

Fife Planning Review Body

Please note that this meeting will be held remotely



Monday, 22nd August, 2022 - 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. **APPLICATION FOR REVIEW - CUFFABOUT HOUSE, CUPAR ROAD, LEVEN (APPLICATION NO. 21/02350/FULL)** – Siting of six holiday pods with associated infrastructure and parking
 1. Notice of Review 5 – 56
 2. Decision Notice and Report of Handling 57 – 68
 3. Consultee Comments 69 - 77
4. **APPLICATION FOR REVIEW - BELLFIELD FARM STEADING, MILTON OF BALGONIE, GLENROTHES (APPLICATION NO. 19/02655/FULL)** – Erection of four dwellinghouses (Class 9), formation of hardstanding, parking and associated infrastructure
 1. Notice of Review 78 – 86
 2. Decision Notice and Report of Handling 87 – 101
 3. Consultee Comments 102 – 113
 4. Further Representation(s) 114 - 115
5. **APPLICATION FOR REVIEW - 19 WOODLAND GAIT, CLUNY, KIRKCALDY (APPLICATION NO. 21/01090/FULL)** – Change of use from agricultural land to private garden ground and erection of decking and play equipment (all retrospective)
 1. Notice of Review 116 – 143
 2. Decision Notice and Report of Handling 144 – 159
 3. Representations 160 – 189
 4. Further Representation(s) 190 - 195
6. **APPLICATION FOR REVIEW - LAND TO WEST OF GREENMOUNT ROAD NORTH, BURNTISLAND (APPLICATION NO. 20/03131/ARC)** – Erection of dwellinghouse and formation of associated access and parking
 1. Notice of Review 196 – 218
 2. Decision Notice and Report of Handling 219 – 234
 3. Representation(s) 235 – 236
 4. Consultee Comments 237 - 260

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

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

15th August, 2022.

If telephoning, please ask for:
Michelle McDermott, Committee Officer, Fife House, 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

Agenda Item 3(1)

Cuffabout House, Cupar Road, Leven, KY8 5NJ
Application No. 21/02350/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 100447659-005

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:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	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"/>	Building Number:	<input type="text" value="8"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Mitchell Street"/>
Company/Organisation	<input type="text" value="Glenview Caravan Park Limited"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Leven"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY8 4HJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="CUFFABOUT HOUSE"/>
Address 2:	<input type="text" value="CUPAR ROAD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="LEVEN"/>
Post Code:	<input type="text" value="KY8 5NJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="702672"/>	Easting	<input type="text" value="338255"/>
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Description of Proposal

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

Siting of 6 holiday pods with associated infrastructure and parking | Cuffabout House Cupar Road Leven Fife KY8 5NJ

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 review statement

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)

Appendix (App) 1 - location plan App 2 - topographical survey App 3 - pod plans and elevations App 4 - site location plan App 5 - proposed site plan App 6 - design statement App 7 - application form App 8 - refusal notice App 9 - report of handling App 10 - email from the roads and transportation services department to the applicant App 11 - roads and transportation services department consult (21/04001/FULL) App 12 - applicant response to App 11 (21/04001/FULL)

Application Details

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

21/02350/FULL

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

23/07/2021

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

11/01/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

Yes No

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

Please select a further procedure *

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

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

To see the site first hand.

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 Andrew Megginson

Declaration Date: 06/04/2022

SITING OF 6 HOLIDAY PODS WITH ASSOCIATED INFRASTRUCTURE AND PARKING | CUFFABOUT HOUSE CUPAR ROAD LEVEN FIFE KY8 5NJ
REVIEW STATEMENT

This Review Statement has been prepared by Andrew Megginson Architecture, on behalf of Glenview Caravan Park Ltd., for Planning Permission for 6 glamping pods to land adjacent to Cuffabout House, Leven.

The application has been refused for the following reason;

"In the interests of pedestrian and road safety in terms of substandard visibility splay onto the B927, substandard private access in terms of insufficient road width, alignment, footway provision, maintenance and drainage; the proposed development does not accord with the related provisions of Policies 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and the related provisions of Appendix G: Fife Council Transportation Development Guidelines/Making Fife's Places Supplementary Guidance (2018); and there are no relevant material considerations of such weight as to indicate that these provisions should not be accorded the priority given to them by Section 25 of the Town and Country Planning (Scotland) Act 1997."

The application is for 6 glamping pods to diversify Mr. Taylor's existing caravan park located nearby and is in response to demand and interest expressed from the caravan park along with other general demand and interest shown within our design statement from Google Trends and supplementary tourism information for the local and wider area. The pods would be great too for the upcoming 150th Open golfing event happening nearby in the near future and other events in the future just to name one of many. Mr. Taylor and I are frustrated with this reason for refusal particularly when Mr. Taylor raised the junction being of potential issue to the roads and transportation services department prior to this application with them concluding that they were satisfied that there were no safety issues associated with the junction in September 2020 (see appendix 10). Mr. Taylor used this information when considering his proposed development and of course presumed that no issues would arise from this aspect based on this advice from the roads and transportation services department prior to the expense and effort he has gone through in preparing and submitting the planning application. I iterate that there is only one reason for refusal as above and that the principle of the development is acceptable in all other policy from Fife Council.

As can be seen from the proposals we are upgrading the private access track from the entrance of the application site to the B927 junction, which includes the provision of speed humps and passing places. Visibility splays at the junction will be kept as clear as possible also through the provision of regular vegetation maintenance at the junction. Although the road coming onto the B927 is noted as a private access track it is accessible by the public from the B927 and is a through road past Glenview Caravan Park to the junction of Holy Road thereafter which is a road that connects to a large residential area. Surely my client cannot be responsible for safety any further than immediately out with the application site to which no concerns were raised as if this was the case where does the onus end? It should be noted that the likely traffic generation to/ from the proposed development will be negligible.

Further to my client's planning application, a similar application just north of this site in question (21/04001/FULL), the same issue has been raised and from what we understand may be the only reason for refusal not allowing this similar development to go ahead. I attach the roads and transportation services department comments on this application (21/04001/FULL) along with the applicant's response which is along the same lines as our justification that this reason for refusal should be overturned (see appendices 11 and 12).

We do not believe our development would impact the safety of B927 road users in any way. The road would benefit from perhaps an extension of the 40mph zone, but that is nothing to do with our development and out with the application site. As mentioned previously however



the roads and transportation services department raised no issues with the road and junction in the past. The additional volumes of traffic as a result of the development are inconsequential. The development will provide Leven a unique short stay experience that will bring tourist spending to Fife.

I trust the above is in order and respectfully ask Fife Council to overturn the refusal decision and grant permission to this development.

Andrew Megginson BSc, MArch

Andrew Megginson Architecture

Appendix (App) 1 - location plan

App 2 - topographical survey

App 3 - pod plans and elevations

App 4 - site location plan

App 5 - proposed site plan

App 6 - design statement

App 7 - application form

App 8 - refusal notice

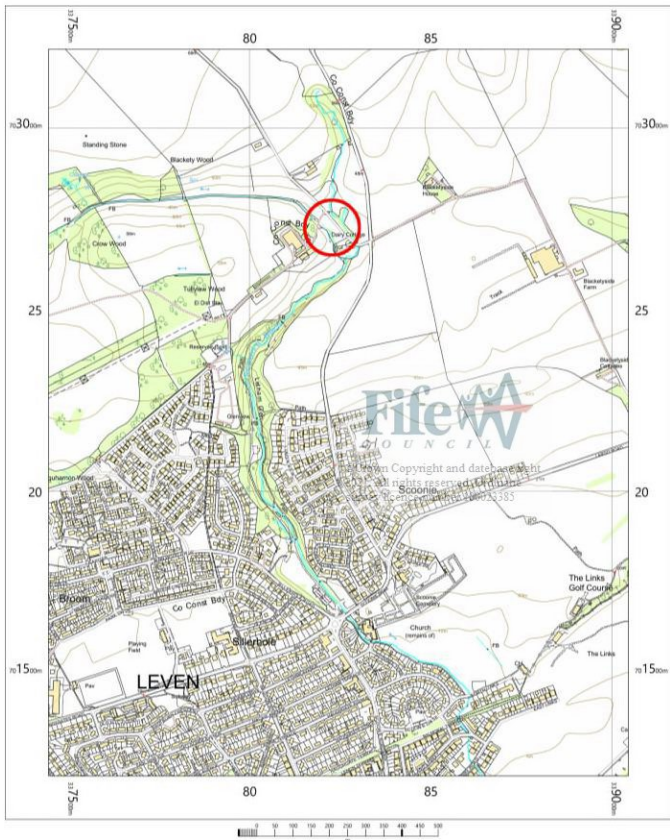
App 9 - report of handling

App 10 - email from the roads and transportation services department to the applicant

App 11 - roads and transportation services department consult (21/04001/FULL)

App 12 - applicant response to roads and transportation services department consult (21/04001/FULL)





OS VectorMap Local - Landplan Style
 Monday, May 10, 2021, ID: HMC-00960611
www.themapcentre.com

1:10000 scale print at A4, Centre: 338245 E, 702217 N

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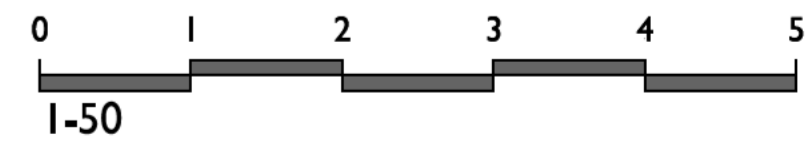
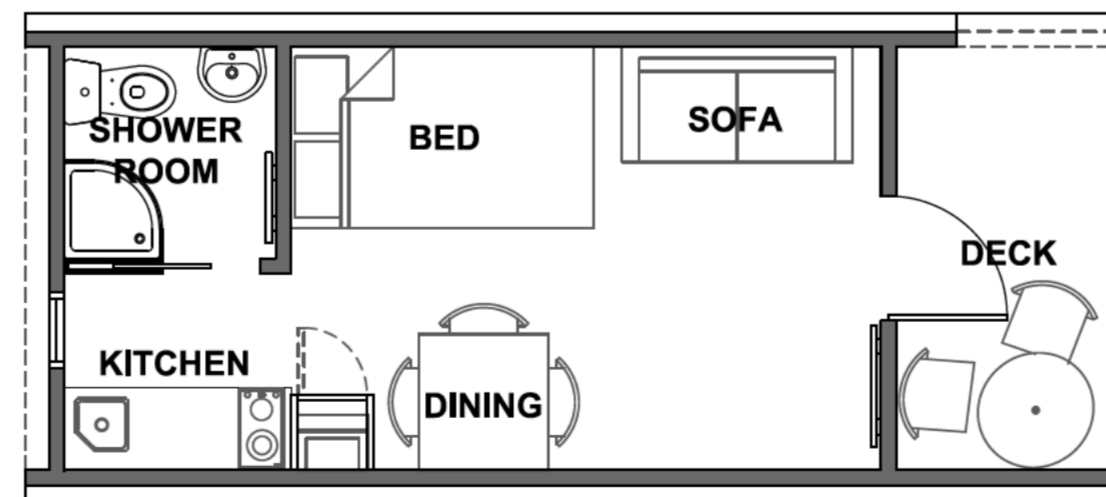
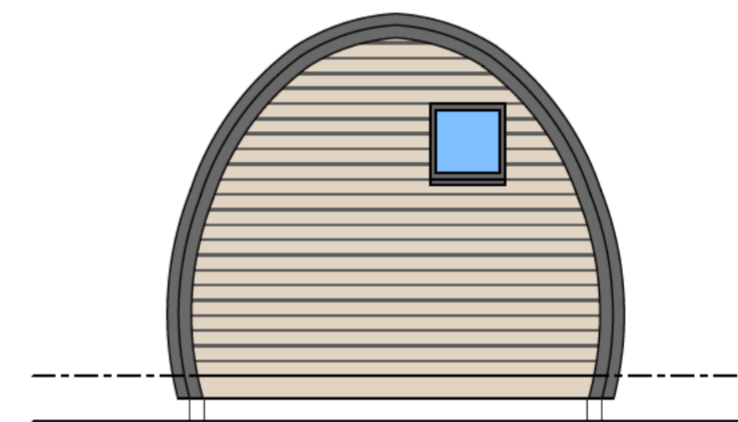
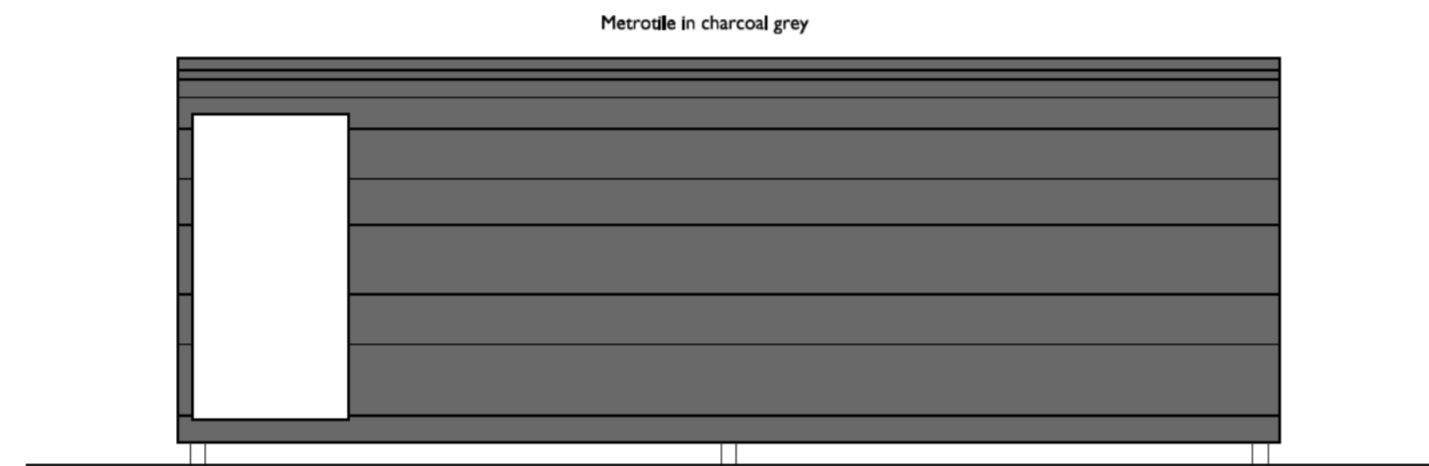
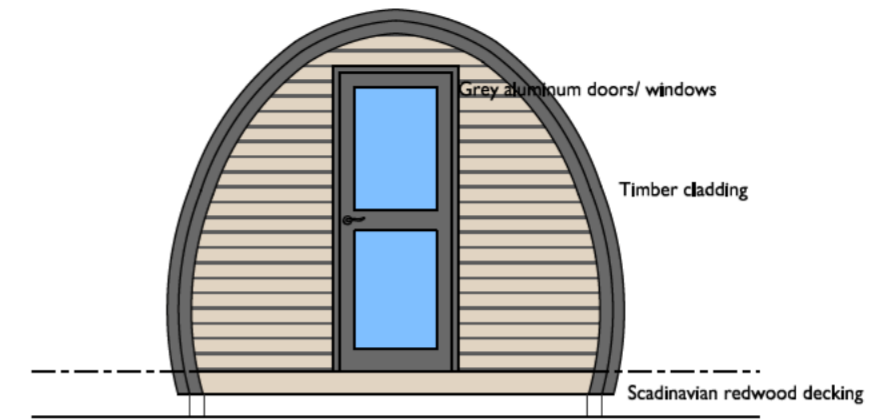
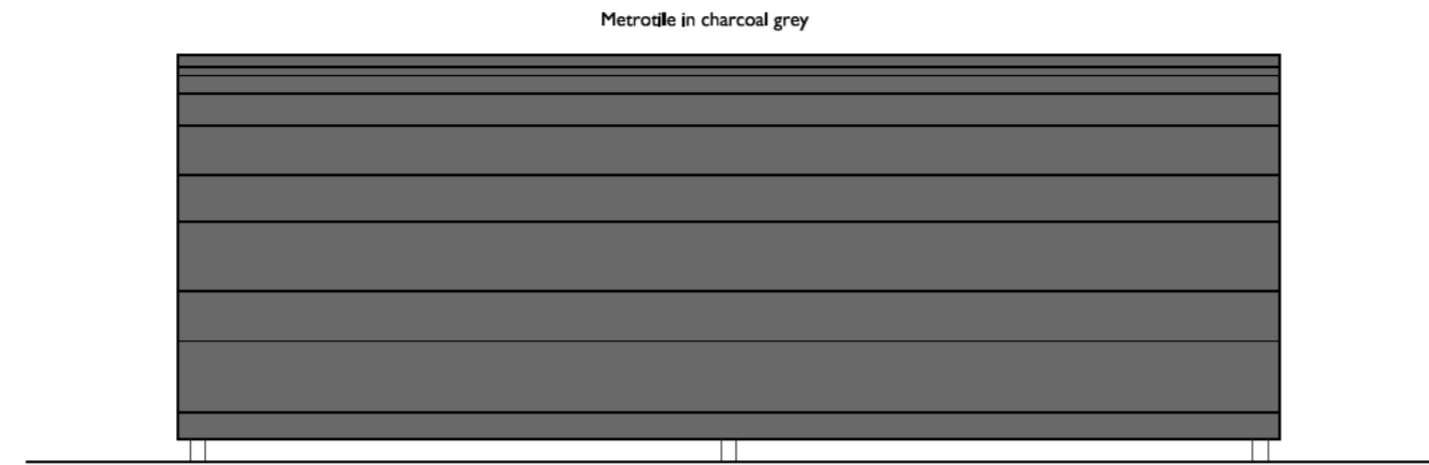




