfill located in the vicinity of the site it is also advised that Development Management should be notified if any unexpected materials or conditions such as made-ground, gassing, odours, asbestos, hydrocarbon staining or other apparent contamination are encountered during the

development work. This may necessitate undertaking a suitable site-specific risk assessment for contaminated land.

If Development Management are minded to approve the application, it is advised that the land quality suspensive condition **LQC3 (attached) be utilised to ensure any unforeseen contamination issues associated with the above site are suitably addressed and it is also advised that the gas mitigation conditions **GMC1 to GMC3** be utilised to ensure the proposed ground gas mitigation measures are appropriately designed, installed and verified.**

This response has been sent directly from the Land & Air Quality Team. Our colleagues in the Public Protection Team will provide their own comments in relation to issues such as noise and dust in relation to the proposed development.

Should you require any further information or clarification regarding the above comments, please do not hesitate to contact this office.

Regards, Blair Falconer - Technical Officer (Enc. Model Conditions)

Model Planning Condition for Land Quality

LQC3

IN THE EVENT THAT CONTAMINATION NOT IDENTIFIED BY THE DEVELOPER prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days.

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

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

Model Planning Conditions for Gas Mitigation

GMC1 Gas Mitigation - Submission of Design & Verification Methodology

Development shall not commence until a gas mitigation specification/foundation design, and a verification methodology (detailing proposed installation, testing and verification methods) have been submitted for approval.

Reason: To ensure the proposed gas mitigation design and verification methodology is suitable.

GMC2 Gas Mitigation - Installation, Testing & Collation of Verification Information

Prior to Occupation – Mitigation shall be carried out and completed in accordance with the agreed gas mitigation design and verification methodology (including; installation of gas membrane, testing and collation of verification information) of approved pursuant to condition (GMC1).

Reason: To ensure gas mitigation works are carried out to the agreed protocol.

GMC3 Gas Mitigation - Submission of Verification Report

Prior to Occupation - Following installation and testing of the approved gas mitigation system a verification report (containing all verification elements) shall be submitted for approval.

The site shall not be brought into use until such time as the mitigation measures have been completed in accordance with the approved gas mitigation design and a verification report in respect of those mitigation measures has been submitted and approved in writing by the local authority.

Reason: To provide verification that the approved gas mitigation has been installed, tested and validated to the appropriate standard.

21/01846/full - Erection of Dwelling and Formation of Vehicular Access at North Steading, Lundin Road, North of Crossford

Having reviewed the submission, I felt that the visibility splay plan had been produced from a desk based assessment rather than a detailed on site engineering survey (as requested by TDM as part of our response to the previous pre-application enquiry).

I visited the site yesterday and as I suspected, the 3m x 140m visibility splays shown on Drawing No 2003 Issue 2 cannot be achieved within land in the red application site boundary. In addition, these splays must be shown for their full length to the nearside road channel line (west side of the road) and this has not been shown in the south direction. I am sure these issues are just an oversight by the agent.

As I commented in my response to the pre-application, I am unable to determine the exact splays that are achievable in both directions at the proposed new junction, as the existing hedge prevents access to a point 3 metres back from the road channel line. The roadside verge is only 1.5 metres wide along the frontage of the application site.

There is an existing hedgerow approximately 25 metres to the south of the proposed new access location. The hedgerow runs for approximately 30 metres southwards and would obscure a significant amount of the oncoming visibility splays that is incorrectly shown on the submitted visibility splay plan. Similarly, it is likely that the hedging at the roadside of Bankier to the North would obscure the visibility splay in that direction.

Finally, I am concerned that the proposed access is directly adjacent to the existing access which is far from ideal.

As the proposal stands, TDM would recommend refusal, as it would result in the formation of a new access with sub-standard visibility splays in both directions to the detriment of road safety. If the applicant can demonstrate he has control over all the land necessary to provide the required 3m x 140m splays, then TDM would be willing to reconsider our position. TDM did flag up this issue at the pre-application stage.

I trust this clarifies TDM's position.

Regards

Andy Forrester
Fife Council
Planning Service, Transportation Development Management
3rd Floor West, Fife House
Glenrothes

Dawn Batchelor

From: Andy Forrester
Sent: 29 September 2021 14:52
To: David Shankland
Cc: Development Central
Subject: CONS 21/01846/full - Erection of Dwelling and Formation of Vehicular Access at North Steading, Lundin Road, North of Crossford

Categories: In Progress

Hi David,

Having reviewed the submission, I felt that the visibility splay plan had been produced from a desk based assessment rather than a detailed on site engineering survey (as requested by TDM as part of our response to the previous pre-application enquiry).

I visited the site yesterday and as I suspected, the 3m x 140m visibility splays shown on Drawing No 2003 Issue 2 cannot be achieved within land in the red application site boundary. In addition, these splays must be shown for their full length to the nearside road channel line (west side of the road) and this has not been shown in the south direction. I am sure these issues are just an oversight by the agent.

As I commented in my response to the pre-application, I am unable to determine the exact splays that are achievable in both directions at the proposed new junction, as the existing hedge prevents access to a point 3 metres back from the road channel line. The roadside verge is only 1.5 metres wide along the frontage of the application site.

There is an existing hedgerow approximately 25 metres to the south of the proposed new access location. The hedgerow runs for approximately 30 metres southwards and would obscure a significant amount of the oncoming visibility splays that is incorrectly shown on the submitted visibility splay plan. Similarly, it is likely that the hedging at the roadside of Bankier to the North would obscure the visibility splay in that direction.

Finally, I am concerned that the proposed access is directly adjacent to the existing access which is far from ideal.