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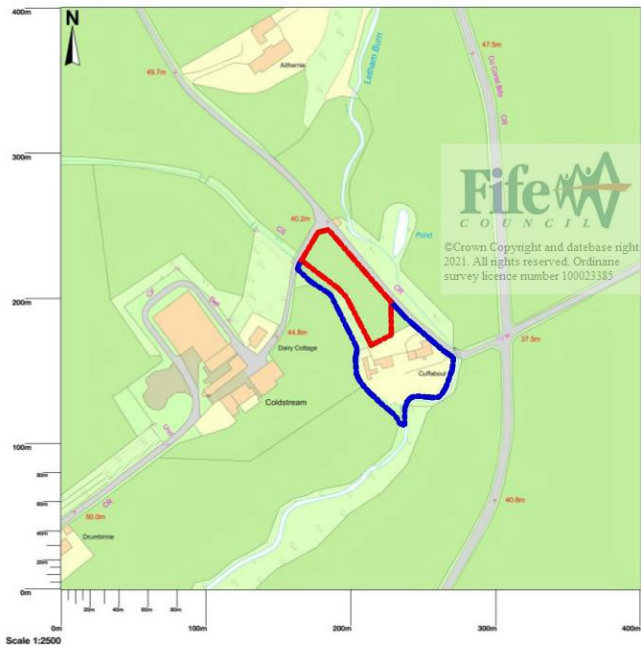
CLIENT	Mr. Taylor										
PROJECT	Proposed Glamping Pods to Land North of Cuffabout House, Powmill										
DRAWING	Glamping Pod Drawings										
STATUS	PLANNING										
DRAWN	AM	DATE	JULY 21	DRG NO.	1338-PL-02	JOB	1338	REV	/	SCALE	1:50 @ A2

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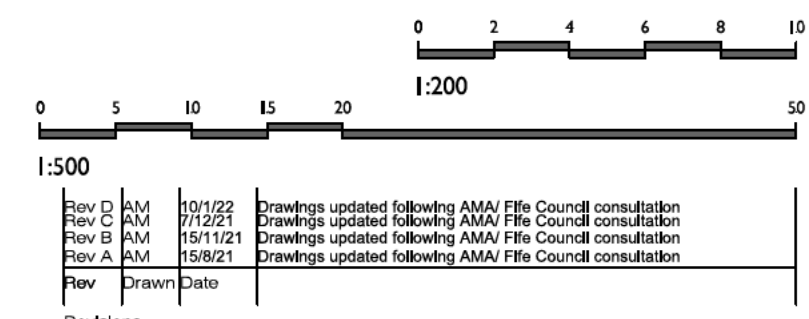
Andrew Megginson Architecture
128 Dundas Street
New Town
Edinburgh
EH3 5DQ
Tel: 0131 557 9129
Email: info@andrew
megginsonarchitecture.com



Cuffabout House, Leven, KY8 5NJ



Map area bounded by: 338027,702515 338427,702915. Produced on 10 May 2021 from the OS National Geographic Database. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey. © Crown copyright 2021. Supplied by UKPlanningMaps.com a licensed OS partner (100054135). Unique plan reference: p16buk/626844/849936



Drawn	01/02	Developed	01/02	Final	01/02
Rev	01/02	Rev	01/02	Rev	01/02
Rev	01/02	Rev	01/02	Rev	01/02
Rev	01/02	Rev	01/02	Rev	01/02

CLIENT: Mr. Taylor
 PROJECT: Proposed Glamping Pods to Land North of Cuffabout House, Powmill
 DRAWING: Site Plan
 STATUS: PLANNING
 DATE: JULY 2015
 DRAWN: AM
 CHECKED: JLD
 SCALE: 1:500
 SHEET: 1 OF 1

Andrew Megginson Architecture
 128 Dundas Street
 New Town
 Edinburgh
 EH3 5DQ
 Tel: 0131 557 9129
 Email: info@andrewmegginsonarchitecture.com

— Denotes boundary

PROPOSED ERECTION OF SIX GLAMPING PODS TO LAND NORTH OF CUFFABOUT HOUSE, LEVEN KY8 5NJ

DESIGN STATEMENT

1 Introduction

1.1 This Design Statement has been submitted on behalf of Mr. Craig Taylor of Glenview Caravan Park Limited in support of a detailed planning application for the erection of six glamping pods and associated works.

1.2 The application site is located to the current vacant land adjoining the property of Cuffabout House, Leven KY8 5NJ (hereafter referred to as the 'site').

1.3 The Design Statement summarises the relationship between the project and policy, covering development planning issues as well as other key material considerations of relevance to the planning application.

1.4 This Design Statement has been prepared by Andrew Megginson Architecture (AMA) and is in addition to the plans, drawings and information which in total comprise the overall package for the site. This document is structured as follows:

- It describes the site and its context (Section 2);
- It provides detail on the development proposals (Section 3);
- It appraises planning policies (Section 4) and the material considerations against which the planning application should be judged;
- It reaches conclusions in relation to the acceptability of the planning application in the context of the Development Plan and other material considerations (Section 5).

2 The Site and Context

2.1 The application site is 2,750 square meters and is situated adjacent to the seaside town of Leven which is approximately 7 miles east of Glenrothes and 15 miles south-west of St. Andrews. The A915 passes through Leven and Leven is part of a coastal tourist route which connects to Lundin Links.



Figure 1 – Extract from Bing Maps indicating site location, Leven is located South of the site where many tourist attractions exist including golf courses, Leven Beach and Letham Glen.



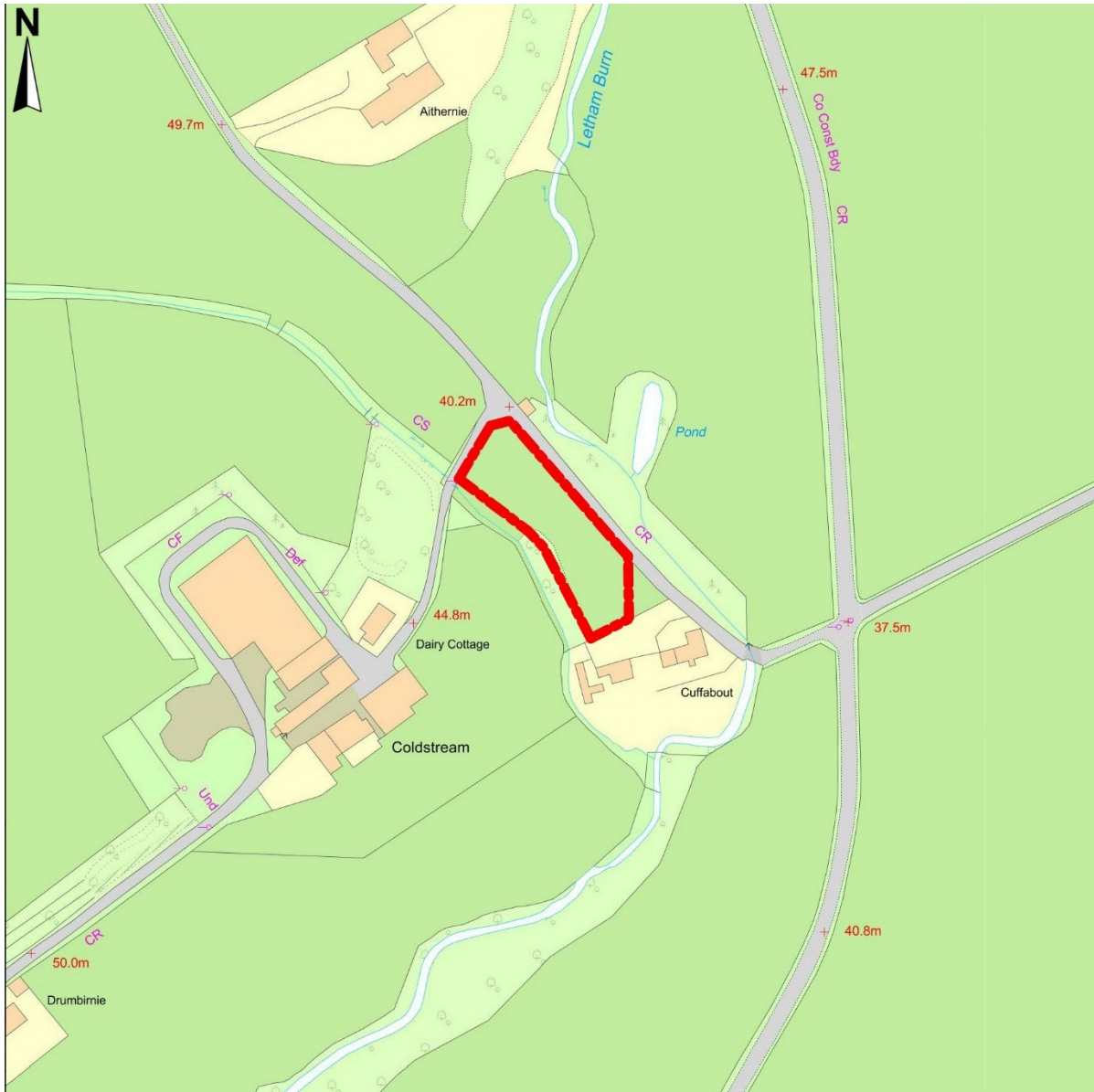


Figure 2 – Site Location Plan

2.2 The site is predominantly surrounded by agricultural land with existing farm buildings and houses located in the area. The site topography slopes from north to south and is contained and screened to the north-west and north-east by mature hedging and vegetation which runs along the quiet road, to the south-west there is a small burn lined with trees that defines the south-western boundary. The existing house to which Mr. Taylor lives and the site is associated with in terms of curtilage is located to the south-east. The primary vehicular access to the site is available from the existing road on the northern boundary through an existing access point which connects most locally to the B927. The site benefits from the existing landscape setting and rural character of this northern part of Leven with the features of this countryside location providing a great location for this type of proposed development. The sloping nature of the site lends itself to a development that can be integrated within the site to respect the existing landscape setting of the area.

2.3 Although the site is located near a burn to the West and Letham Burn/ Scoonie Burn to the East and South, the site is out with an area that is liable for flooding as per the SEPA flood maps.





Figure 3 – View towards the existing access point with existing hardscaped area



Figure 4 – View looking north-west towards the existing hardscaping





Figure 5 – View looking south-east from the existing hardscaped area



Figure 6 – View towards trees that line burn forming containment to the site at the south-western boundary





Figure 7 – View towards hedge forming containment to the site at the north-eastern boundary



Figure 7 – Bing map extract showing proximity of the applicant's existing tourism accommodation business with the application site. Extract also shows location of existing bus stops in close proximity to the application site



2.4 The site has excellent transport links with public transport being accessed by means of bus stops located on the B927. A core path passes around the site as shown in the below figure. The National Cycle Network Route 1 and 766 passes 6 miles west of the site.. The Leven area can be seen as being in a strategic location nationally, located to the East of Scotland, alongside the Fife Coastal Route where there are a significant number of people passing throughout the year. This location in turn also allows people within the area to travel locally, regionally and nationally very easily.

2.5 Leven attracts significant numbers of visitors to such facilities as Letham Glen and the museum, golfing and heritage interests in the area.

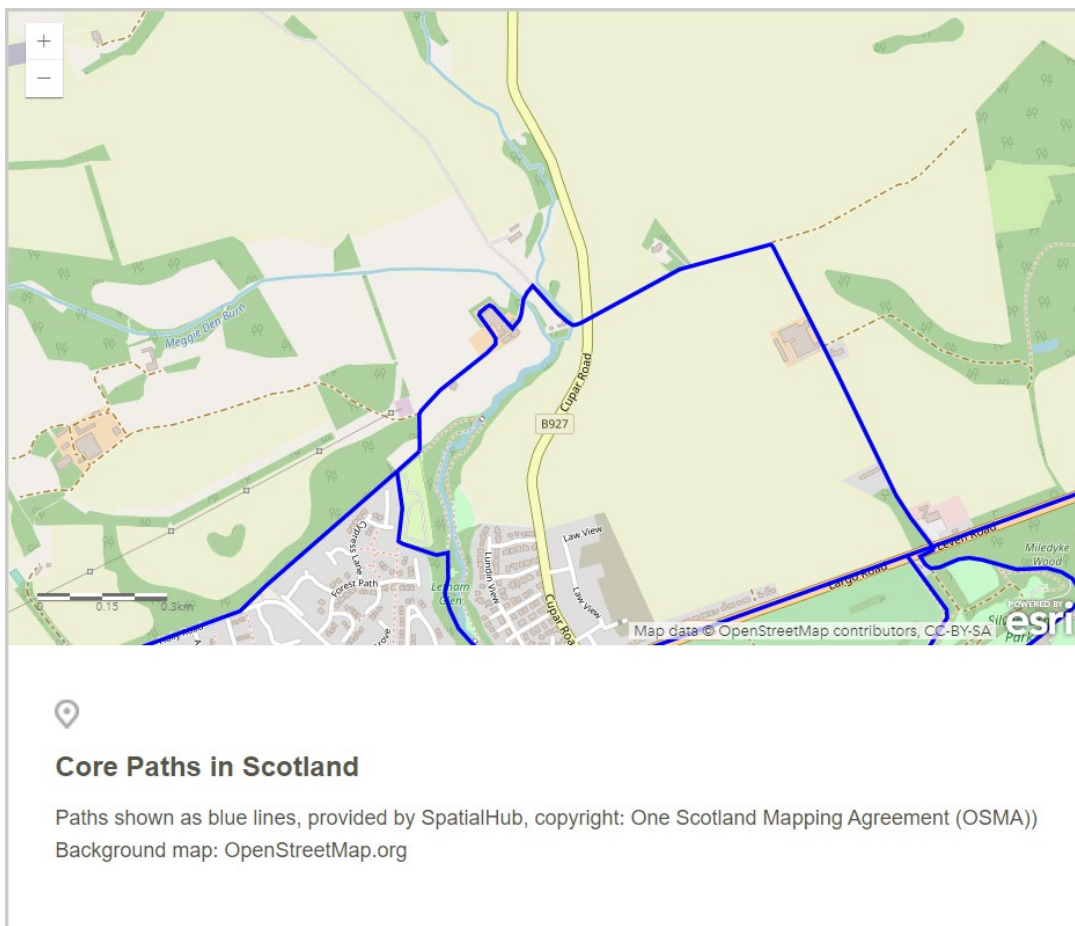


Figure 9 – Core path runs adjacent to site



3 The Development Proposals

Introduction

3.1 The proposed application consists of a design by which an vacant piece of land within curtilage of a dwellinghouse is developed into six one-bedroom glamping pods. The pods are designed to be open plan and contain modern technology to suit contemporary living. Each pod will be fully serviced and will have its own car parking space, bike parking area and external amenity area.

3.2 The Cuffabout glamping pod development is proposed as an ideal site for high quality tourist accommodation and is responding to a high demand for such premises. It looks to capitalise on the significant number of visitors to the Leven area.

3.3 The works looks to preserve most of the site's existing features and will not affect the character or appearance of the settlement area.

Principle of Development

Access

3.4 The development will be accessed off the adjacent road via the existing access into the site. A small existing hardscaped area will be utilised as a car parking area and with this being at the very north-west of the site, will avoid cars entering deeper into the site in order to preserve the landscape setting. The cars will be screened from the road and the pods through means of existing and proposed vegetation. The car parking area will provide one space per unit and will be connected to the cabins in the form of a gravel pedestrian footpath.

Form Scale & Density

3.5 The proposed pods have been limited to one-bedroom units which minimises the overall footprints of the accommodation and creates buildings that are an appropriate scale in relation to the rural setting of the site taking cognisance of the scale of the adjacent outbuildings of the house. The pods will be single storey and will not rise above three meters minimising the visual impact on the surroundings where possible. Glazing to the front door is proposed to take advantage of the views out to the site and the open countryside. A small terrace and enclosed external area will also be provided which will form an extension to the main living space and will enhance the connections to the exterior spaces and the countryside.

Materiality

3.6 Due to the rural nature of the site the material palette is proposed to be as natural as possible whilst also resembling the surrounding context. A simple, minimal palette is proposed which consists of timber cladding, grey aluminium openings and a metro tile roof. The external amenity area also uses natural stone and timber in its construction.