As the proposal stands, TDM would recommend refusal, as it would result in the formation of a new access with sub-standard visibility splays in both directions to the detriment of road safety. If the applicant can demonstrate he has control over all the land necessary to provide the required 3m x 140m splays, then TDM would be willing to reconsider our position. TDM did flag up this issue at the pre-application stage.

I trust this clarifies TDM's position.

Regards

Andy Forrester
Fife Council
Planning Service, Transportation Development Management
3rd Floor West, Fife House
Glenrothes
Normal working hours Mon to Fri (Every 2nd Wednesday off)

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	21/01846/FULL
	Erection of Dwellinghouse, Carport and Associated Road and Landscaping Works at Land North of The Steading, Lundin Road, Crossford
Date:	11th November 2021
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE: Updated response made on receipt of Drawing No 1026-AECO-XX-GF-DR-A-2003 Issue 3

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 In TDM's response dated 29th September 2021, I stated that the original visibility splay plan had been produced from a desk-based assessment rather than a detailed on site engineering survey (as requested by TDM as part of our response to the previous pre-application enquiry).
- 1.2 Having visited the site, prior to sending my first response, I noted that the necessary 3m x 140m visibility splays shown on Drawing No 2003 could not be achieved within land in the red application site boundary. I was unable to determine the exact splays that are achievable in both directions at the proposed new junction, as the existing hedge prevents access to a point 3 metres back from the road channel line. The roadside verge is only 1.5 metres wide along the frontage of the application site.

1.3 There is an existing hedgerow approximately 25 metres to the south of the proposed new access location. The hedgerow runs for approximately 30 metres southwards and would obscure a significant amount of the oncoming visibility splay that was incorrectly shown on the original visibility splay plan. Similarly, the hedging at the roadside of Bankier to the North would obscure the visibility splay in that direction. TDM therefore recommended the application for refusal, as it would result in the formation of a new access with sub-standard visibility splays in both directions to the detriment of road safety.

1.4 In my previous response, I stated that if the applicants could demonstrate they had control over all the land necessary to provide the required 3m x 140m splays, then TDM would be willing to reconsider our position.

1.5 A revised visibility splay plan Drawing No 1026-AECO-XX-GF-DR-A-2003 Issue 3 has recently been submitted and it has been passed to TDM and I would comment as follows:-

- Firstly, the visibility splays must be shown for their full lengths (i.e. at all points within the splay) to the nearside road channel line (west side of the road) and this has not been shown in the north direction.
- As per 1.2 above, whilst on site, I measured the width of the roadside verge along the frontage of the site and it was approximately 1.5 metres in width. It appears to be shown as 3 metres in width on the revised plan which is inaccurate and not acceptable. This results in the splays shown on the revised plan as being inaccurate in terms of the existing situation on site.

1.6 I also noted the submission of a signed document (by the relevant landowner) stating that the applicants can maintain the 3m x 140m oncoming splay (south direction) within the land in the control of Ferness House. However, this type of document does not represent a suitable planning mechanism to ensure the provision and future retention of this splay for the lifetime of the dwelling. For example, Ferness House may be sold in the future and the new owner may not be agreeable to the splay being maintained.

The only realistic mechanism to secure visibility splays on land outwith applicant's control is via a Section 75 Legal Agreement, however, it is my understanding that these agreements are no longer desirable to secure visibility splays for single house developments.

1.7 The 3m x 140m splay in the other direction (North) cannot be provided to all points on the nearside road channel line (west side of public road) as the existing hedging at Bankier obstructs the splay and the hedging is on land outwith the applicant's control.

2.0 CONCLUSIONS

2.1 Unfortunately, the visibility splay plan Drawing No 1026-AECO-XX-GF-DR-A-2003 Issue 3 is inaccurate and cannot be relied upon. It is unclear why the agent has plotted a 3 metre wide roadside verge on the revised plan.

2.2 The proposal would result in the formation of a new access with sub-standard visibility splays in both directions to the detriment of road safety. In my opinion, no suitable mechanism/evidence has been proposed/provided to demonstrate that the applicants have control over all the land necessary to provide the required 3m x 140m splays.

3.0 RECOMMENDATIONS

3.1 Refusal for the road safety 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: 11/11/2021

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

Number: 03451 55555 extension 480211

Agenda Item 6(5)

**Land north of the Steading, Lundin Road,
Crossford, Dunfermline, KY12 8QR
Application No. 21/01846/FULL**

Further Representation(s)

From: [Andy Forrester](#)
To: [Michelle McDermott](#)
Cc: [Mark Barrett](#)
Subject: RE: Application Ref. 21/01846/FULL - Land to north of the Steading, Lundin Road, Crossford, Dunfermline, KY12 8QR
Date: 02 December 2022 16:15:26

Afternoon Michelle,

I refer to your email dated 28/11/22 regarding the appeal of the above application to the Fife Planning Review Body.

Having reviewed the Notice of Review, I note from Point 2 of the Appeal Statement that the agent/applicant are concerned that Fife Council did not assess the latest proposed junction layout and visibility splay plans shown on Drawing Nos 1026-AECO-XX-GF-DR-A-2003 ISSUE 05 and 1026-AECO-XX-GF-DR-A-2005 ISSUE 05. I can confirm that Fife Council Planning Service's Transportation Development Management did review these plans and I sent my e-mail response to the planning case officer on 16/09/22, although I accept that the agent/applicant would have been unaware of this.

I have summarised my previous comments on the proposals shown on Drawing Nos 1026-AECO-XX-GF-DR-A-2003 ISSUE 05 and 1026-AECO-XX-GF-DR-A-2005 ISSUE 05 below: -

The agent has attempted to show that a 3m x 140m visibility splay in the North direction is achievable with the removal/lowering of the hedge along the frontage of the application site and with the lowering of the height of the existing roadside boundary hedge of Bankier to the North of the application site. However, the hedge at the frontage of Bankier is outwith the red application site boundary/public road boundary and is therefore outwith the applicant's control. Therefore, the 3m x 140m splay in the North direction cannot be provided within land in the applicant's control/the public road boundary. In addition, I note that the owner of Bankier has objected to the application. It appears the only suitable mechanism to secure the splays in both directions is via a Section 75 Legal Agreement.

I didn't comment on the "national visibility splay" plan shown on Drawing No 1026-AECO-XX-GF-DR-A-2004 ISSUE 05 as that visibility splay standard is not relevant or applicable for development proposals in Fife. Fife Council Making Fife's Places Appendix G contains the relevant visibility splays.

Regarding the potential argument that the proposed visibility splay improvements would make the existing junction safer for the residents of and visitors to the existing 3 dwellings, I would comment that with the exception of the hedge fronting Bankier, the other existing obstructions within the visibility splays are on land owned by the other 3 dwellings that are served by the existing access. Therefore it is already within the existing resident's control to improve the visibility splays at the junction of the existing access with the public road should they wish to do so, regardless of any planning proposals.

I trust the above is helpful in clarifying Transportation Development Management's assessment of the application.

Regards

Andy Forrester
Fife Council
Planning Service, Transportation Development Management
3rd Floor West, Fife House
Glenrothes
Normal working hours Mon to Fri

From: [REDACTED]
To: [Michelle McDermott](#)
Subject: Application Ref:21/01846/FULL-Land north of the Steading, Lundin Road, Crossford, Dunfermline, KY128QR
Date: 07 December 2022 15:00:54

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 afternoon Ms. McDermott,

Thank you for your communication regarding the above. It is reassuring to know that the Fife Planning Review Body will be given copies of the original representations.

All reasons for refusal of the planning application in my original representation still apply.

I would appreciate acknowledgement of receipt of this email as I am not sure whether this will suffice or whether a hand written letter is required.

Kind regards

Catherine Brown.

This email was scanned using Forcepoint Email filter

From: [REDACTED]
To: [Michelle McDermott](#)
Subject: Ref number MMc/J8.36.371
Date: 07 December 2022 20:47:34

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.

In regards to the application for review.

We still stand by our original objections/concerns to this application going ahead.

No improvements have been made to the road and in fact the road has become even busier since the original application.

We cannot see why this review application can be granted going on all the original objections and decisions given by ourselves and Fife Council.

Yours sincerely

Thomas Brown

Sent from my iPad

This email was scanned using Forcepoint Email filter

From: [REDACTED]
To: [Michelle McDermott](#)
Cc: [REDACTED]
Subject: Urgent app ref appeal 21/01846/FULL
Date: 09 December 2022 19:59:10

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.

Your ref MMc/J8.36.371

Apologies for lateness of comments we are without Internet and phonedlines and have been since 23rd of November.

I am writing to confirm that we are vehemently and unequivocally against the proposed planning application above.

Our views have not changed since we last made our specific thoughts very clear many months ago.

This underhand attempt to suggest that Dean Cottage is within our cluster (making 5) is factually incorrect and quite frankly laughable.

That house is so far removed from us, we do not even know the occupants by name and have only spoken to an occupant once. I'm sure that would be the same for two of the other properties.

If we are taking distances from boundaries then surely we are all joined up over fields and fences! In essence the format of a cluster would not exist in its entirety.

Dean Cottage is not in our cluster. We have lived here for 16 years and would not class it in any shape or form as such. I would not class the residents as neighbours as they are distinctly far removed from our properties (no offence).

I would suggest they would be in a "cluster" with the houses immediately adjacent to them to the north of their property but definitely not in any way near ours.

In the email correspondence provided by applicant from Andrew Taylor dated 29/10/2020 it is not clear if he visited the site. He makes mention of not knowing the area and that site visits were cut back at the time.

I would be interested to know if he came to the cluster opinion through what he was being told or what he had actually seen. However his comments are not in-line with Policy 8 (5 existing properties).

I will now make reference to the issue with shared access.

We made our position clear the 1st time we commented and it remains the same today.

At no time has anyone made an approach to us to communicate, discuss or ask for our permission to use our shared access.

It they had, they would know that we would not consent and therefore this issue is non negotiable.

The roads planning have made their position very clear on access also.

In relation to maintaining and removing hedges this should be a legally binding contract from the present /future owners of Ferness House and not just a gentleman's agreement. However even if this was progressed this does not preclude the matter of there not being an existing cluster and no permission or right to use the existing shared access. Furthermore our previous views and significant concerns on the safety of current residents, Rroad users and pedestrians seems to have been overlooked and is of paramount importance to us.

We do not wish any ill will however we are firmly dissatisfied with what appears to be another application in a sequence of misleading and factually incorrect applications.

We just do not want the floodgates opening for various new builds popping up around us.