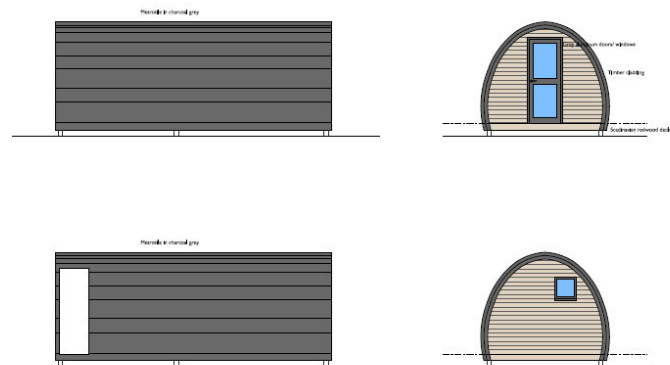


Figure 9 – Proposed elevation treatment showing natural material palette and glazing to the door on the front elevation



Landscape

3.7 The pods have been positioned adjacent to an existing aggregate area which will be utilised as a parking area. The pods largely follow the north-eastern boundary where existing mature hedging encloses the pods to this side. The north-western and south-western boundaries are also mature and provide enclosure to the site at these sides. There are landscaping elements being proposed to the site which include vegetation between the pods and also vegetation between the pods and the house. At present there is a wall that acts as a hard boundary between the house and site but the hedge will form a new softer boundary in keeping with the rural nature of the site. The south-eastern most hedging will also separate the pods from the drainage plant and solar panel area. Being located adjacent to the house the pods are not disconnected or disjointed from the residential side of the applicant's property and land, they are still associated with these parts. Low level landscaping is proposed to create a soft, natural separation between each glamping pod and the South-Western pod from the parking area.

The pods have been placed to work with the existing contours meaning that there will be little disruption to how they will sit within the existing topography

Drainage

3.8 The foul drainage will travel to a treatment plant at the south of the site where it will discharge to the adjacent burn. The existing hardscaped area, gravel path and gravel area to where the pods will sit and the associated external amenity area will be formed of will also be gravel to allow surface water to drain naturally into the site.

Energy

3.9 A ground mounted solar panel area will be formed in the area between the pods and existing house. These will look to be south facing and provide the pods with 100% renewable energy. The solar panels will also be connected to the existing house to provide any surplus electricity to that too.



Figure 9 – Example image of ground mounted solar panels



4 Planning Policy Appraisal

4.1 The purpose of this section is to establish the planning and environmental policy framework within which the Planning Authority can consider the proposed development, highlighting policies which are applicable to the application.

4.2 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended), specifies that determination of planning applications “shall be made in accordance with the Development Plan unless material considerations indicate otherwise”. It is supplemented by Section 37(2) which states that “In dealing with an application the Planning Authority shall have regard to the provisions of the Development Plan as far as material to the application and any other material considerations”.

4.3 The extant Development Plan which covers the application site comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014.

4.4 The following sections present the relevant national and local planning context to which the application relates.

4.4.1 TAYplan 2012

Whilst there are no specific policies or strategies directly relevant to this proposal the overall vision of the Tay Plan should be noted. The vision states *“By 2032 the TAYplan region will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice, where more people choose to live, work and visit and where businesses choose to invest and create jobs.”*

4.4.2 The Development Plan

The Local Development Plan was adopted by Fife Council in 2017. It is the most recent statement of Council policy and is augmented by Supplementary Guidance. The following section appraises the proposals against the relevant planning policies against which the application proposals will be assessed.

The principal policies are, in summary:

- Policy 1 (Development Principles)
- Policy 2 (Infrastructure and Services)
- Policy 7 (Development in the Countryside)
- Policy 10 (Amenity)
- Policy 11 (Low Carbon Fife)
- Policy 12 (Flooding and the Water Environment)
- Policy 13 (Natural Environment and Access)
- Policy 14 (Built and Historic Environment)

4.4.3 Policy 1 – Development Principles

The proposals are compliant with the first part of this policy as they are in a location where the proposed use is supported by the Local Development Plan, see section 4.4.5 later on. The proposals address their development impact by complying with all relevant criteria and supporting policy within parts B & C of this policy and are discussed further in this section below.

4.4.4 Policy 2 – Infrastructure and Services

“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.”



As is discussed in the sections before the application site is in a great location which has local transport and safe access routes which link with existing networks including for walking and cycling. There are local bus stops and the road network is adequate and safe to accommodate cars travelling to the site.

The drainage proposals both foul and surface will be well accommodated within the site.

There is a waste management system set up for the application site which will have a focus on recycling.

Solar panels are proposed where these are aimed to allow the development to be powered by 100% renewable energy.

4.4.5 Policy 7 – Development in the Countryside

As per one of the criteria in the Local Development Plan, development in the countryside will only be supported where it is for the extension of an established business.

At present the applicant runs the established business of Glenview Caravan Park. With the general ongoing desire for glamping pod accommodation and the added influx of staycations with the recent COVID pandemic there is demand for such a development in this countryside location. Based on market research the applicant is looking to diversify the offering of their existing business with the new glamping pod development which will still be in the vicinity of the existing business. With the applicant's experience in running this type of business along with the proven demand for this sort of accommodation, we are of the opinion that the development will be successful and be a benefit to the local area, Leven and Fife.

The proposal aims to preserve and enhance the existing landscape setting where possible. The location of the proposed buildings allows the existing boundary treatments to be retained and become a self-contained and screened site within the existing setting. The proposal also utilises the site topography to create a development that is integrated within the slope whilst maximising the views towards the open countryside. The proposals are of a scale and nature compatible with the surrounding land uses and utilise existing infrastructure.

Furthermore the development also falls under the criteria for providing facilities for outdoor recreation and tourism where the nature of this kind of development demonstrates a proven need for a countryside location.



Figure 10 – Graph from Google Trends showing rise in searches for 'glamping' recently

4.4.6 Policy 10 - Amenity

The proposals will respect local amenity in that;

- They will not detrimentally affect local residential properties,
- They will not omit any noise or light pollutions (where a noise management plan can be provided to the council should they require it),
- There will be no significant added traffic movements,
- As the pods will be pre-fabricated off site and simply delivered to site for installation there will be no construction impacts,
- Existing mature boundaries to the site means that there will be no detrimental visual impact as a result of the proposals.



4.4.7 Policy 11 – Low Carbon Fife

It is the applicant's intention that the solar panels will allow the development to be run off 100% renewable energy. Due to the pre-fabricated nature of the pods, this method of construction is seen as beneficial for the environment in such ways as reduction in overall waste and energy consumption and allow for reusability. As discussed above this method of construction also reduces construction noise pollution significantly on site.

4.4.8 Policy 12 – Flooding and the Water Environment

As discussed above the site is not within an area of flood risk. The proposals will also not cause flood risk elsewhere. The drainage proposals will not detrimentally impact the ecology locally or at a wider area.

4.4.9 Policy 13 – Natural Environment and Access

The proposals overall will not detrimentally affect biodiversity local to the site. The proposals sit very well within the established site and retain the overall landscape character of the area. The site is well connected to existing infrastructure.

4.4.10 Policy 14 – Built and Historic Environment

The proposals are in line with this policy in that the development will be distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.



5 Conclusion and Recommendations

5.1 Planning permission is sought for the erection of glamping pods, comprising six units and associated works.

5.2 The proposal is to develop the site into six, one bed glamping pods with each pod having its own car parking space, bike parking area and external amenity area. The works will be in line with the fabric of the existing settlement and will not affect the character the area.

5.3 It is considered that the proposal is acceptable in terms of the relevant policies within the adopted FIFEplan 2017.

5.4 In conclusion, the proposal complies with the development plan and supplementary Guidance. Principle of development and land uses are acceptable in this location without prejudicing any local amenity. It is acceptable in all other respects and there are no material considerations that are considered to outweigh these conclusions.

5.5 We therefore respectfully request that the Council support this application for erection of glamping pods, comprising six units and associated works for the reasons stated above.





Fife House North Street Glenrothes KY7 5LT Tel: 03451 55 11 22 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 100447659-001

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)

Siting of six glamping pods on land adjacent to Cuffabout House.

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:	Andrew Megginson Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Andrew Megginson Architecture
Last Name: *	Megginson	Building Number:	
Telephone Number: *	0131 557 9129	Address 1 (Street): *	128 Dundas Street
Extension Number:		Address 2:	New Town
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH3 5DQ
Email Address: *	andrew@andrewmegginsonarchitecture.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	8
Last Name: *		Address 1 (Street): *	Mitchell Street
Company/Organisation	Glenview Caravan Park Limited	Address 2:	
Telephone Number: *		Town/City: *	Leven
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY8 4HJ
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Fife Council

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

Address 1:

CUFFABOUT HOUSE

Address 2:

CUPAR ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

LEVEN

Post Code:

KY8 5NJ

Please identify/describe the location of the site or sites

Northing

702672

Easting

338255

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

2750.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Vacant land

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

New/Altered septic tank.

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Treatment plant to then discharge to burn.

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)

See plans.

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

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 7 Hotels and Hostels

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

90

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

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: Andrew Megginson

On behalf of: Glenview Caravan Park Limited

Date: 23/07/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Design statement

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes 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 Andrew Megginson

Declaration Date: 23/07/2021

Payment Details

Pay Direct

Created: 23/07/2021 12:44

Andrew Megginson Architecture
Andrew Megginson
128 Dundas Street
New Town
Edinburgh
Scotland
EH3 5DQ

Planning Services

Kristie Hung
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/02350/FULL

Date 11th January 2022

Dear Sir/Madam

Application No: 21/02350/FULL
Proposal: Siting of 6 holiday pods with associated infrastructure and parking
Address: Cuffabout House Cupar Road Leven Fife KY8 5NJ

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,

Kristie Hung, Graduate 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: 21/02350/FULL
Proposal: Siting of 6 holiday pods with associated infrastructure and parking
Address: Cuffabout House Cupar Road Leven Fife KY8 5NJ

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/02350/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of pedestrian and road safety in terms of substandard visibility splay onto the B927, substandard private access in terms of insufficient road width, alignment, footway provision, maintenance and drainage; the proposed development does not accord with the related provisions of Policies 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and the related provisions of Appendix G: Fife Council Transportation Development Guidelines/Making Fife's Places Supplementary Guidance (2018); and there are no relevant material considerations of such weight as to indicate that these provisions should not be accorded the priority given to them by Section 25 of the Town and Country Planning (Scotland) Act 1997.

PLANS

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

Reference	Plan Description
01	Location Plan
02	Location Plan
03	Location Plan
04A	Various existing and proposed
05	Topographic Site Plan
06	Proposed various - elevation, floor etc
07	Design and/or Access Statement
08	Low Carbon Sustainability Checklist

Dated: 11th January 2022

Chris Smith

Decision Notice (Page 1 of 1) For Head of Planning Services
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	Cuffabout House, Cupar Road, Leven		
PROPOSAL	Siting of 6 holiday pods with associated infrastructure and parking		
DATE VALID	19/08/2021	PUBLICITY EXPIRY DATE	07/10/2021
CASE OFFICER	Kristie Hung	SITE VISIT	None
WARD	Leven, Kennoway And Largo	REPORT DATE	11/01/2022

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 This application relates to an area of land measuring approximately 0.2Ha and is associated with the existing dwellinghouse to the south. The application site is located within the countryside as defined by FIFEplan (2017) and is approximately 0.5km to the north east of Leven. The area of ground is currently a maintained area of grassland which is used as private garden ground associated with the dwellinghouse. The site is generally flat and is bound by mature planting to the east and west. To the west of the site are agricultural buildings and residential dwellings and further north are more residential dwellings. The site would be accessed via the Cupar Road (B927) onto the unadopted private track which leads onto the site.

1.2 This application is for full planning permission for the siting of 6no. holiday pods with associated infrastructure and parking.

1.3 There is no recent planning history for this site.

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

2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity Impact
- Traffic and Parking
- Drainage
- Low Carbon/Sustainability

2.2 Principle of Development

2.2.1 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications, thus reinforcing the provisions of Section 25 of the Act. Policy 1 of FIFEplan provides general support for development within settlement boundaries subject to further considerations.

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

2.2.3 As the application site is located within the countryside, FIFEplan (2017) Policy 7 (Development in the Countryside) aims to create a rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. Part 6 states that development in the countryside will only be supported where it is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location. In all cases, development must be of a scale and nature compatible with surrounding uses, be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.4 A supporting statement has been submitted to justify the location of the proposed pods. This details that the holiday pods would provide desirable tourist accommodation which would benefit from a countryside location. The site is currently unused and is not identified as being prime agricultural land. The small scale of the pods would mean that they would be of a scale and nature compatible with the surrounding uses. As well as this, they would be discreetly located and would be well connected to public transport infrastructure into Leven. It also considered that the pods would help to boost Scotland's tourism recovery by promoting

staycations- especially important due to the impact of the coronavirus pandemic on people and the economy.

2.2.5 It is recognised that there is a demand for more rural experiences where guests can relax and enjoy the countryside. This is reinforced by FIFEplan's (2017) spatial strategy which states that the rural economy and community will be supported by allowing developments which are of an appropriate scale and location that will complement existing settlements. The spatial strategy also continues by noting that tourism plays an important role across Fife and that the countryside is often a key visitor destination which is essential in supporting Fife's economy. Further to this, ten letters of support have been received in relation to this proposal. All of these consider that the holiday accommodation would benefit the local area by boosting the tourist economy and would be of a style and scale appropriate to the area.

2.2.6 On balance, it is considered that the proposal would benefit from a countryside location and would help to boost local tourism and the economy. As such, the principle of the development is acceptable and complies with FIFEplan (2017).

2.3 Design and Visual Impact

2.3.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance, the policies will be applied to assess the visual impact of the proposed development on the surrounding area. Making Fife's Places 2018 also applies.

2.3.2 The application site is not subject to any landscape designation and it is not overly visible from the wider public environment. The pods would have a footprint of approximately 20 square metres with a height of 2.6m and finished in metrotile in charcoal grey. The pods would not be visible from the public road which in turn would raise no significant visual impact concerns.

2.3.3 The proposal complies with FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance (2018), subject to conditions.

2.4 Residential Amenity Impact

2.4.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported where it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance the policies will be applied to assess the impact the proposed development would have on existing levels of residential amenity. This includes, but is not limited to, privacy, daylight and sunlight and garden ground. PAN 1/2011 also applies and establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise.

2.4.2 The closest dwellinghouse to the site is over 50m to the west. As such, no significant residential amenity concerns would be raised in this instance.

2.4.3 The proposal complies with FIFEplan (2017) Policies 1 and 10.

2.5 Traffic and Parking

2.5.1 Policies 1 Development Principles and 3 Infrastructure and Services collectively require incorporation of safe transport infrastructure in connection with development. Appendix G: Fife

Council Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 Transportation Development Management (TDM) team were consulted and notes that visibility for drivers leaving the private lane onto the B927 classified public road is very poor and are severely restricted by features that are outwith the control of the applicant. Visibility splays of 3m x 140m are required in both the North and South at the private access junction where it meets with the B927, but only 3m x 15m to the North and South are achievable. The existing private unmade access is very sub-standard in terms of width, alignment, construction, footway provision, maintenance and drainage and is therefore unsuitable for further intensification or to accommodate traffic that the development is likely to generate.

2.5.3 It is considered that the poor visibility onto the B927 would constitute a failure to incorporate safe transport infrastructure, to the detriment of pedestrian and road safety. The application would not comply with the above noted development plan policies and guidance on that basis.

2.6 Drainage

2.6.1 SPP and FIFEplan policies 1, 3 and 12 advise that developments should not place unacceptable demands on public infrastructure including drainage systems. Developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken. Development will not be supported where a proposal would increase the risk of flooding unless adequate mitigation measures can be secured.

2.6.2 The proposed foul drainage will travel to a treatment plant at the south of the site where it will discharge into the adjacent burn. The existing hard standing area, gravel path and area will also allow for surface water drainage.

2.6.3 In light of the above, the proposal would raise no significant concerns in terms of flooding or surface water drainage and would therefore comply with FIFEplan (2017) Policies 1, 3 and 12.

2.7 Low Carbon/Sustainability

2.7.1 SPP (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. Policies 1 and 11 (Low Carbon) of the FIFEplan (2017) state that planning permission will only be granted for new development where it has been demonstrated that proposals meet the criteria set out within the policy.

2.7.2 All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars. Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.7.3 The applicant has submitted a Low Carbon Checklist (LCC) which notes that solar panels will be installed and will cover the energy need. The pods will be prefabricated from a local company which would reduce energy consumption. The proposal would be acceptable in this instance and would comply with the Adopted FIFEplan.

CONSULTATION RESPONSES

Scottish Water Business And Employability	No objections. Economic Development has no comment to make
Transportation And Environmental Services - Operations Team	No response.
Parks Development And Countryside Strategic Policy And Tourism Transportation, Planning Services	No response. No response. Transportation Development Management have objections in the interest of road and pedestrian safety and have recommended the application be refused.

REPRESENTATIONS

There are no representations.

CONCLUSION

The proposed development does not accord with the provisions of the development plan relating to safe transport infrastructure. There are no relevant material considerations of such weight as to indicate that the development plan should not be accorded the priority given to it by Section 25 of the Planning Act, i.e. considerations which would still justify granting planning permission.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of pedestrian and road safety in terms of substandard visibility splay onto the B927, substandard private access in terms of insufficient road width, alignment, footway provision, maintenance and drainage; the proposed development does not accord with the related provisions of Policies 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and the related provisions of Appendix G: Fife Council Transportation Development Guidelines/Making Fife's Places Supplementary Guidance (2018); and there are no relevant material considerations of such weight as to indicate that these provisions should not be

accorded the priority given to them by Section 25 of the Town and Country Planning (Scotland) Act 1997.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan:

Adopted FIFEplan - Fife Local Development Plan (2017)

Fife Council Making Fife's Place's Supplementary Guidance (2018)

Andrew Megginson

From: Erica Taylor [REDACTED]
Sent: 26 November 2021 11:09
To: Andrew Megginson
Subject: Fw: Traffic calming

[Sent from Yahoo Mail on Android](#)

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

From: "Eva Martinez" <Eva.Martinez@fife.gov.uk>

To: [REDACTED]

Sent: Wed, 16 Sep 2020 at 16:06

Subject: Re: Traffic calming

Dear Craig and Erica,

Colin passed your query n to me for an assessment. My conclusions are as follows:

- The road has a legally enforceable speed limit that is appropriate for this setting.
- The junctions in question are appropriately signalled as well as highlighted and supported by an agricultural vehicles warning.
- Our crash records for that stretch of the road show that there have been no road traffic crashes recorded over the last 6 years.

Taking the above information into account, no intervention is recommended at this location. Please note that, particularly under the current economic climate, we must ensure that our limited budgets are allocated to those areas with the highest needs and where the greatest overall benefit for road safety will be achieved. This location has received attention in the past to a point we are satisfied with. Our views are confirmed by a good crash record which do not warrant any further intervention.

I trust this information will be of assistance,

Regards

Eva Martinez BA (Hons) BA (Hons) MSc MSc MRes MIHT MILT

Technician Engineer
Traffic Management (North Fife)
Roads and Transportation Services

Fife Council

*Bankhead Central
Bankhead Park
Glenrothes
KY7 6GH
Fife*

03451 55555 442937

 eva.martinez@fife.gov.uk

From: Colin Stirling <Colin.Stirling@fife.gov.uk>
Sent: 28 August 2020 15:16
To: Erica Taylor [REDACTED]
Cc: Eva Martinez <Eva.Martinez@fife.gov.uk>
Subject: RE: Traffic calming

Dear Craig and Erica

Thank you for your email following our recent telephone discussion.

I have asked Eva Martinez to investigate the concerns you raise. Eva will contact you directly following her assessment of the site.

I hope this information is helpful in the meantime.

Kind regards
Colin

Colin Stirling

Traffic Management Lead Consultant (North)

Transportation & Environmental Services

Bankhead Central

Glenrothes

Fife

KY7 6GH

03451 555 555 (Ext. 450444)

From: Erica Taylor [REDACTED]
Sent: 28 August 2020 13:16
To: Colin Stirling <Colin.Stirling@fife.gov.uk>
Subject: Traffic calming

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 Colin,

Further to our conversation the other day I am contacting you regarding the problem I am having at my new property on the Cupar Road, Leven. The junction to both my house Cuffabout House and Blacketyside House is very dangerous. There has been numerous accidents on this stretch of road aptly named 'Dangerfield' and with the new Champion Housing at Law view the traffic in this area has multiplied. The only signage to warn drivers to slow down as vehicles may be turning is a warning tractor sign and junction sign. These signs are not ample considering the volume of traffic coming into Cuffabout House and numerous other dwellings on this entrance. We have seen a huge amount of delivery vehicles using this entrance over Covid and the road is far busier. My husband had to take it upon himself to hedge trim along a stretch of the road putting himself in danger in order to make the signage

more visible for residents to be able to see sufficiently enough to exit the junction safely. When drivers pass the new Law View housing they accelerate and fly up over the hill with little regard to their being concealed entrances and I myself was nearly in an accident when delivery van was sitting in entrance and I had to come to a complete halt to allow van out whilst traffic came speeding up behind me struggling to slow down and stop. This entrance has always been unsafe and more so now with the amount of farm vehicles, cars, vans and walkers using it. We would appreciate a site visit so we could discuss this further before any accidents occur and look forward to hearing back from you regarding this matter. I am aware people are working from home and busy but in December the road will also be used as a diversion for customers at Glenview Caravan Park due to the new substation digging up road and I feel this problem needs to be rectified soon. Please get in contact with me Craig 07949613413 to discuss this matter further.

Kind regards
Craig & Erica Taylor

[Sent from Yahoo Mail on Android](#)



Coronavirus Covid-19 **Please remember to wash your hands**
Follow the correct hand washing procedure
www.nhsinform.scot/coronavirus

Coronavirus Covid-19 **Please remember to wash your hands**
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Fife Council

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	21-04001-FULL
Application Description:	Erection of 3 No. glamping pods at Aithernie Lodge, Cupar Road (B927), LEVEN.
Date:	09/03/2022
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 erection of 3 No. glamping pods to be situated within an area of land to the Southeast of the existing dwellinghouse.

1.2 Access to the development site is to be taken directly from the B927 classified public road along an unmade private access track which currently serves a number of dwellings.

1.3 The access track is in very poor condition, both along its length and at the point where it meets with the adjacent classified public road.

1.4 Transportation Services have objected to previous applications using this access due to its sub-standard condition and that the visibility splays for drivers exiting the private access onto the B927 public road are severely restricted by features that are outwith the control of the applicant.

1.5 The applicant has submitted supporting information which includes photographs of the junction access. These photographs show that shrubs etc. have been removed from the roadside verge. The photographs also clearly show that the required visibility splay goes over the land of the two adjacent fields which are not within the control of the applicant.

1.6 There is no guarantee that shrubs or vegetation growth can or will be maintained, firstly within the fields that are outwith the control of the applicant and /or the verge

2.0 CONCLUSIONS

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

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

3.1 Visibility Splays of at least 3m x 210m are required in directions to the North and South at the private access junction where it meets with the B927 classified public road. The actual visibility splays achievable, without going over land that is outwith the control of the applicant and, at a driver height level, is 3m x 15m to the North and 3m x 15m to the South as the full visibility is unacceptably obstructed for vehicles leaving the site by permanent features which are outwith the control of the applicant.

Any intensification of vehicular traffic over this access would be detrimental to the safety and convenience of all road users.

3.2 The existing private unmade access is very sub-standard in terms of width, alignment, construction, footway provision, maintenance and drainage and is therefore unsuitable for further intensification or to accommodate the traffic that the development is likely to generate. This would be detrimental to the safety and convenience of pedestrians and road users.

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

Consideration can be given to relaxing this policy if the proposed development complies with the Local Development Plan and subject to any road safety issues being addressed.

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: 09/03/2022

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

To whom it may concern

21-04001-FULL/ Erection of 3 No. glamping pods at Aithernie Lodge, Cupar Road (B927), LEVEN.

Re the response from Transportation Development Management concerning this application and the concerns raised about the access onto B927

The applicants and their neighbours have agreed to fund the maintenance of the enhanced sight lines at the junction as a collaborative exercise and have the agreement of the landowner to keep the verges and borders and hedgerows to the level they are today to maximise the visibility at this junction on an ongoing basis.

We would also like to make it clear that no accidents have occurred at the junction in the 10 years we have been here – although on the stretch of road running past our properties from the corners beyond the northern wood half a mile to the north of the junction and the 30m per hour limits on entering Leven there have been 12 accidents in the last 5 years where cars have left the road and gone through the hedges to each side due to speed on wet or icy roads. None of these accidents are impacted by our junction and we strongly advocate the extension of a 40mph zone to the northern point of this wood where the road straightens out especially since the additional housing growth both on the B927 and the wider Leven area over the last 10 years. The increase in use of this road certainly has confirmed its local name of the Dangerfield Road. None of this is due to the junction in question.

Our neighbours who recently moved in wrote to the council about the road and were advised in writing that the road was deemed perfectly safe for their family to move in and no changes were required to improve road safety. We therefore question how the road can be deemed safe for existing volumes but unsafe for a minor increase in volumes when the road itself is getting progressively busier due to the building policies in Leven of Fife Council

We do not believe our development would impact the safety of B927 road users in any way. The road would benefit from extension of the 40mph zone, but that again is nothing to do with our development as the additional volumes are inconsequential. We previously had planning permission for an additional attached residence on this site and the volume for holiday lets would be less than that that would have generated with deliveries and tradespeople as well as occupiers. The number of days the pods will be occupied is variable and we do not expect to be full more than 1/3rd of the year – minimising usage and impact again

Please reconsider your objection to our application

Proposal Details

Proposal Name	100447659
Proposal Description	Glamping pods to site adjacent to house
Address	CUFFABOUT HOUSE, CUPAR ROAD, LEVEN,
KY8	5NJ
Local Authority	Fife Council
Application Online Reference	100447659-005

Application Status

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

Attachment Details

Notice of Review	System	A4
APP 1 - 21_02350_FULL-01_-_LOCATION_PLAN-2933112	Attached	A4
APP 2 - 21_02350_FULL-05_-_TOPO_SURVEY-2929823	Attached	A0
APP 3 - 21_02350_FULL-06_-_PROPOSED_POD_PLANS_AND_ELEVATIONS-2929822	Attached	A2
APP 4 - 21_02350_FULL-02_-_SITE_LOCATION_PLAN-2955554	Attached	A4
APP 5 - 1338-PL-01 D Sm	Attached	A0
APP 6 - 21_02350_FULL-07_-_DESIGN_STATEMENT-2952415	Attached	A4
APP 7 - 21_02350_FULL--2933111	Attached	A4
APP 8 - 21_02350_FULL-REFUSED-3063737	Attached	A4
APP 9 - 21_02350_FULL--3063582	Attached	A4
APP 10 - Email Regarding Road	Attached	A4
APP 11 - 21_04001_FULL-TRANSPORTATION-3114183	Attached	A4
APP 12 - 21_04001_FULL-11_-_STATEMENT_ON_TRANSPORT_COMMENTS-3137505	Attached	A4
Review Statement	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-005.xml	Attached	A0

Agenda Item 3(2)

**Cuffabout House, Cupar Road, Leven, KY8 5NJ
Application No. 21/02350/FULL**

Planning Decision Notice

Report of Handling

Andrew Megginson Architecture
Andrew Megginson
128 Dundas Street
New Town
Edinburgh
Scotland
EH3 5DQ

Planning Services

Kristie Hung
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/02350/FULL

Date 11th January 2022

Dear Sir/Madam

Application No: 21/02350/FULL
Proposal: Siting of 6 holiday pods with associated infrastructure and parking
Address: Cuffabout House Cupar Road Leven Fife KY8 5NJ

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,

Kristie Hung, Graduate 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: 21/02350/FULL
Proposal: Siting of 6 holiday pods with associated infrastructure and parking
Address: Cuffabout House Cupar Road Leven Fife KY8 5NJ

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/02350/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of pedestrian and road safety in terms of substandard visibility splay onto the B927, substandard private access in terms of insufficient road width, alignment, footway provision, maintenance and drainage; the proposed development does not accord with the related provisions of Policies 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and the related provisions of Appendix G: Fife Council Transportation Development Guidelines/Making Fife's Places Supplementary Guidance (2018); and there are no relevant material considerations of such weight as to indicate that these provisions should not be accorded the priority given to them by Section 25 of the Town and Country Planning (Scotland) Act 1997.

PLANS

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

Reference	Plan Description
01	Location Plan
02	Location Plan
03	Location Plan
04A	Various existing and proposed
05	Topographic Site Plan
06	Proposed various - elevation, floor etc
07	Design and/or Access Statement
08	Low Carbon Sustainability Checklist

Dated: 11th January 2022

Chris Smith

For Head of Planning Services
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	Cuffabout House, Cupar Road, Leven		
PROPOSAL	Siting of 6 holiday pods with associated infrastructure and parking		
DATE VALID	19/08/2021	PUBLICITY EXPIRY DATE	07/10/2021
CASE OFFICER	Kristie Hung	SITE VISIT	None
WARD	Leven, Kennoway And Largo	REPORT DATE	11/01/2022

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 This application relates to an area of land measuring approximately 0.2Ha and is associated with the existing dwellinghouse to the south. The application site is located within the countryside as defined by FIFEplan (2017) and is approximately 0.5km to the north east of Leven. The area of ground is currently a maintained area of grassland which is used as private garden ground associated with the dwellinghouse. The site is generally flat and is bound by mature planting to the east and west. To the west of the site are agricultural buildings and residential dwellings and further north are more residential dwellings. The site would be accessed via the Cupar Road (B927) onto the unadopted private track which leads onto the site.

1.2 This application is for full planning permission for the siting of 6no. holiday pods with associated infrastructure and parking.

1.3 There is no recent planning history for this site.

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

2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity Impact
- Traffic and Parking
- Drainage
- Low Carbon/Sustainability

2.2 Principle of Development

2.2.1 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications, thus reinforcing the provisions of Section 25 of the Act. Policy 1 of FIFEplan provides general support for development within settlement boundaries subject to further considerations.

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

2.2.3 As the application site is located within the countryside, FIFEplan (2017) Policy 7 (Development in the Countryside) aims to create a rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. Part 6 states that development in the countryside will only be supported where it is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location. In all cases, development must be of a scale and nature compatible with surrounding uses, be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.4 A supporting statement has been submitted to justify the location of the proposed pods. This details that the holiday pods would provide desirable tourist accommodation which would benefit from a countryside location. The site is currently unused and is not identified as being prime agricultural land. The small scale of the pods would mean that they would be of a scale and nature compatible with the surrounding uses. As well as this, they would be discreetly located and would be well connected to public transport infrastructure into Leven. It also considered that the pods would help to boost Scotland's tourism recovery by promoting

staycations- especially important due to the impact of the coronavirus pandemic on people and the economy.

2.2.5 It is recognised that there is a demand for more rural experiences where guests can relax and enjoy the countryside. This is reinforced by FIFEplan's (2017) spatial strategy which states that the rural economy and community will be supported by allowing developments which are of an appropriate scale and location that will complement existing settlements. The spatial strategy also continues by noting that tourism plays an important role across Fife and that the countryside is often a key visitor destination which is essential in supporting Fife's economy. Further to this, ten letters of support have been received in relation to this proposal. All of these consider that the holiday accommodation would benefit the local area by boosting the tourist economy and would be of a style and scale appropriate to the area.

2.2.6 On balance, it is considered that the proposal would benefit from a countryside location and would help to boost local tourism and the economy. As such, the principle of the development is acceptable and complies with FIFEplan (2017).

2.3 Design and Visual Impact

2.3.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance, the policies will be applied to assess the visual impact of the proposed development on the surrounding area. Making Fife's Places 2018 also applies.

2.3.2 The application site is not subject to any landscape designation and it is not overly visible from the wider public environment. The pods would have a footprint of approximately 20 square metres with a height of 2.6m and finished in metrotile in charcoal grey. The pods would not be visible from the public road which in turn would raise no significant visual impact concerns.

2.3.3 The proposal complies with FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance (2018), subject to conditions.

2.4 Residential Amenity Impact

2.4.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported where it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance the policies will be applied to assess the impact the proposed development would have on existing levels of residential amenity. This includes, but is not limited to, privacy, daylight and sunlight and garden ground. PAN 1/2011 also applies and establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise.

2.4.2 The closest dwellinghouse to the site is over 50m to the west. As such, no significant residential amenity concerns would be raised in this instance.

2.4.3 The proposal complies with FIFEplan (2017) Policies 1 and 10.

2.5 Traffic and Parking

2.5.1 Policies 1 Development Principles and 3 Infrastructure and Services collectively require incorporation of safe transport infrastructure in connection with development. Appendix G: Fife

Council Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 Transportation Development Management (TDM) team were consulted and notes that visibility for drivers leaving the private lane onto the B927 classified public road is very poor and are severely restricted by features that are outwith the control of the applicant. Visibility splays of 3m x 140m are required in both the North and South at the private access junction where it meets with the B927, but only 3m x 15m to the North and South are achievable. The existing private unmade access is very sub-standard in terms of width, alignment, construction, footway provision, maintenance and drainage and is therefore unsuitable for further intensification or to accommodate traffic that the development is likely to generate.

2.5.3 It is considered that the poor visibility onto the B927 would constitute a failure to incorporate safe transport infrastructure, to the detriment of pedestrian and road safety. The application would not comply with the above noted development plan policies and guidance on that basis.

2.6 Drainage

2.6.1 SPP and FIFEplan policies 1, 3 and 12 advise that developments should not place unacceptable demands on public infrastructure including drainage systems. Developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken. Development will not be supported where a proposal would increase the risk of flooding unless adequate mitigation measures can be secured.

2.6.2 The proposed foul drainage will travel to a treatment plant at the south of the site where it will discharge into the adjacent burn. The existing hard standing area, gravel path and area will also allow for surface water drainage.

2.6.3 In light of the above, the proposal would raise no significant concerns in terms of flooding or surface water drainage and would therefore comply with FIFEplan (2017) Policies 1, 3 and 12.