Regards

Mr & Mrs Cunningham
Saddleback Cottage
Lundin Road
Crossford
Fife
Ky128QP

This email was scanned using Forcepoint Email filter

From: [REDACTED]
To: [Michelle McDermott](#)
Subject: REF MMc/J8.36.371
Date: 12 December 2022 08:50:44

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,

Application Ref: 21/01846/FULL- Land north of the Steading, Lundin Road, Crossford, Dunfermline, KY12 8QR

With reference to the above application we acknowledge the applicant's right to appeal the refusal of the planning application. We also acknowledge the fact that their application was considered under the current planning legislation and that it did not in any way meet the stipulated criteria. It did in fact fall far short of the requirements for a possible new build dwellinghouse in its proposed country location. With the application site history in mind it is evident that the applicant and his agent have gone to great lengths in their attempts to not only conceal the true identity of the application site, but also that of the extensive and controversial planning history. From pre application talks it is clear that Fife Council Transportation Development Management made it crystal clear to the applicant and their agent that if they could not achieve the required safety splays the application would be refused. With this in mind and the fact that the applicant was fully aware of the site's previous controversial history which details a number of planning refusals including a dwellinghouse etc., the applicant wilfully chose to proceed with the high risk financial gamble. It is evident from the lengths that the agent has gone to in his attempts to present the facts as something other than the reality it is nothing less than misleading and deceitful. Fortunately much of this misleading information has been rightfully questioned by Fife Council Transportation Development Management.

It is also evident that Transportation Development Management has conducted on site assessment of the proposed access in detail and has commented several times on the applicant's inability to achieve the legally required visibility splays. They have also commented on the significant detrimental impact that a sub-standard access would have on the safety of all road users around the site. We are sure Fife Council will be fully aware of the possible legal implications along with any liability that would arise from any accident or injuries resulting from any sub-standard access being permitted, especially within an application where the safety concerns are so great that the application has been recommended for refusal by Transportation Development Management as it has been in this case.

We therefore ask Fife Council to once again uphold their decision to refuse this extremely controversial and deceitful application in its entirety.

Yours sincerely

Mark McVay

This email was scanned using Forcepoint Email filter

From: [REDACTED]
To: [Mary Mclean](#)
Cc: [Michelle McDermott](#); [Alastair Hamilton](#)
Subject: Re: Application Ref. 21/08146/FULL - Land north of the Steading, Lundin Road, Crossford, Dunfermline, KY12 8QR
Date: 16 December 2022 19:03:35

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 McLean

Thank you for your intervention here. From what you say and also from Ms McDermott's mails, I am not clear what 'making representations' means in terms of the appeal process – I thought that was what I was doing but let me try again, perhaps doing it in two parts will work:

1. For Alastair Hamilton (assuming its not possible for this to be passed on directly which is what I thought would have been the normal process in most organisations) :
Please can you shed any light on why the planning portal did not include the later discussions between Fife Council and the applicant which resulted in the updated location plans that had a material change in that a different entrance to the plot had been proposed compared to that of the original planning application? I was unaware that there had been a change, in the attempt to address the splay issue by the looks of it, to use the existing shared ownership entrance to mine and other properties at KY12 8QP.
2. For Ms McDermott:
Assuming it can be confirmed that I did not miss something that had been notified to me, then my representation is that I do object to the proposed entrance change that means the applicant would be using our entry/exit to Lundin Road rather than the original new and separate access route.

Thank you

Regards

David

David Brown

Agenda Item 7(1)

**24 Main Street, Guardbridge, St. Andrews,
KY16 0UG**

Application No. 22/01765/FULL

Notice of Review

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country 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	<input type="text" value="Dr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="Senga"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Oxenham"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="Rose Cottage"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text" value="24 Main St"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="GUARDBRIDGE"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="KY16 0UG"/>	Postcode	<input type="text"/>
Telephone	<input type="text"/>	Telephone	<input type="text"/>
Mobile	<input type="text" value=""/>	Mobile	<input type="text"/>
Fax	<input type="text"/>	Fax	<input type="text"/>
Email	<input type="text" value=""/>	Email	<input type="text"/>
3. Application Details			
Planning authority	<input type="text" value="Fife Council"/>		
Planning authority's application reference number	<input type="text" value="Application No:22/01765/FULL"/>		
Site address	<input style="width: 100%; height: 80px;" type="text" value="Rose Cottage
24 Main St
GUARDBRIDGE
KY16 0UG"/>		
Description of proposed development	<input style="width: 100%; height: 40px;" type="text" value="Access across footpath to park in front garden"/>		

Date of application	6th June, 2022	Date of decision (if any)	9th September, 2022
<p><u>Note.</u> 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.</p>			
4. Nature of Application			
Application for planning permission (including householder application)		<input checked="" type="checkbox"/>	
Application for planning permission in principle		<input type="checkbox"/>	
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)		<input type="checkbox"/>	
Application for approval of matters specified in conditions		<input type="checkbox"/>	
5. Reasons for seeking review			
Refusal of application by appointed officer		<input checked="" type="checkbox"/>	
Failure by appointed officer to determine the application within the period allowed for determination of the application		<input type="checkbox"/>	
Conditions imposed on consent by appointed officer		<input type="checkbox"/>	
6. Review procedure			
<p>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.</p> <p>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.</p>			
Further written submissions		<input type="checkbox"/>	
One or more hearing sessions		<input type="checkbox"/>	
Site inspection		<input checked="" type="checkbox"/>	
Assessment of review documents only, with no further procedure		<input checked="" type="checkbox"/>	
<p>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.</p>			
<p>happy with any process of review</p>			
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?		<input checked="" type="checkbox"/>	
Is it possible for the site to be accessed safely, and without barriers to entry?		<input checked="" type="checkbox"/>	

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

it is possible to access the site safely

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Main reasons for review request:

When I applied for a dropped kerb and access across the footpath, Mr Urquhart visited the property and was happy and positive about the application.
There is plenty of space to drive in and drive out of 24 Main St and visibility is good, all surrounding neighbours drive in/out their gardens safely (reversing)
TDM declared access over the footpath to be safe if I moved my dropped kerb and shared it with my neighbour but they said my application would be refused if my neighbour didn't agree to that. My application is to drive in and drive out of my own garden, surely that is still safe (see enclosed email from Fife Council Planning)