2.7 Low Carbon/Sustainability

2.7.1 SPP (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. Policies 1 and 11 (Low Carbon) of the FIFEplan (2017) state that planning permission will only be granted for new development where it has been demonstrated that proposals meet the criteria set out within the policy.

2.7.2 All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars. Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.7.3 The applicant has submitted a Low Carbon Checklist (LCC) which notes that solar panels will be installed and will cover the energy need. The pods will be prefabricated from a local company which would reduce energy consumption. The proposal would be acceptable in this instance and would comply with the Adopted FIFEplan.

CONSULTATION RESPONSES

Scottish Water Business And Employability	No objections. Economic Development has no comment to make
Transportation And Environmental Services - Operations Team	No response.
Parks Development And Countryside Strategic Policy And Tourism Transportation, Planning Services	No response. No response. Transportation Development Management have objections in the interest of road and pedestrian safety and have recommended the application be refused.

REPRESENTATIONS

There are no representations.

CONCLUSION

The proposed development does not accord with the provisions of the development plan relating to safe transport infrastructure. There are no relevant material considerations of such weight as to indicate that the development plan should not be accorded the priority given to it by Section 25 of the Planning Act, i.e. considerations which would still justify granting planning permission.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of pedestrian and road safety in terms of substandard visibility splay onto the B927, substandard private access in terms of insufficient road width, alignment, footway provision, maintenance and drainage; the proposed development does not accord with the related provisions of Policies 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and the related provisions of Appendix G: Fife Council Transportation Development Guidelines/Making Fife's Places Supplementary Guidance (2018); and there are no relevant material considerations of such weight as to indicate that these provisions should not be

accorded the priority given to them by Section 25 of the Town and Country Planning (Scotland) Act 1997.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan:

Adopted FIFEplan - Fife Local Development Plan (2017)

Fife Council Making Fife's Place's Supplementary Guidance (2018)

Agenda Item 3(3)

**Cuffabout House, Cupar Road, Leven, KY8 5NJ
Application No. 21/02350/FULL**

Consultee Comments

Consultee Comments for Planning Application 21/02350/FULL

Application Summary

Application Number: 21/02350/FULL

Address: Cuffabout House Cupar Road Leven Fife KY8 5NJ

Proposal: Siting of 6 holiday pods with associated infrastructure and parking

Case Officer: Kristie Hung

Consultee Details

Name: Ms Anne Rennie

Address: Kingdom House, Kingdom Avenue, Glenrothes, Fife KY7 5LY

Email: anne.rennie@fife.gov.uk

On Behalf Of: Business And Employability

Comments

Economic Development has no comment to make

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	21-02350-FULL
Application Description:	Siting of 6 holiday pods with associated infrastructure and parking at Cuffabout House, Cupar Road, LEVEN.
Date:	04/10/2021
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 siting of holiday pods in an area of open ground to the rear of the existing house named Cuffabout.

1.2 Access to the development is to be taken directly from the B927 classified public road along an unmade private access track which currently serves a number of dwellings.

1.3 The access track is in very poor condition, both along its length and at the point where it meets with the adjacent classified public road.

1.4 Transportation Services have objected to previous applications using this access due its sub-standard condition and that the visibility splays for drivers exiting the private access onto the classified public road are severely restricted by features that are outwith the control of the applicant.

2.0 CONCLUSIONS

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

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

3.1 Visibility Splays of at least 3m x 140m are required in directions to the North and South at the private access junction where it meets with the B927 classified public road.

The actual visibility splays achievable is 3m x 15m to the North and 3m x 15m to the South as the full visibility is unacceptably obstructed for vehicles leaving the site by permanent features which are outwith the control of the applicant.

Any intensification of vehicular traffic over this access would be detrimental to the safety and convenience of all road users.

3.2 The existing private unmade access is very sub-standard in terms of width, alignment, construction, footway provision, maintenance and drainage and is therefore unsuitable for further intensification or to accommodate the traffic that the development is likely to generate. This would be detrimental to the safety and convenience of pedestrians and road users.

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

Consideration can be given to relaxing the above policy if the proposed development complies with the Local Development Plan and subject to any road safety issues being addressed.

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: 04/10/2021

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

Tuesday, 07 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,

Cuffabout House, Cupar Road, Leven, KY8 5NJ
Planning Ref: 21/02350/FULL
Our Ref: DSCAS-0048052-CCG
Proposal: Siting of 6 holiday pods with associated infrastructure and parking

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 Glenfarg Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

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

Please Note

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

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

- ▶ 1 x 12" Trunk Main in the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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."

Agenda Item 4(1)

**Bellfield Farm Steading, Milton of Balgonie,
Glenrothes, KY7 6NZ**

Application No. 19/02655/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 100179361-007

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:	CLAYMORE TIMBER FRAME LTD		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	GORDON	Building Name:	pine lodge
Last Name: *	MORTON	Building Number:	
Telephone Number: *	07739 796217	Address 1 (Street): *	CUPAR ROAD
Extension Number:		Address 2:	
Mobile Number:	07739796217	Town/City: *	LADYBANK
Fax Number:		Country: *	SCOTLAND
		Postcode: *	KY15 7RB
Email Address: *	glmdesigns@yahoo.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="Ms"/>	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="ALYSON"/>	Building Number:	<input type="text" value="57"/>
Last Name: *	<input type="text" value="ANDERSON"/>	Address 1 (Street): *	<input type="text" value="HILL STREET"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="HILL STREET"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="LADYBANK"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text" value="██████████"/>	Postcode: *	<input type="text" value="KY15 7RN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="FORMER BELLFIELD FARM STEADINGS (NOW DEMOLISHED) KY7 6NZ"/>

Northing	<input type="text" value="701110"/>	Easting	<input type="text" value="331917"/>
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Description of Proposal

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

ERECTION OF 4 NUMBER DWELLINGS ON SITE OF NOW DEMOLISHED STEADINGS AND COTTAGES TO FORM A HAMLET OF 5 DWELLINGS INCLUDING THE EXISTING FARMHOUSE OWNED PRIVATELY. FUTURE DEVELOPMENT MAY MEAN THAT A FURTHER 2 HOUSES MAY BE ADDED BUT THE SITE FOR THIS IS STILL TO BE SOLD BY THE CURRENT OWNERS NOT THE APPLICANTS.

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 Additional supporting Information and refer to Planning Application documents as submitted

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)

Review Justification letter

Application Details

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

19/02655/FULL

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

06/09/2019

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

29/03/2022

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 GORDON MORTON

Declaration Date: 22/04/2022

Planning Ref-19/02655/FULL

We would like to appeal against the refusal notice issued for the following reasons:-

Having purchased Bellfield Farm Steadings KY7 6NZ which was in a seriously decayed state and dangerous but came with Full Planning Permission to turn it into 3 properties - 2014. The land was purchased from Balgonie Estates. Because of the condition this was not financially viable to proceed, Therefore the clients applied for a Building Warrant to demolish the old buildings, which was approved and to plan was then to rebuild one new property. The sandstone was retained to be reused in the build. Reference is made to Fife Council Plan Information and Land Use Audit which in Section 3.15 states Demolitions are a small but important component of housing land supply to meet need and demand. Section 3.16 Demolitions are significant in Kirkcaldy, Glenrothes Area and Central Fife Housing Market due to the shortage in housing. Plans were submitted by my myself- Mr Gordon Morton - Gordon@claymoretimber.co.uk for the erection of one house only on site. On consulting with planning I was informed that this application would be rejected as " The site was too large and significant for one house as there was a housing shortage " If a new application was submitted using the cluster of 5 rule then this would be more acceptable and looked on more favourably. After further discussions planning agreed that the current farmhouse in close proximity would be counted as one house therefore the planning application would require four houses to comply. In September 2019 this was submitted. (It took until 2022 January for the decision to be issued based on this, which involved a lot of additional expense for reports and investigations. The Planning Application was done to meet criteria of Section 8 housing in the countryside, working within the criteria of 5 houses in a cluster.

Coal Report

A Coal Report was undertaken in June 2019 and we were then requested to do a SUDS Report. Undertaken by LN Henderson and Associates On 14/9/2020 as required. Received notification that some changes were needed and these had to be verified by another engineer. This was carried out on 23/11/2020. The plans were re submitted with additional drainage information by LN Henderson 3/12/2020. They were signed off by McGregor and McMahon and approved by planning. I asked for a decision in June 2021 on planning . This was followed by a telephone call from planning requesting a drilling report. This was undertaken by MM-EC Geo-environmental Ltd. This report was submitted on the 14th July 2021.

The reason given in a phone call for refusal likely to be recommended were that the buildings did not have planning approval for demolition and that the existing buildings had been unsightly and in a dilapidated state which now having been removed has removed the unsightliness and therefore the problem.

However the plot is currently unsightly and could become a dumping ground for unwanted rubbish. My Clients have already had fly tipping issues which they have dealt with. It is not pleasant for the tenants of the farmhouse or the farmer.

The road passing the steadings is also part of the Pilgrims Way and attracts walkers. I sent an e-mail requesting a decision on the planning application . I received an e-mail from Brian Forsyth-planning officer stating that he personally wanted to refuse it on principle. Surely Planning would not ask the clients to carry out all these reports all at great expense and time and then refuse the application when all information requested was presented.

We do understand that these are unusual times with covid etc but almost 3 years since the initial planning application for 1 house only have gone past.

The refusal mentions inadequate amenity space: All plots comply with the 1/3-2/3 ground rule and have suitable parking and all plots have greater than 100m² garden ground.

The refusal also mentions that the houses are not to be approved due to lack of amenity. The site is on a road but is within 5 minutes of bus links in Milton of Balgownie giving access to Glenrothes 3 miles away, Kirkcaldy and Markinch which have railway links, these are main areas and accessible.

At no point was I ever asked to change the house styles by the planner or this could easily have been looked at, housing in the countryside is an eclectic mix and the houses make use of natural stone on the main house with a clean palette of material on the other buildings which were of different scales and heights to fit in with the surroundings.

At various points throughout the process I emailed for correspondence and found that there was a lack of response, although any information requested by planners was submitted timeously.

The planner changed throughout the process and then additional information was requested.

A list of emails and all drawings should be available from Planning Authority.

The carbon Checklist as submitted lays out reasons and states that materials will be from local companies which will aid the economy also the houses will benefit the economy which at present due to current circumstances requires a boost.

Gordon L Morton BS'c AT (Hons, PGCE's).

Proposal Details

Proposal Name	100179361
Proposal Description	ERECTION OF 4 NUMBER DWELLINGS TO FORM A HAMLET OF 5 HOUSES TO INCLUDE THE EXISTING FARMHOUSE WITH ASSOCIATED PARKING AND AMENITY SPACES CREATED.
Address	
Local Authority	Fife Council
Application Online Reference	100179361-007

Application Status

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

Attachment Details

Notice of Review	System	A4
justification for local review	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-007.xml	Attached	A0

Agenda Item 4(2)

**Bellfield Farm Steading, Milton of Balgonie,
Glenrothes, KY7 6NZ**

Application No. 19/02655/FULL

Planning Decision Notice

Report of Handling

Claymore Timber Frame Ltd
Gordon Morton
Lomond Cottage
1 Regent Terrace
Dunshalt
Scotland
KY14 7HB

Planning Services

Brian Forsyth
development.central@fife.gov.uk

Your Ref:
Our Ref: 19/02655/FULL

Date 29th March 2022

Dear Sir/Madam

Application No: 19/02655/FULL
Proposal: Erection of 4 dwellinghouses (Class 9), formation of
hardstanding, parking, and associated infrastructure
Address: Bellfield Farm Steading Milton Of Balgonie 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,

Brian Forsyth, 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: 19/02655/FULL
Proposal: Erection of 4 dwellinghouses (Class 9), formation of hardstanding, parking, and associated infrastructure
Address: Bellfield Farm Steading Milton Of Balgonie Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 19/02655/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding the countryside from unjustified sporadic development; the need for the development at this location is not considered to have been justified as the application site lies outwith any defined settlement boundary. The development does not meet any of the criteria set out in Policy 7: Development in the Countryside and Policy 8: Houses in the Countryside of the adopted FIFEplan Fife Local Development Plan (2017), there is no housing shortfall to which the development could contribute in terms of Policy 2: Homes, and the planning authority is unaware of any good reason for departing from these policies; the development is therefore considered contrary to Policy 1: Development Principles, Policy 2: Homes, Policy 7: Development in the Countryside and Policy 8: Houses in the Countryside of the adopted FIFEplan Fife Local Development Plan (2017).
2. In the interests of visual amenity; the overall layout of the development, combined with the use of contemporary design elements and materials, imparts an incongruous suburban character to the development within what is a rural setting, to the detriment of landscape character and views, failing to safeguard the character and qualities of the landscape, and having a significant detrimental impact on the visual amenity of the area generally; all contrary to Policy 1: Development Principles, Policy 10: Amenity and Policy 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017).
3. In the interests of residential amenity; plots 3 and 4 of the development fail to meet the private useable garden space targets set out in Fife Council's Garden Ground non-statutory planning guidance to a significant degree, such as would give rise to a significant detrimental impact on the amenity of the occupants of the houses on these plots, contrary to Policy 1: Development Principles and Policy 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).

Dated: 29th March 2022

Derek Simpson

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

4. In the interests of road safety and sustainability; the development is unsustainable in terms of location, being remote from public transport and other services and thereby car dependant; and would also increase the use of an existing junction on an unrestricted distributor road outwith a built-up area. As such, the development is contrary to Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 11: Low Carbon of the adopted FIFEplan Fife Local Development Plan (2017).
5. In the interests of amenity; it has not been demonstrated that the development proposals would not give rise to a significant detrimental impact on amenity in terms of contaminated land, contrary to Policy 1: Development Principles and Policy 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).
6. In the interests of safeguarding the development and the environment from flooding and flood risk and the ecological quality of the water environment; it has not been demonstrated that the development would not increase flooding or flood risk on site or elsewhere or detrimentally impact on the ecological quality of the water environment. contrary to Policy 1: Development Principles, Policy 10: Amenity and Policy 12: Flooding and the Water Environment of the adopted FIFEplan Fife Local Development Plan (2017).

PLANS

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

Reference	Plan Description
01	Location Plan
02	Proposed various - elevation, floor etc
03	Proposed various - elevation, floor etc
04	Proposed Elevations
05	Proposed various - elevation, floor etc
06	Proposed various - elevation, floor etc
07	Proposed various - elevation, floor etc
08	Photographs
09	Low Carbon Sustainability Checklist
10	Mine Risk Assessment
11	Mine Risk Assessment
12	Drainage Plan
13	SUDs and Flood Risk Assessment Certs
14	SUDs and Flood Risk Assessment Certs

Dated:29th March 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	Bellfield Farm Steading, Milton Of Balgonie, Fife		
PROPOSAL	Erection of 4 dwellinghouses (Class 9), formation of hardstanding, parking, and associated infrastructure		
DATE VALID	18/12/2020	PUBLICITY EXPIRY DATE	05/02/2021
CASE OFFICER	Brian Forsyth	SITE VISIT	None
WARD	Glenrothes North, Leslie And Markinch	REPORT DATE	11/02/2022

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 This c. 0.3 hectare application site relates to the larger part of the site of the former Bellfield Farm Steadings, fairly recently demolished, located in the countryside approximately 318 metres to the north of Milton of Balgonie. The site has been very largely cleared, with mainly hardstanding remaining. Access to the site is via a private farm track abutting to the south which exits onto the B9130. The A911 is located approximately 208 metres to the south of the application site.

1.2 Bellfield Farm Farmhouse is on the other side of the farm track to the south of the site. The surrounding area is otherwise agricultural land.

1.3 Detailed planning permission is sought for the erection of four detached three-bedroom dwellinghouses. Two of the houses are single-storey with an integral garage, one of these having a relatively expansive footprint. The other two houses are one and a half storey, i.e. with accommodation in the roof space.

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

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

2.0 ASSESSMENT

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

- Principle of Development
- Design/Visual Impact
- Garden Ground
- Road Safety/Transportation
- Ground Conditions
- Flooding/Drainage
- Sustainable Construction

Policy 1: Development Principles of the adopted FIFEplan Fife Local Development Plan (2017) requires that the individual and cumulative impacts of proposals are addressed.

2.2 Principle of Development

2.2.1 Part A of Policy 1: Development Principles of FIFEplan supports the principle of development in circumstances such as here where the use is supported by FIFEplan. Part B of Policy 1: Development Principles, Policy 7: Development in the Countryside, and Policy 8: Houses in the Countryside collectively presume against housing in the countryside except 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 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 sound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building; 5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing

building; 6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with policy 2: Homes; 7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2: Homes; 8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2: Homes; or 9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale and operation set out in the relevant figure. Supporting text to Policy 8/Criterion 3 adds that planning permission will only be granted in such circumstances on small sites that are no longer required for their original purpose and which incorporate rundown or derelict buildings; the proposed site must be capable of accommodating a housing 'cluster' of at least five houses; planning permission will only be granted where the redevelopment scheme would greatly benefit the site and the surrounding area in terms of its appearance, subject to the design, siting and the environmental improvements proposed.