Main reasons for review:

When I applied for a dropped kerb and access across the footpath, Mr Urquhart visited the property and was happy and positive about the application.
There is plenty of space to drive in and drive out of 24 Main St and visibility is good, all surrounding neighbours drive in/out their gardens safely (reversing)
TDM declared access over the footpath to be safe if I moved my dropped kerb and shared it with my neighbour but they said my application would be refused if my neighbour didn't agree to that. My application is to drive in and drive out of my own garden, surely that is still safe (see enclosed email from Fife Council Planning)

Dr Senga K Orenham
Rose Cottage
24 Main St
GUARDBRIDGE
St Andrew
KY16 0UG
Fife Council
Committee Services
Corporate Services Directorate
Fife House
North Street
DUNDEE
Fife
KY7 5LT

cont. in attached file

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

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

Schematic diagram of drivein , drive out plan
Email from Fife Council Planning with TDM coments
Business letter regarding review

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

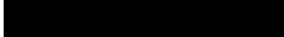
Statement of your reasons for requesting a review

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 from will be held and processed in accordance with Data Protection Legislation.

From: [REDACTED]
To: local.review@fife.gov.uk
Cc: [REDACTED]
Subject: APPEAL: Access over footpath - Application No:22/01765/FULL
Date: 06 December 2022 16:30:48
Attachments: [Re. 2201765FULL - 24 Main Street Guardbridge St Andrews - Fife Council Planning TDM.msg](#)
[Schematic diag - 24 Main St GURADBRIDGE.jpg](#)

Dr Senga K Oxenham

Rose Cottage
[REDACTED] Main St
GUARDBRIDGE
St Andrews
KY16 0UG

Fife Council
Committee Services
Corporate Services Directorate
Fife House
North Street
GLENROTHES
Fife
KY7 5LT

6th December, 2022

Re: Access over footpath - Application No:22/01765/FULL

Dear Sir/Madam,

I would like to make an appeal against the decision on my application for access across the public footpath to park in my garden.

I have attached information from fife council planning and a schematic in support of my appeal.

My original request was to reverse into my garden like everyone else does but I am more than happy to take my wall down and pay for a double dropped kerb to drive in and drive out. There is plenty of space within my garden and visibility is good, like it is for everyone around me with a drive or pavement parking.

My initial discussions with Mr Urquhart and his department for kerb drop and access permission were positive. He visited my property and was happy but asked me to check with planning in case they would like something extra.

I read Permitted Development Rights and Scottish Planning legislation as instructed by Fife Council Planning and I asked for legal assistance from Planning Aid Scotland (PAS). We could only find text stating that the parking surface should be porous (which it is).

When I double checked with Fife Council Planning they then said I should apply for a Certificate of Lawfulness which I did and they refused, they then asked me to submit a planning application which I did and they also refused. I believe Planning refused the application due to comments from Transportation Development Management (TDM).

TDM seemed to be focused on giving my neighbour a drive, they agreed it was safe for myself and my neighbour to have a drive but not for me alone, they passed the decision to my neighbour and the measurements in their drawing are wrong hence their plan for joining the properties is not physically possible. Besides my neighbour not applying for a drive and not having the space for TDM's plan, I would ask you to understand that it is not appropriate for me to ask someone to pay huge legal fees, to join and thus devalue both properties, to ask them to install a new parking surface and dropped kerb and to compromise everyone's safety.

Guardbridge (old town) has limited parking, making it difficult for working people to live there. Due to the lack of parking, people leave cars on the pavements, forcing pedestrians to go blindly onto the road to get past the cars, this is especially difficult for people with health problems, pushchairs, wheelchairs, children or pets. I'm sure like me, everyone is understanding in order to support local businesses and residents and I'm also sure nobody would want existing drives to be deemed too dangerous (the situation would be a lot worse if all drives that don't comply with the new rules were not there) but it would be nice if everyone's need to earn a living and overall safety was considered during decision making. In addition, the crime rate has risen sharply in the village so walking a distance in the dark or leaving your car far from your property, especially in poor health, is not good. All of the above could be helped if people were allowed to park at their homes where possible.

I would therefore appeal to you to consider my application for 'drive in drive out parking' within my own garden. If TDM felt it was safe for my neighbour, I would ask you to make the decision that it would be safe for me. There is more than enough space in my garden and there is plenty of visibility (my neighbour does not have a high wall, I'm sure that would not be legal and would impede their visibility) when driving across the footpath, everyone around does this safely when entering/exiting their drive or parking on the surrounding pavements. Surely if something is deemed to be dangerous, the same rules should apply to all.

Please let me know if you would like pictures or a video to support this appeal or if you would like more information. Please feel free to call my mobile any time.

Kind regards,
Senga

Dr S K Oxenham

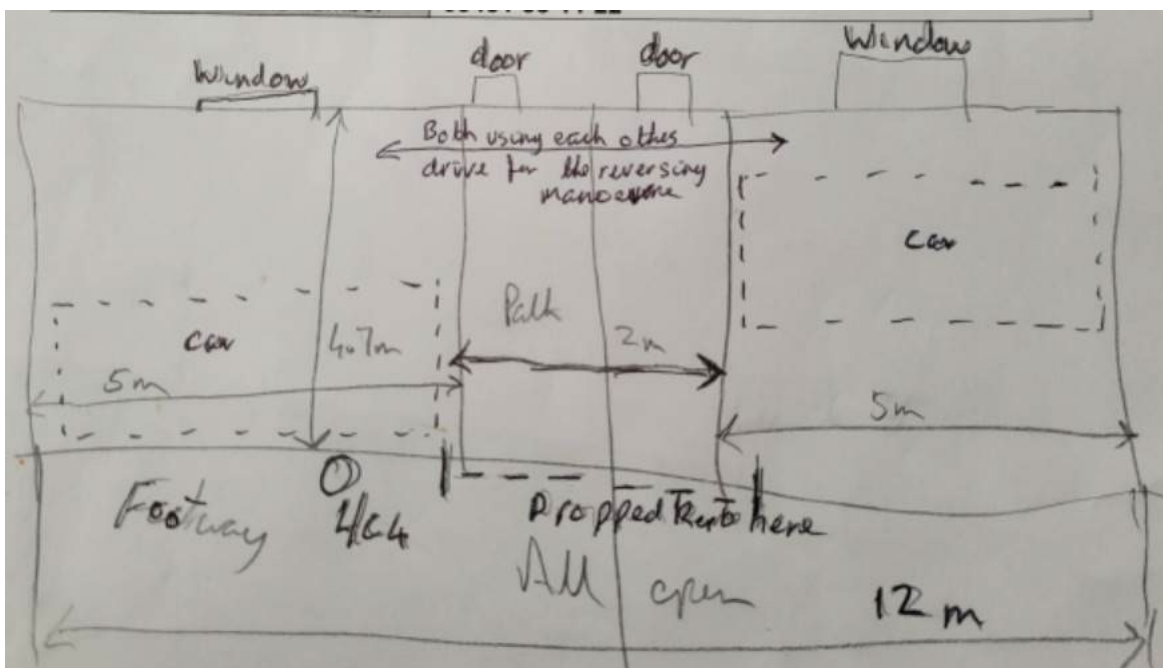

encl. –
Information from Fife Planning/TDM
Diagram of drive in/drive out parking plan

 Kirsten Morsley <Kirsten.Morsley@fife.gov.uk>

Ms Oxenham

I am writing to you as the case officer for the above application.

Transportation Development Management have got back to me and have advised that normally they would object to an application of this nature as there is no turning area and the distance between the rear of the footway and the house is not at least 6.0 metres. However, I can confirm that they have advised that a satisfactory arrangement to them is possible but it would require an agreement from your adjoining neighbour. If you can show on a drawing that the proposed dropped kerb would be positioned in the middle of both your and your neighbour's house, then there would be sufficient space for both dwellings to get a car off the road and be able to turn. Please see the suggested arrangement below. If this arrangement cannot be agreed with your neighbour then I am afraid that Transportation would not be in a position to support this application (even though they are aware that cars are already park off street here at the moment anyway and with no dropped kerb). So if your neighbour is not agreeable to this suggested arrangement then I would recommend that you agree by email for your application to be withdrawn as I would not be in a position to recommend approval on road safety grounds.



Please discuss the above with your neighbour and let me know how you wish to proceed. If you are intending to submit a revised drawing please also adjust the red boundary shown on the Location Plans so that the proposal encompasses the whole site.

Regards

Kirsten

Kirsten Morsley
Planning Assistant, Planning Services
Fife House, Glenrothes, Fife, KY7 5LT
www.fife.gov.uk/planning
Kirsten.morsley@fife.gov.uk / development.central@fife.gov.uk
Follow us on twitter @Fifeplanning

I am currently working remotely. If you are an applicant or agent submitting plans or other information relating to a specific planning application please upload them via www.eplanning.scot as Post Submission Additional Documentation (PSAD).

If you wish to comment on or track the progress of an application, please use the Fife Council [online planning service](#) .

Online Information/forms relating to payments, reporting unauthorised works can be done on our website at www.fife.gov.uk/planning

All other enquiries should be directed to - development.central@fife.gov.uk . This will help us to respond to your enquiry as quickly and efficiently as possible.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed and should not be disclosed to any other party.

If you have received this email in error please notify your system manager and the sender of this message.

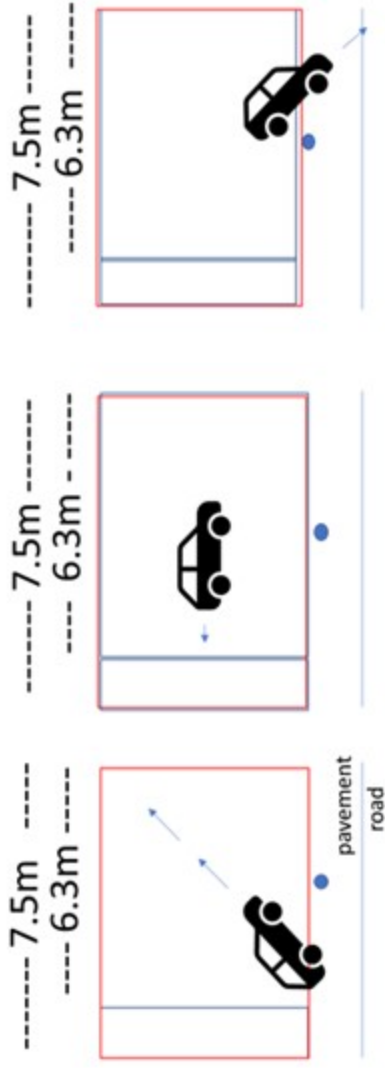
This email message has been swept for the presence of computer viruses but no guarantee is given that this e-mail message and any attachments are free from viruses.

Fife Council reserves the right to monitor the content of all incoming and outgoing email.