2.2.2 Policy 2: Homes states that where a shortfall in the 5 year effective housing land supply is shown to exist within the relevant Housing Market Area, housing proposals within this Housing Market Area will be supported subject to satisfying each of the following criteria: 1. the development is capable of delivering completions in the next 5 years; 2. the development would not have adverse impacts which would outweigh the benefits of addressing any shortfall when assessed against the wider policies of the plan; 3. the development would complement and not undermine the strategy of the plan; and 4. infrastructure constraints can be addressed.

2.2.3 The relevant criterion in 2.2.1 above is '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'. The other criteria do not apply. The steading no longer being required for its original agricultural purpose, the proposed development would likely have been considered to give rise to a 5-house housing cluster in terms of criterion 3 above (with Bellfield Farm Farmhouse) had the previously existing rundown/derelict steading buildings not been removed and provided redevelopment was considered to greatly benefit the site and surrounding area. With the previously existing rundown/derelict buildings having been removed, the opportunity to greatly benefit the site and surrounding area through redevelopment has been lost.

2.2.4 It may be argued that the development can contribute towards addressing a perceived shortfall in the effective 5 years housing land supply. In terms of the Fife Housing Land Audit 2020, sites of fewer than 5 houses ("Small Sites") do not contribute to the SESplan housing land requirement or housing supply targets. Irrespective, Fife Council's position is also that there is no housing shortfall within this housing market area. The application would, therefore, not be supported by Policy 2 of the Adopted FIFEplan (2017) as the proposal is for three dwellinghouses and there is currently considered to be no housing shortfall within this housing market area.

2.2.5 In light of the above, the development proposals do not accord with the above provisions of policy and guidance in relation to the principle of development.

2.3 Design/Visual Impact

2.3.1 Part B of Policy 1: Development Principles of FIFEplan requires that development proposals must address their development impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity, and safeguarding the character and qualities of the landscape and

complying with Policy 13: Natural Environment and Access. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of the development on the surrounding area. Policy 13 states that development proposals will only be supported where they, amongst other things, protect or enhance landscape character and views.

2.3.2 The overall layout of the development, principally that of the three one and a half storey houses to the east of the site, combined with the use of contemporary design elements and materials, imparts an incongruous suburban character to the development within what is a rural setting. As such, it is considered that the development proposals would be to the detriment of landscape character and views, failing to safeguard the character and qualities of the landscape, and having a significant detrimental impact on the visual amenity of the area generally; all contrary to the above provisions of policy in relation to design/visual impact.

2.4 Garden Ground

2.4.1 Part B of Policy 1: Development Principles of FIFEplan requires that development proposals must address their development 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: Amenity states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Fife Council's Garden Ground (2016) non-statutory guidance advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space and that a buildings to garden footprint of 1:3 will be required. The proposed development would meet the 1:3 plot ratio requirement and would provide adequate front and rear garden depths in terms of the guidance, however Plot 3 would have only approximately 59 square metres of private useable garden space and Plot 4 approximately 88 square metres split either side of the house.

2.4.2 In light of the insufficiency of garden ground in terms of the above non-statutory guidance, it is considered that the development proposals would give rise to a significant detrimental impact on the amenity of the occupants of the houses on Plots 3 and 4, contrary to the above provisions of policy in relation to residential amenity.

2.5 Road Safety/Transportation

2.5.1 Part B of Policy 1: Development Principles of FIFEplan requires that development proposals must address their development impact by complying with relevant criteria and supporting policies, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure, and complying with Policy 3: Infrastructure and Services. Policy 3 requires that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable; where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services; such infrastructure and services may include, amongst other things: local transport and safe access routes which link with existing networks; development proposals are to demonstrate how they will address any impacts on road safety. The Council's adopted Making Fife's Places Supplementary Guidance (2018), Appendix G: Transportation Development Guidelines, is also relevant here.

2.5.2 Policy 11: Low Carbon states that all development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars

2.5.3 Fife Council's Transportation Development Management team (TDM) objects, advising that:

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

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

- Consideration can be given to relaxing the above policy if the proposed development complies with the Local Development Plan and subject to any road safety issues being addressed.

2.5.4 In the absence of support for the principle of this development (2.2 above concludes), it agreed that the development proposals are unsustainable in terms of location, being remote from public transport and other services and thereby car dependant. As such, and taking into account TDM's views in relation to increased use of an existing junction on an unrestricted distributor road outwith a built-up area, the development proposals are considered contrary to the above provisions of policy in relation to transportation and road safety.

2.6 Ground Conditions

2.6.1 Policies 1: Development Principles and 10: Amenity collectively state that development will only be supported if it does not have a significant detrimental impact on amenity in relation to, amongst other things, contaminated and unstable land.

2.6.2 The Coal Authority confirms that the application site falls within the defined Development High Risk Area but that it has no objection to the proposed development subject to the imposition of conditions. The Council's Land and Air Quality (L&AQ) team notes that the former steadings have now been demolished; given the long term use of these structures associated with Bellfield Farm, L&AQ requests that the applicant complete Fife Council's Questionnaire on the Redevelopment of Agricultural Buildings and Steadings before a consultation response is provided; the applicant has failed to complete and return the questionnaire.

2.6.3 In the absence of a completed Redevelopment of Agricultural Buildings and Steadings Questionnaire, it is considered that it has not been demonstrated that the development proposals would not give rise to a significant detrimental impact on amenity in terms of contaminated land, contrary to the above provisions of policy in relation to ground conditions.

2.7 Flooding/Drainage

2.7.1 Policy 1: Development Principles states that development proposals must address their development impact by complying with relevant criteria and supporting policies, including avoiding flooding and impacts on the water environment and complying with Policy 12: Flooding and the Water Environment. Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively: increase flooding or flood risk from all sources (including surface water drainage measures) on site or elsewhere or detrimentally impact on ecological quality of the water environment, including its natural characteristics, etc.; drainage assessments proportionate to the development proposal will be required for areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects.

2.7.2 The site is not shown within a flood area in the SEPA flood maps. The Council's Land and Air Quality Team has no comment in relation to flooding but asks for further information in relation to drainage before a response in relation to these aspects is provided; the applicant has failed to provide the requested information.

2.7.3 In the absence of the requested information in relation to drainage, it is considered that it has not been demonstrated that the development proposals would not increase flooding or flood risk on site or elsewhere or detrimentally impact on ecological quality of the water environment, contrary to the above provisions of policy in relation to flooding and drainage.

2.8 Sustainable Construction

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

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

2.8.3 A Low Carbon Sustainability Checklist has been submitted which demonstrates compliance with the above policy and guidance, including the use solar thermal panels.

2.8.4 In light of the above, it is considered that the development proposals accord with the above provisions of policy and guidance in relation to sustainable construction; however, this is not a determining factor here.

CONSULTATION RESPONSES

Transportation, Planning Services	Objects.
Structural Services - Flooding, Shoreline And Harbours	Requires further information.
Environmental Health (Public Protection)	No objection.
Transportation And Environmental Services -	No response.

Operations Team
Land And Air Quality, Protective Services
The Coal Authority

Requires further information
No objection subject to conditions.

REPRESENTATIONS

None.

CONCLUSION

The development is contrary to the provisions of policy and guidance relating to the principle of development, design/visual impact, garden ground, road safety/transportation, flooding and drainage and ground conditions; but accords with those provisions relating to sustainable construction. Overall, it is considered that the proposed development is contrary to the development plan, with 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 unjustified sporadic development; the need for the development at this location is not considered to have been justified as the application site lies outwith any defined settlement boundary. The development does not meet any of the criteria set out in Policy 7: Development in the Countryside and Policy 8: Houses in the Countryside of the adopted FIFEplan Fife Local Development Plan (2017), there is no housing shortfall to which the development could contribute in terms of Policy 2: Homes, and the planning authority is unaware of any good reason for departing from these policies; the development is therefore considered contrary to Policy 1: Development Principles, Policy 2: Homes, Policy 7: Development in the Countryside and Policy 8: Houses in the Countryside of the adopted FIFEplan Fife Local Development Plan (2017).
2. In the interests of visual amenity; the overall layout of the development, combined with the use of contemporary design elements and materials, imparts an incongruous suburban character to the development within what is a rural setting, to the detriment of landscape character and views, failing to safeguard the character and qualities of the landscape, and having a significant detrimental impact on the visual amenity of the area generally; all contrary to Policy 1: Development Principles, Policy 10: Amenity and Policy 13: Natural Environment and Access of the adopted FIFEplan Fife Local Development Plan (2017).

3. In the interests of residential amenity; plots 3 and 4 of the development fail to meet the private useable garden space targets set out in Fife Council's Garden Ground non-statutory planning guidance to a significant degree, such as would give rise to a significant detrimental impact on the amenity of the occupants of the houses on these plots, contrary to Policy 1: Development Principles and Policy 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).

4. In the interests of road safety and sustainability; the development is unsustainable in terms of location, being remote from public transport and other services and thereby car dependant; and would also increase the use of an existing junction on an unrestricted distributor road outwith a built-up area. As such, the development is contrary to Policy 1: Development Principles, Policy 3: Infrastructure and Services and Policy 11: Low Carbon of the adopted FIFEplan Fife Local Development Plan (2017).

5. In the interests of amenity; it has not been demonstrated that the development proposals would not give rise to a significant detrimental impact on amenity in terms of contaminated land, contrary to Policy 1: Development Principles and Policy 10: Amenity of the adopted FIFEplan Fife Local Development Plan (2017).

6. In the interests of safeguarding the development and the environment from flooding and flood risk and the ecological quality of the water environment; it has not been demonstrated that the development would not increase flooding or flood risk on site or elsewhere or detrimentally impact on the ecological quality of the water environment. contrary to Policy 1: Development Principles, Policy 10: Amenity and Policy 12: Flooding and the Water Environment of the adopted FIFEplan Fife Local Development Plan (2017).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)
Making Fife's Places Supplementary Guidance (2018), Appendix G: Transportation
Development Guidelines (2018)

Other

Fife Council Garden Ground non-statutory planning guidance

Agenda Item 4(3)

**Bellfield Farm Steading, Milton of Balgonie,
Glenrothes, KY7 6NZ**

Application No. 19/02655/FULL

Consultee Comments



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



The Coal Authority

For the Attention of: Mr B Forsyth – Case Officer
Fife Council

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

11 January 2021

Dear Mr Forsyth

PLANNING APPLICATION: 19/02655/FULL

Erection of 4 dwellinghouses, formation of hardstanding, parking, and associated infrastructure; Bellfield Farm Steading, Milton Of Balgonie, Markinch, Fife, KY7 6NZ

Thank you for your notification of 07 January 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

I have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area; therefore 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.

The Coal Authority records indicate that the northern part of the site lies within an area of probable shallow coal mining that may be attributed to the thick coal seam (DYSART MAIN) inferred to outcrop to the east of the site, dipping towards the site. In addition, a geological fault runs across the site.

The planning application is accompanied by a Mineral Stability Assessment, dated 02 June 2019 prepared for residential development at this site by MM-EC Geoenvironmental Ltd. The Assessment has been informed by a review of geological maps (Fifeshire Sheet 28NW) and a Coal Authority Report.

It is noted that the Coal Authority were consulted on a previous planning application for this site (planning application ref: 19/01318/FULL - withdrawn) which was also accompanied by the above Assessment.

The Coal Authority considered that based on the evidence submitted, sufficient doubt existed to confirm the presence or otherwise of unrecorded underground shallow coal workings. Accordingly, we identified that in order to prove the exact ground conditions present beneath this site and to determine the level of risk regarding coal mining legacy to this development, intrusive ground investigations were required. As no ground investigations would appear to have yet been undertaken at this site, our previous comments, dated 22 July 2019 remain predominantly the same.

The Coal Authority Recommendation to the LPA

Taking into consideration the information that has been submitted in support of this planning application, we consider that in order to prove the exact ground conditions present beneath this site and to determine the level of risk regarding coal mining legacy issues to the proposed development, intrusive ground investigations are required.

Once the exact ground conditions have been established the applicant's technical consultants can then design an appropriate mitigation strategy such as grouting and stabilisation works, specific foundation design and / or gas protection measures, if deemed necessary, to ensure the safety and stability of the proposed development.

To ensure that sufficient information is provided that by the applicant to demonstrate to the LPA that the site is, or can be made, safe and stable for the development proposed you may wish to consider the imposition of planning conditions that cover the issues set out below.

1. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above.**

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*
Planning & Development Manager

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety

implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available 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.

FIFE COUNCIL

ASSETS, TRANSPORTATION AND ENVIRONMENT

TO: Brian Forsyth, Planner, Development Management
FROM: Lida Johnston, Structural Services, Flooding, Shoreline & Harbours
DATE: 28 January 2021
OUR REF: LJ/19/02655/FULL
YOUR REF: 19/02655/FULL
CONTACT: Lida Johnston
SUBJECT: **Erection of 4 dwellinghouses, formation of hardstanding, parking, and associated infrastructure, Bellfield Farm Steading, Milton Of Balgonie**

I refer to your Consultation Request Notification dated 07 January 2021 requesting observations on the application forms and associated plans available to view on-line at <http://planning.fife.gov.uk/online> for the above proposed development and comment only on matters relating to flooding and surface water drainage.

We have no comments regarding flooding.

In regards to surface water we would ask the Applicant to provide:

- Calculations to show how the attenuation volume has been calculated and how 1:30yr + climate change event has been attenuated, and how the difference between the 1:30yr + climate change and 1:200yr + climate change flows are accommodated within the development site without detriment to the development.
- Assessment of maximum groundwater level at the location of the underground attenuation feature to demonstrate that the base of these features remains above this level.
- Infiltration test records
- Completed version of SEPA SIA Tool to demonstrate that adequate treatment provisions are in place



Economy, Planning & Employability Services

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

Response from Environmental Health (Public Protection)

PPT Reference No:	21/00301/CONPLA		
Name of Planning Officer dealing with the matter:	Brian Forsyth		
Application Number:	19/02655/FULL		
Proposed Development:	Erection of 4 dwellinghouses, formation of hardstanding, parking, and associated infrastructure		
Location:	Bellfield Farm Steading Milton Of Balgonie Fife		
Date Required By Planning:	---	Decision Notice Required?	---

COMMENTS			
<p>Further to your email received on 7 January 2021 regarding the above planning application, I have reviewed the documentation available to me for the proposal and I have no comments or objections to make.</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:	11/01/2021	Officer:	Tracy A Welch Environmental Health Officer

MEMORANDUM

TO: Brian Forsyth, Planner, Development Management
FROM: Blair Falconer, Technical Officer, Land & Air Quality
DATE: 7th January 2020
OUR REF: PC190080.C
YOUR REF: 19/02655/FULL

SUBJECT: Erection of 4 dwellinghouses, formation of hardstanding, parking and associated infrastructure at Bellfield Farm Steading, Milton of Balgonie, Fife

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

Land Quality – Further information is required in order to make a decision

It is noted that the former steadings have now been demolished in anticipation of the redevelopment works. Given the long term use of these structures associated with Bellfield Farm it is advised that the applicant complete the enclosed **Fife Council Questionnaire on the Redevelopment of Agricultural Buildings and Steadings**.

Once completed this will allow us to assess the proposed development and make the appropriate recommendations in terms of any relevant land quality related planning conditions to impose upon the consent.

In addition it is noted that MM-EC have submitted a desk-based mineral stability assessment report in support of the application (June, 2019). This report should be passed to the Coal Authority for comment/approval.

This response is from the Land & Air Quality team whereby our colleagues in Public Protection may submit their own response with regards to issues such as dust/noise/odour.

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. Fife Council Questionnaire on the Redevelopment of Agricultural Buildings and Steadings)

**Fife Council Questionnaire on the
Redevelopment of Agricultural Buildings and Steadings
Planning Advice Note 33: Development of Contaminated Land (2000)**

Planning Application Number:	Yes/No
1. Is asbestos known to be present in the fabric of the buildings or within ground?	
2. Has any part of the site been used for the storage of fuel?	
3. Have there been any known leaks or spillages of fuel on or close to the site?	
4. Has any part of the site been used for the storage of agricultural chemicals such as preservatives, pesticides or herbicides or have these been used on site?	
5. Have there been any known leaks or spillages of agricultural chemicals on or close to the site?	
6. Has any part of the site been used for sheep dipping, storage or disposal of sheep dip chemicals?	
7. Has any part of the site been used for the disposal of solid farm waste, for example slurry pits?	
8. Has any part of the site been used for the disposal of liquid wastes or washings other than to an approved drainage system?	
9. Has the site been used to store or maintain vehicles or machinery?	
10. Are any building fires or bonfires known to have occurred on the site?	
11. Has any part of the site been used for disposal of animal carcasses?	
12. Has any part of the site been used for silage disposal and/or storage?	
13. Has any part of the site been used for disposal of unused animal vaccinations?	

14. If you have answered yes to any of the above questions please give details below. Please cite the source of information used to answer these questions.

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	19-02655-FULL
Application Description:	Erection of 4 dwellinghouses, formation of hardstanding, parking, and associated infrastructure at Bellfield Farm Steading, MILTON OF BALGONIE.
Date:	06/04/2021
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 erection of 4 No. dwellinghouses on the site of a former steading which had planning consent for three dwellinghouses.