Information on how we use and look after your personal data can be found within the Council's privacy notice www.fife.gov.uk/privacy

Fife Council

Figure 2: drive in, park, drive out



Agenda Item 7(2)

**24 Main Street, Guardbridge, St. Andrews,
KY16 0UG**

Application No. 22/01765/FULL

Planning Decision Notice

Report of Handling

Planning Services

Ms Senga Oxenham
Rose Cottage
24 Main Street
Guardbridge
Fife
KY16 0UG

Kirsten Morsley
development.central@fife.gov.uk

Your Ref:
Our Ref: 22/01765/FULL

Date 9th September 2022

Dear Sir/Madam

Application No: 22/01765/FULL
Proposal: Formation of driveway opening onto an A classified road
Address: 24 Main Street Guardbridge St Andrews Fife KY16 0UG

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 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,

Kirsten Morsley, 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: 22/01765/FULL
Proposal: Formation of driveway opening onto an A classified road
Address: 24 Main Street Guardbridge St Andrews Fife KY16 0UG

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/01765/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of protecting road and pedestrian safety; the proposal would result in the introduction of a sub-standard vehicular access onto a classified road which would fail to satisfy minimum requirements in respect of garden depth, turning area and visibility splays onto the public road, all of which would be to the detriment of road and pedestrian safety and contrary to Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines.

PLANS

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

Reference	Plan Description
01	Location Plan
02	Location Plan
03	Supporting Statement
04	Photographs
05	Vehicle Turning Details

Dated:9th September 2022

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.fifedirect.org.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.

APPLICATION DETAILS

ADDRESS	24 Main Street, Guardbridge, St Andrews		
PROPOSAL	Formation of driveway opening onto an A classified road		
DATE VALID	06/06/2022	PUBLICITY EXPIRY DATE	20/07/2022
CASE OFFICER	Kirsten Morsley	SITE VISIT	None
WARD	Tay Bridgehead	REPORT DATE	07/09/2022

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.

1.0 BACKGROUND

1.1 This application relates to a 1.5 storey traditional stone-built end terraced dwellinghouse (1 of 3) located just off the A919 within an area of mixed retail and residential use within Guardbridge, Fife. The dwellinghouse is not a listed building and is not located within a Conservation Area. The front garden is small and is partially enclosed by a low boundary wall. Road markings show that there is no on-street parking permitted at the front of this property. The adjoining property has its front boundary wall removed and the garden is used as a parking area, however there is no planning permission in place to take access from this classified road and there is no dropped kerb/footpath crossing.

1.2 Planning consent is sought from the applicant to form a vehicular access to the front of the property from the A919 classified road. The applicant has highlighted that there is very little parking within the village and that parking is difficult and dangerous particularly around the busy nearby village shop. They have stated that they wish to be able to park within their own front garden and hope to be able to have the option later of installing a home charger when they change to an electric vehicle. Two options were proposed by the applicant and would require the full removal of the front boundary wall. The first option was to reverse into the front garden, park and move out in first gear. The second option was to drive into the front garden in first gear,

park, and exit the front garden in first gear. Both options were submitted to Transportation Development Management (TDM) for their further comments. TDM stated they were not supportive of either proposal and had suggested to the applicant an alternative approach (which is detailed in paragraph xxx of this report). However the applicant has stated that this alternative approach would not work (reasons given in paragraph xxx of this report) and the applicant now wishes to proceed with their option 2 (drawing 05).

1.3 There is no relevant planning history associated with the property.

1.4 A physical site visit has not been undertaken. The site is fully visible from Google street view. All necessary information has been collated digitally to allow the full consideration and assessment of the application and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine this proposal.

2.0 PLANNING ASSESSMENT

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

- Road and Pedestrian Safety
- Design/Visual Impact

2.2 Road and Pedestrian Safety

2.2.1 Policies 1, 3 and 10 of the Adopted Fifeplan (2017) and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines apply to this application.

2.2.2 Policies 1 and 3 of the Adopted FIFEplan advise that development must be designed in a manner that ensures that the capacity and safety of infrastructure is not compromised. Support shall be given where development will not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements and which do not exacerbate road safety. Making Fife's Places Supplementary Planning Guidance and its associated transportation guidelines provide further advice in this regard. The guidance confirms that direct vehicular access to houses fronting a distributor road will be acceptable in principle subject to individual circumstances and conditions.

2.2.3 Fife Council's Transportation Development Management officers (TDM) have advised that there requires to be a distance of 6.0m between the rear of the footway and the front of the dwellinghouse in order to ensure that a vehicle is completely free of the adjacent public footway. They have confirmed that with a depth of approximately 4.7 metres there is in-sufficient space within the front garden to accommodate this requirement and there is also in-sufficient space within the garden to accommodate a turning area to allow vehicles to take access and egress from the A919 in forward gear. A lack of turning area they advise would result in reversing manoeuvres taking place over the public footpath close to the pedestrian crossing which would be in terms of safety impact unacceptably on pedestrians and other road users. Furthermore suitable visibility splays in both directions north and south of 2m x 43m are required at the proposed access junction where it meets with the A919 and this cannot be achieved. They have stated that the splay to the North is restricted to 18m as it is blocked by a neighbour's boundary wall. Furthermore they have advised that any intensification or the introduction of vehicular

movements over the footway at this location would be detrimental to the safety and convenience of all road users and pedestrians.