1.2 The intention of the previous planning application was to retain the steading and convert the remaining buildings into three dwellinghouses. The former steading however, has now been completely demolished.

1.3 Transportation Development Management responded to the previous application, 19/01318/FULL objecting to the application on the following road safety grounds: the proposal is to erect dwellinghouses in an unsustainable location that is remote from any forms of public transport and; facilities in terms of short journeys to local amenities and the proposal will cause the intensification of vehicular trips over a substandard rural access which Transportation Development Management do not support.

1.4 Consideration can be given to relaxing the above policy if the proposed development complies with the Local Development Plan and subject to any road safety issues being addressed.

1.5 Should the application be recommended for approval, Transportation Development Management can set aside the objection on rural sustainability and would like the following conditions applied to the application;

a. Prior to the occupation of any of the proposed dwellinghouses, of street parking shall be provided within the curtilage of each dwellinghouse on the basis of 3 Off street parking spaces being provided per 4 and above dwellinghouse and 2 No. off street parking spaces being provided per 3 bedroom dwellinghouse.

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

B. Prior to the first occupation of any of the proposed dwellinghouses, there shall be provided within the curtilage of the site suitable turning areas for vehicles suitable for use by the largest size of vehicle expected to visit or be used by occupants of the premises to allow a vehicle to enter and exit the driveway in a forward gear. The turning area shall be formed outwith the parking areas and shall be retained throughout the lifetime of the development. **Reason: In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.**

c. Prior to the occupation of the first dwellinghouse, visibility splays of 6 metres x 210 metres in a westerly direction towards Markinch and 6 metres x 90 metres in a southerly direction towards the A911 public classified road shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and the public road, in accordance with the current Fife Council Transportation Development Guidelines. **Reason: In the interests of road safety; to ensure the provision of an adequate design layout, construction and visibility at road junctions.**

d. Prior to the occupation of the first dwellinghouse, "Private Access" name plates shall be erected at the junction of the shared private access and the public road. **Reason: In the interests of road safety; to ensure the entrances to shared private accesses are clearly defined.**

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

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

Important note

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

assessment is based on a comprehensive and balanced consideration of all the aspects under consideration.

Author: George MacDonald, Technician Engineer, Transportation Development Management

Date: 06/04/2021

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

Signed by Richard Simmons, Lead Officer, Transportation Development Management

Date: 15/04/2021

E-mail: richard.simmons@fife.gov.uk

Agenda Item 4(4)

**Bellfield Farm Steading, Milton of Balgonie,
Glenrothes, KY7 6NZ**

Application No. 19/02655/FULL

Further Representation(s)

From: [Rick Haynes](#)
To: [Michelle McDermott](#)
Cc: [Ross Speirs](#); [Tracy Welch](#); [Blair Falconer](#); [George Macdonald](#)
Subject: RE: Application Ref. 19/02655/FULL - Bellfield Farm Steading, Milton of Balgonie
Date: 09 May 2022 15:39:45

Michelle,

Looking at the information requested by Lida, and the remaining documentation on the Portal, I see nothing to suggest that the items requested on 28 January 2021 have been provided (this tallies with the Conclusions of the published Handling Report).

Flooding was not an issue, but in terms of surface water management we requested:

- Calculations to show how the attenuation volume has been calculated and how 1:30yr + climate change event has been attenuated, and how the difference between the 1:30yr + climate change and 1:200yr + climate change flows are accommodated within the development site without detriment to the development.
- Assessment of maximum groundwater level at the location of the underground attenuation feature to demonstrate that the base of these features remains above this level.
- Infiltration test records
- Completed version of SEPA SIA Tool to demonstrate that adequate treatment provisions are in place

I should note that SEPA recently updated the recommended figures to be considered in flood risk assessments and in surface water management. They are available [HERE](#), and will shortly be available in an updated version of the Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (current version [HERE](#)). This update went 'live' on 01 May 2022 and will be applicable to any new / undetermined applications.

Finally, I note in the Handling Report that Brian Forsyth stated that the 'Council's Land and Air Quality Team' provided comment on Flooding and drainage. This is incorrect, it would be the Flooding, Shoreline and Harbours Team.

Regards,

Dr Rick Haynes
CEnv CWEM MCIWEM

Lead Consultant - Flooding, Shoreline & Harbours

Fife Council
Assets, Transportation and Environment
Bankhead Central
Bankhead Park
Glenrothes
KY7 6GH

T: 03451 555 555 ext 450496
M: 07703 716 966
E: Rick.Haynes@fife.gov.uk

Agenda Item 5(1)

**19 Woodland Gait, Cluny, Kirkcaldy, KY2 6NS
Application No. 21/01090/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 100337715-005

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:	Fouin + Bell Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Fouin	Building Name:	
Last Name: *	Bell	Building Number:	1
Telephone Number: *	0131 478 7100	Address 1 (Street): *	John's Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	City of Edinburgh
		Postcode: *	EH6 7EL
Email Address: *	mail@fouin-bell.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Edward"/>	Building Number:	<input type="text" value="19"/>
Last Name: *	<input type="text" value="Paterson"/>	Address 1 (Street): *	<input type="text" value="Woodland Gait"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Cluny"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kirkcaldy"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="KY2 6NS"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

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="19 WOODLAND GAIT"/>
Address 2:	<input type="text" value="CLUNY"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="KIRKCALDY"/>
Post Code:	<input type="text" value="KY2 6NS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="695785"/>	Easting	<input type="text" value="324118"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Change of use from agricultural land to private garden ground and erection of decking and play equipment (all retrospective)

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 attached separate document

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

Yes No

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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

PL01 Site Layout Plan, PL02 Site Plan, PL03 Site Plan, PL04 Site Plan, PL05 Supporting Statement, Submission Statement to Local Review Body, Notice of Review Form

Application Details

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

21/01090/FULL

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

03/12/2020

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

08/04/2022

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

Yes No

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

Please select a further procedure *

Further written submissions on specific matters

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

As noted in the attached submission document dated 18 May 2022

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

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

Yes No

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

Yes No

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

Access is either across agricultural Land or via applicant private garden

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 Fouin Bell

Declaration Date: 23/05/2022

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 2008

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.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

Yes No

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

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. 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)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

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

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, 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 are necessary:

AS PER THE ATTACHED SUBMISSION DOCUMENT DATE 18.05.22

Site inspection

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

- | | | |
|--|--------------------------|-------------------------------------|
| | Yes | No |
| 1. Can the site be viewed entirely from public land? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input type="checkbox"/> | <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:

ACCESS IS EITHER ACROSS AGRICULTURAL LAND OR VIA APPLICANTS PRIVATE GARDEN.

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.

AS ATTACHED DOCUMENT.

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

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

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 and intend to rely on in support of your review.

20 PLO1 SITE LAYOUT PLAN
 PLO2 SITE PLAN
 PLO3 SITE PLAN
 PLO4 SITE PLAN
 PLO5 SUPPORTING STATEMENT.

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.

Checklist

Please mark the appropriate boxes to confirm 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 requiring 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.

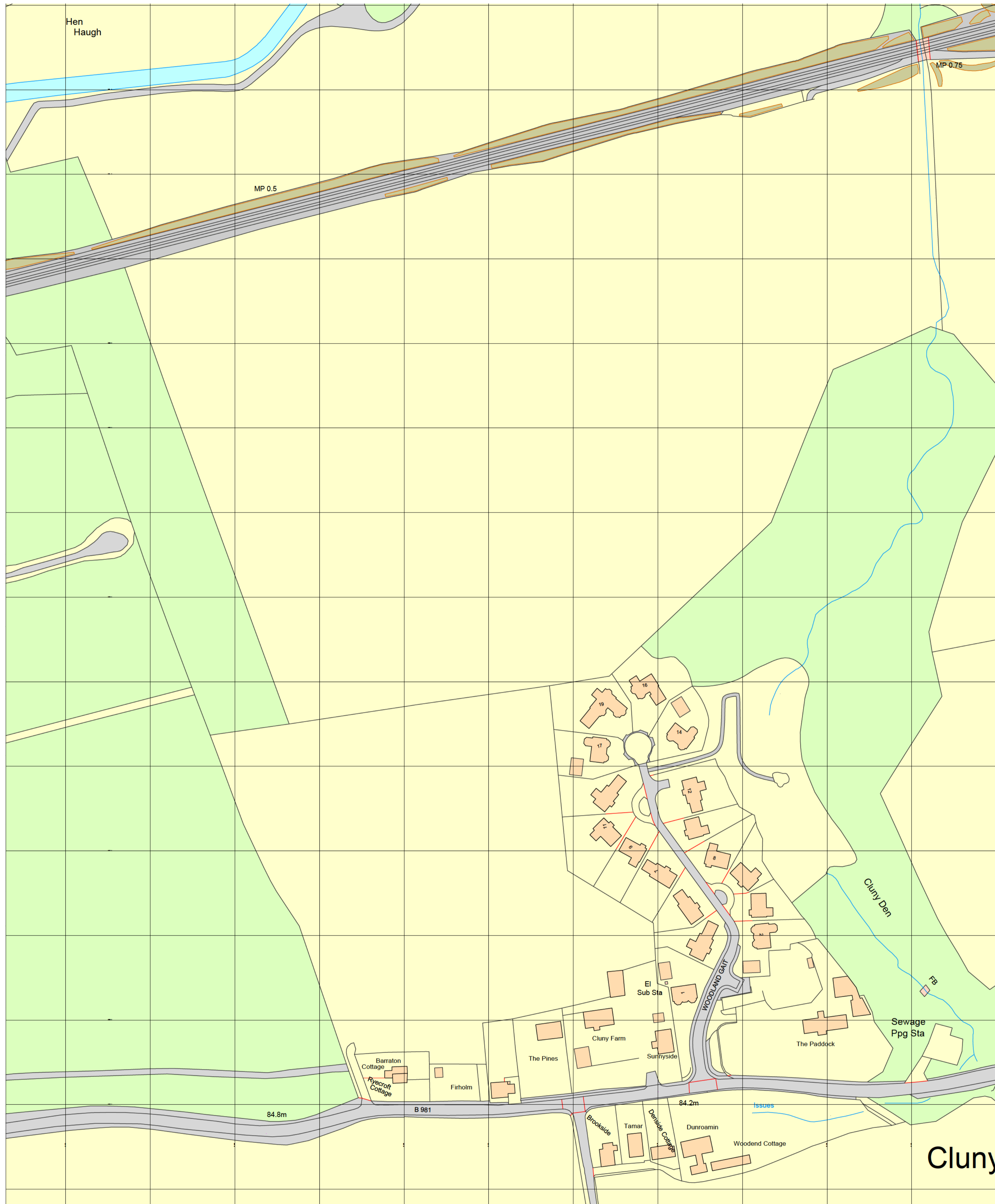
Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed  _____

Date 18.05.22.



NOTE:
All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. Do not scale drawings, work to figured dimensions only.

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REVISION / DESCRIPTION / DATE



1 John's Place Edinburgh EH6 7EL
T: 0131 478 7100 F: 0131 478 7111
mail@fouin-bell.com www.fouin-bell.com

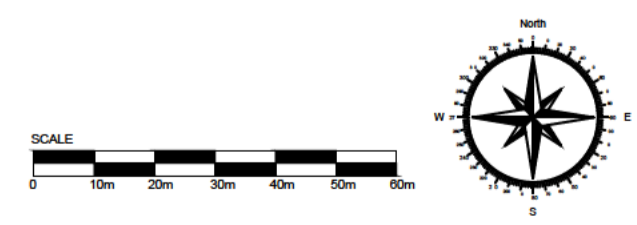
CLIENT

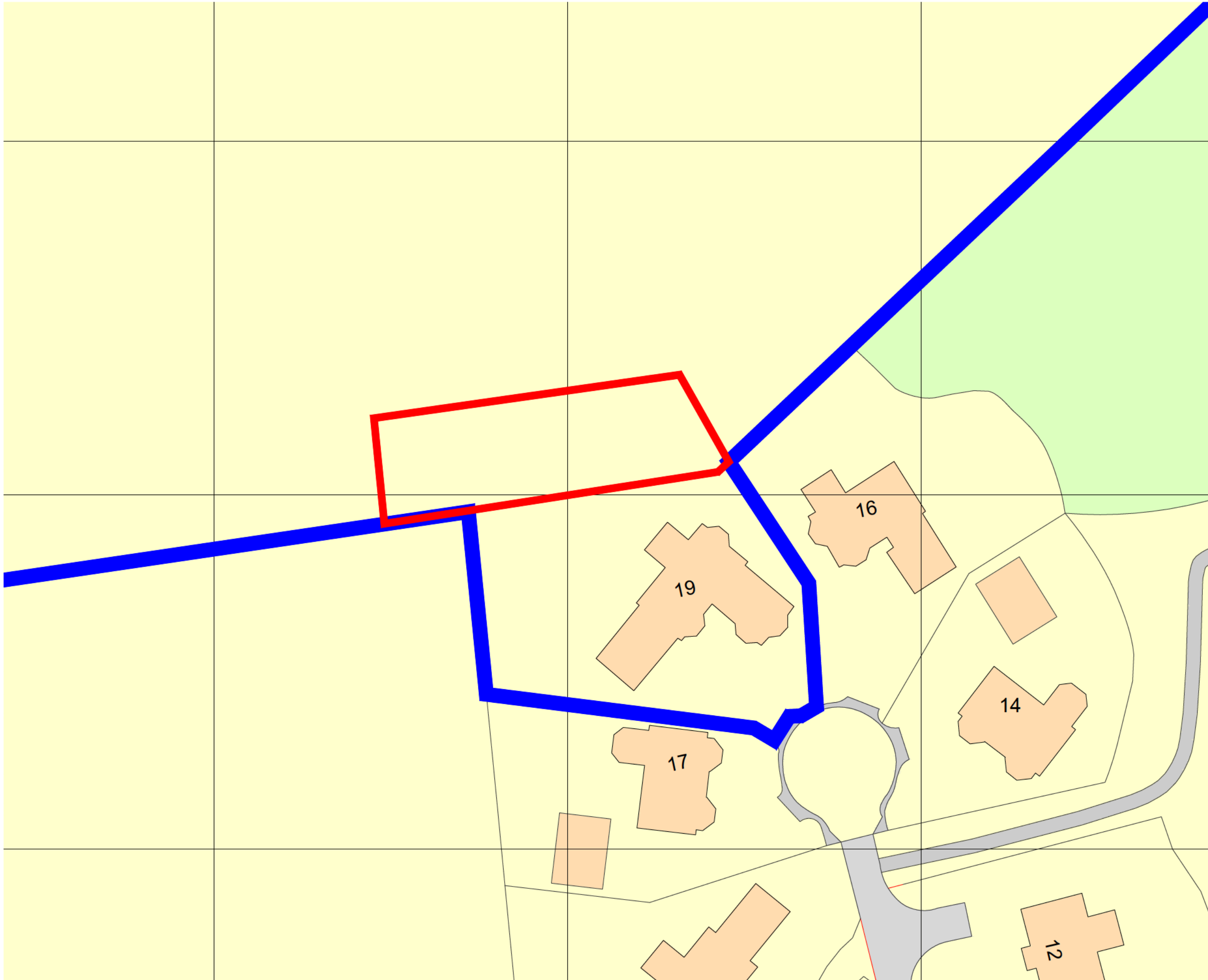
PROJECT
**PROPOSED DEVELOPMENT
CLUNY
ABERDEENSHIRE**

SCALE@A1 1:1250 @ A1 - 1:2500 @ A3	DATE NOV 20
DRAWN BY rb	CHECKED dwb
STAGE PLANNING	

DRAWING
SITE LAYOUT PLAN

PROJECT NUMBER 20-XXX	DRAWING NUMBER PL01	REVISION
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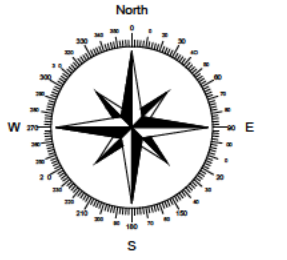
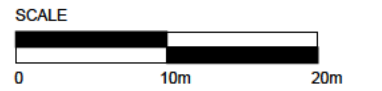




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fouin + bell

 architects
 1 John's Place, Edinburgh EH6 7EL
 T: 0131 78 7100 F: 0131 78 7111
 mal@fouin-bell.com www.fouin-bell.com