2.2.4 TDM visited the site and noted that cars already park off the street (without planning permission) and therefore suggested to the applicant that if a shared access point (dropped kerb) was positioned centrally between the applicants property and the adjoining property that there could be sufficient space for both dwellings to get a car off the street and be able to turn, but also noted that this approach would involve the applicant reaching an agreement/arrangement with the adjoining neighbour. The applicant, having reviewed the site dimensions, advised thereafter that the adjoining property has a smaller garden and the proposal posed by TDM would not be possible and are of the view that even if the garden was large enough, this arrangement would be far more dangerous for the occupants (particularly children and dogs) of both properties, with car manoeuvres taking place right outside both front doors. For this reason, the applicant has requested that the application be determined on the basis of their Option 2 layout as shown on drawing 05.

2.2.5 Following consideration of the above, it is noted that the neighbour's garden is indeed narrower than the applicant's garden and the alternative access/parking arrangement posed by TDM would, it is agreed, not be considered satisfactory or workable. However the applicant's proposal posed by drawing 05 would equally not be considered safe for the reasons outlined by TDM above, under paragraph 2.2.2. Furthermore such an arrangement would require the removal and re-location of an existing lamp post, which whilst this may be feasible, the cost would have to be met by the applicant.

2.2.6 In light of the above, the proposal would fail to satisfy TDM requirements in respect of garden depth, turning area and visibility splays for a safe access onto a classified road and as such the proposal does not comply with the terms of the Development Plan and all relevant guidance in relation to Road and Pedestrian Safety.

2.3 Design and Visual Impact

2.3.1 Policies 1, and 10 of The Adopted FIFEplan (2017), and Making Fife's Places - Supplementary Guidance (2018) apply to this application.

2.3.2 FIFEplan Policies 1 (Development Principles), and 10 (Amenity), require all new development to be placed where the proposed use is supported by the Local Development Plan and for it to be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area. Making Fife's Places Supplementary Guidance sets out Fife Council's expectation in the role of good design. A development which is appropriately located and respects/reflects the pattern of the local built context in terms of building height, scale, built form and which enhances the character of an existing building and area by using appropriate materials and details will be supported.

2.3.3 The site is not covered by any historic or protective designations. The proposal would involve the removal of the front boundary wall, it would involve the relocation of an existing lamp post and the dropped kerb (whilst not shown) would need to extend to the full width of the garden. The proposed site plan is schematic, and does not show what the parking area would be surfaced in, what the drainage arrangements would be, or whether the lamp post could be re-located. However these more detailed site matters could be set by condition, to ensure compliance with the relevant policies and guidelines, if the new vehicular access could be supported in principle.

2.3.4 In light of the above, and subject to the submission of satisfactory details on the finishing materials (including drainage arrangements) and confirmation that the existing lighting column would be relocated the proposal could be in compliance with the Development Plan and its related guidance in respect of Design and Visual Impact.

CONSULTATION RESPONSES

Transportation, Planning Services

Object - proposals fail to satisfy TDM requirements in respect of garden depth, turning area and visibility splays for a safe access onto a classified road

Scottish Water

No objections but note that there is live infrastructure in proximity of the development area and the applicant must identify any potential conflicts with Scottish Water assets by submitting a Pre-Development Enquiry (PDE) via Scottish Water's Customer Portal to allow them to fully appraise the proposals.

REPRESENTATIONS

There are no representations

CONCLUSION

The proposed access is unacceptable as it would introduce a sub-standard vehicular access which would be detrimental to the safety of all road and pedestrian users and is therefore considered to be contrary to the Development Plan in this regard.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of protecting road and pedestrian safety; the proposal would result in the introduction of a sub-standard vehicular access onto a classified road which would fail to satisfy minimum requirements in respect of garden depth, turning area and visibility splays onto the public road, all of which would be to the detriment of road and pedestrian safety and contrary to Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

The Development Plan

The Adopted FIFEplan (2017)

Making Fife's Places - Supplementary Guidance (2018)

Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council
Transportation Development Guidelines

Agenda Item 7(3)

**24 Main Street, Guardbridge, St. Andrews,
KY16 0UG**

Application No. 22/01765/FULL

Consultee Comments

Wednesday, 29 June 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,

24 Main Street, Guardbridge, St Andrews, KY16 0UG
Planning Ref: 22/01765/FULL
Our Ref: DSCAS-0067737-VHL
Proposal: Formation of driveway opening to A classified road

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:

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.

- ▶ 175mm VC Combined Sewer

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

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

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."

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	22-01765-FULL
Application Description:	Formation of driveway opening to A classified road at 24 Main Street, GUARDBRIDGE.
Date:	30/08/2022
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 the formation of a vehicular driveway to the front of the applicant's property.

1.2 Vehicles would take access onto the adjacent A919 Classified Public Road.

1.3 Suitable visibility splays in both directions North and South will be required along with a suitable turning area to allow vehicles to take access and egress in a forward gear. A suitable depth of 6m is required between the rear of the public footway and the front of the dwellinghouse to accommodate a vehicle being completely clear of the adjacent public footway.

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 A distance of 6.0m is required between the rear of the footway and the front of the dwellinghouse to accommodate a vehicle being completely free of the adjacent public footway. There is sufficient space within the curtilage of this site to accommodate this requirement.

3.2 There is insufficient space within the curtilage of the site to accommodate a turning area which is required to allow vehicles to take access and egress onto the adjacent A919 Classified Public Road. The proposal will only result in reversing manoeuvres taking place over the public footway close to a Pedestrian Crossing which would be a detriment to the safety and convenience of pedestrians and road users.

3.3 Visibility splays of 2m x 43m are required at the proposed access junction where it meets with the adjacent A919 Classified Public Road. The splay to the North is restricted to 18m. The splay in this direction is blocked by the wall in the neighbouring garden. Any intensification or the introduction of vehicular movements over the footway at this location would be detrimental to the safety and convenience of all road users and pedestrians.

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: 30/08/2022

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