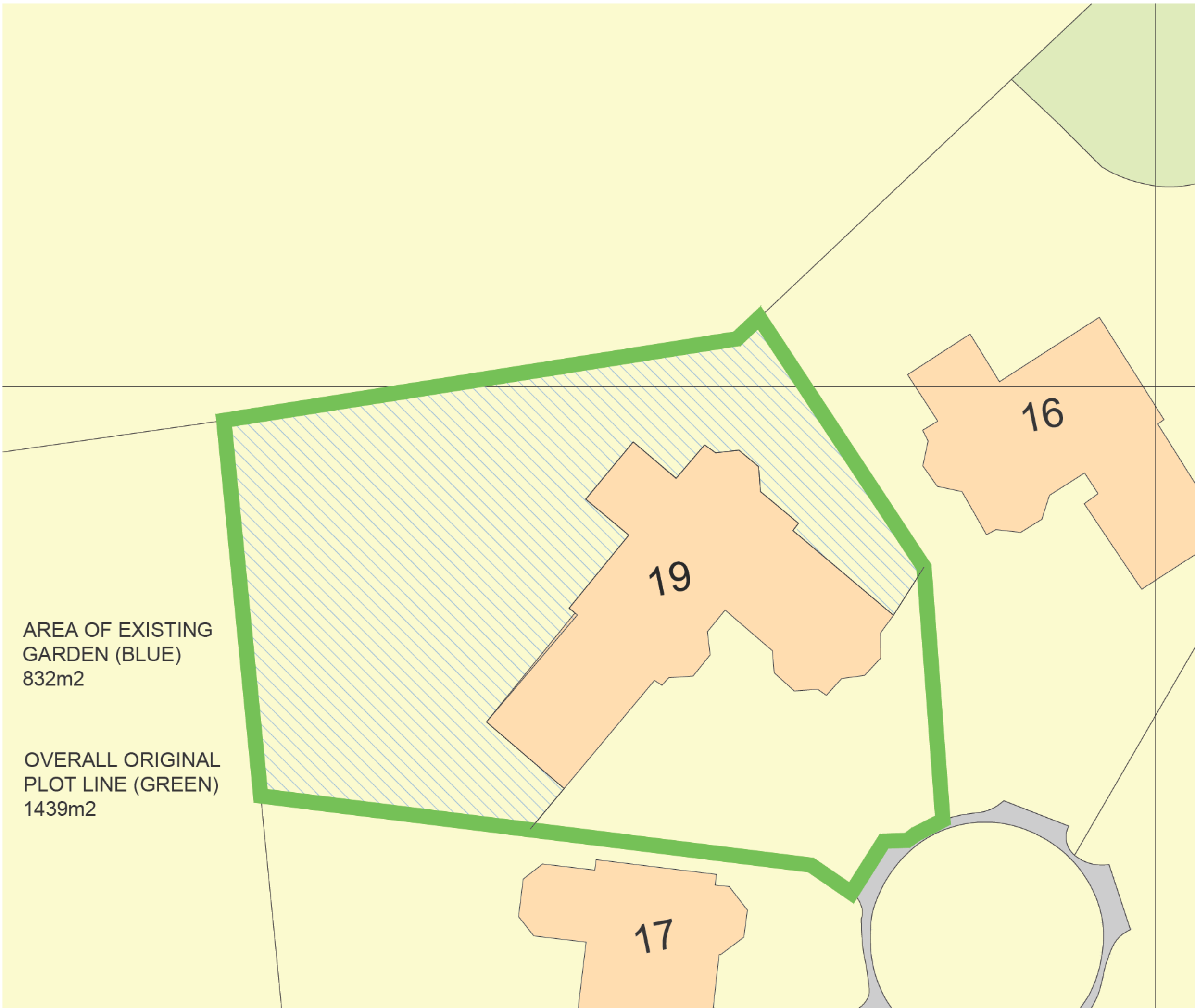
CLIENT
Mr & Mrs E Paterson

PROJECT
**149 WOODLAND GAIT
 CLUNY
 FIFE**

SCALE@A1 1:250 @ A1 - 1:500 @ A3	DATE NOV 20
DRAWN BY rb	CHECKED dwb
	STAGE PLANNING

DRAWING
SITE LAYOUT PLAN

PROJECT NUMBER 20-XXX	DRAWING NUMBER PL02	REVISION 127
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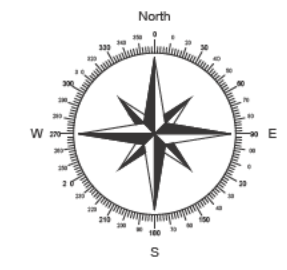
AREA OF EXISTING GARDEN (BLUE)
832m²

OVERALL ORIGINAL PLOT LINE (GREEN)
1439m²

NOTE
All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, Codes of Practice and British Standards. All dimensions to be verified by the Contractor on site. Do not scale drawings, work to figured dimensions only.

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fouin + bell
architects

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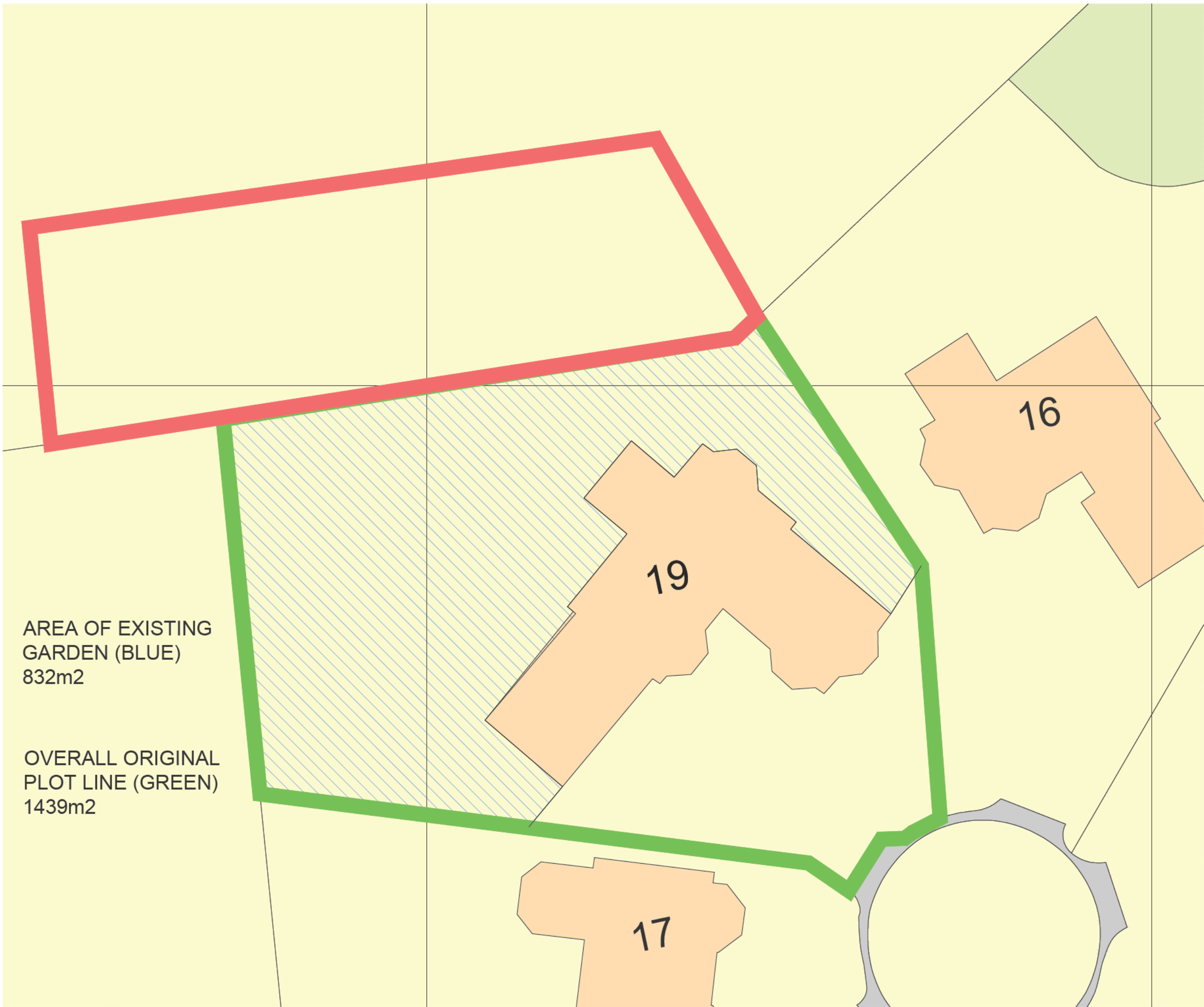
CLIENT
Mr & Mrs E Paterson

PROJECT
**149 WOODLAND GAIT
CLUNY
FIFE**

SCALE@A1	1:250 @ A3	DATE	NOV 20
DRAWN BY	rb	CHECKED	dwb
		STAGE	PLANNING

DRAWING
SITE LAYOUT PLAN

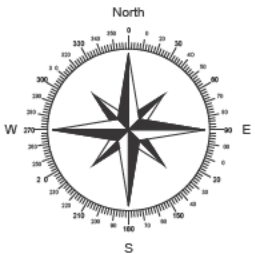
PROJECT NUMBER	DRAWING NUMBER	REVISION
20-XXX	PL03	128



NOTE
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 mail@fouin-bell.com www.fouin-bell.com

CLIENT
Mr & Mrs E Paterson

PROJECT
**149 WOODLAND GAIT
 CLUNY
 FIFE**

SCALE@A1	1:250 @ A3	DATE	NOV 20
DRAWN BY	rb	CHECKED	dwb
		STAGE	PLANNING

DRAWING
SITE LAYOUT PLAN

PROJECT NUMBER	DRAWING NUMBER	REVISION
20-XXX	PL04	129

**PROPOSED CHANGE OF USE
TO THE NORTH OF 19 WOODLAND GAIT, CLUNY, FIFE.**

Supporting document relating to formal planning application.

02 December 2020



**1 John's Place
Edinburgh
EH6 7EL**

Content

- 1.0 Introduction.
- 2.0 Land ownership and application site.
- 3.0 Relevant planning policy for the area.
- 4.0 Conclusion

1.0 Introduction

- 1.1 The following report has been prepared by Fouin + Bell Architects in response to the letter sent to the applicants by Fife Council planning enforcement section, dated 1 October. This intimated that the Council had concerns regarding the erection of a children's play frame on the land to the north boundary of the residential property at no 19 Woodland Gait, Cluny, Fife.



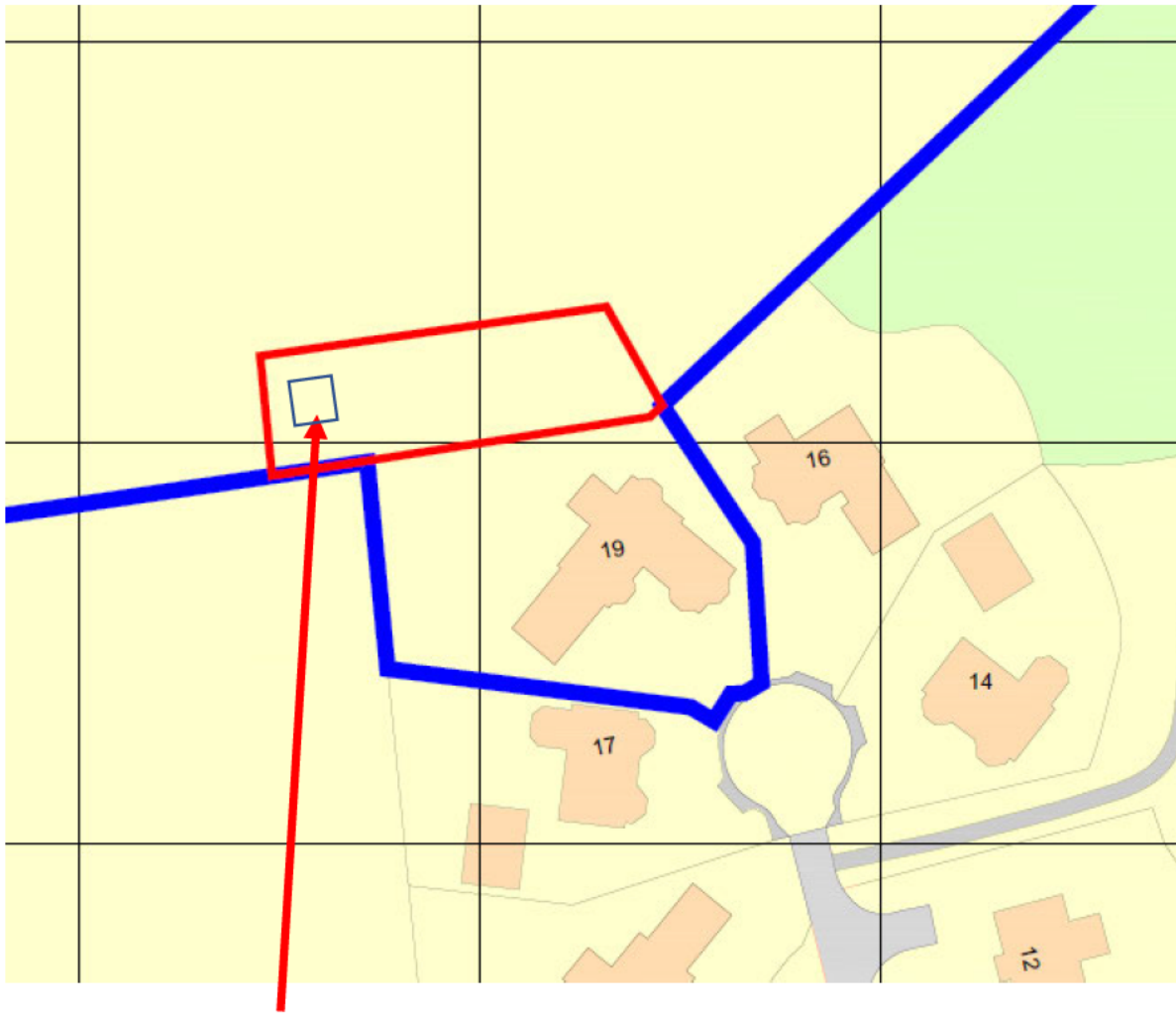
- 1.2 This report provides background to the land ownership in the area, relevant planning policies and details of the proposed play equipment. The equipment has been on the land for since July 2019 with absolutely no issues, but it appears that a recent complaint to the Council has resulted in the need for this retrospective application to be submitted.



- 1.3 In addition to this report, we are pleased to enclose the necessary planning application drawings and associated forms and we trust this will allow the development to be formally approved.

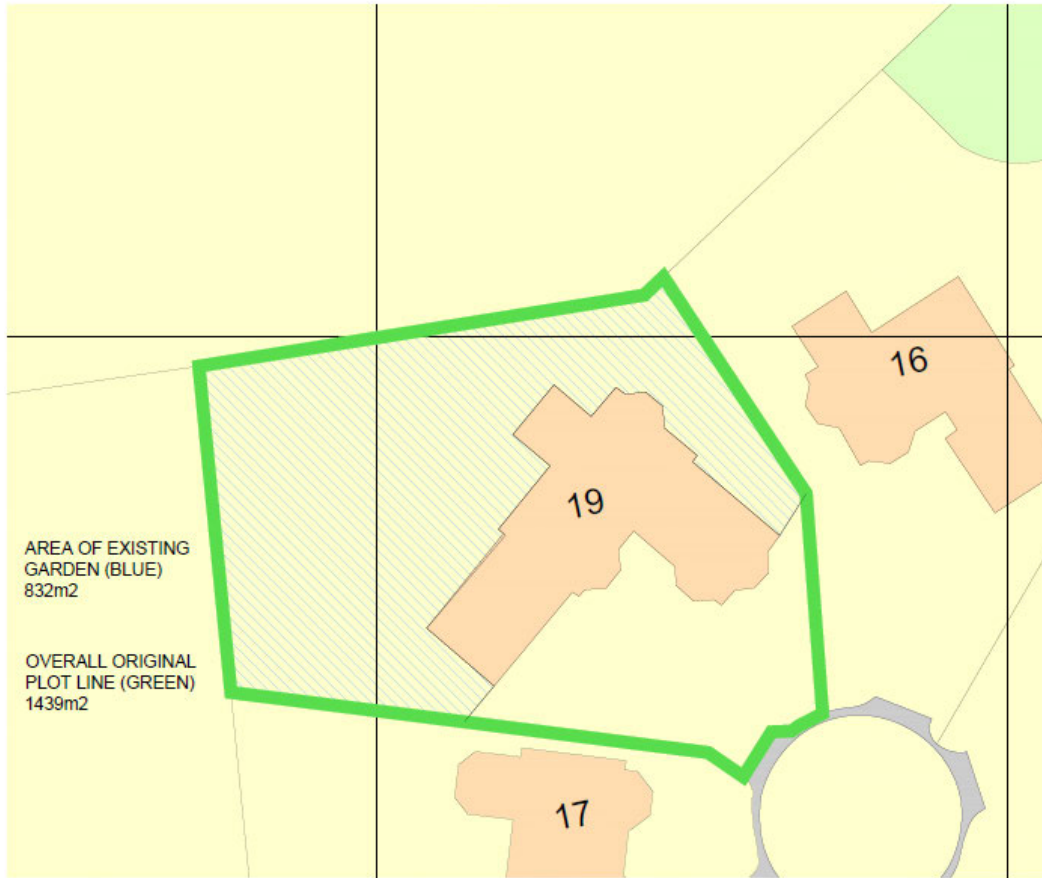
2.0 Land ownership and application site.

- 2.1 The applicants are the owners of no. 19 Woodland Gait at Cluny in Fife. The property is part of a development of 17 houses consented in 2004, under planning reference 03/03656/CFULL. No. 19 is located at the north west corner of the development with open aspects to the north.



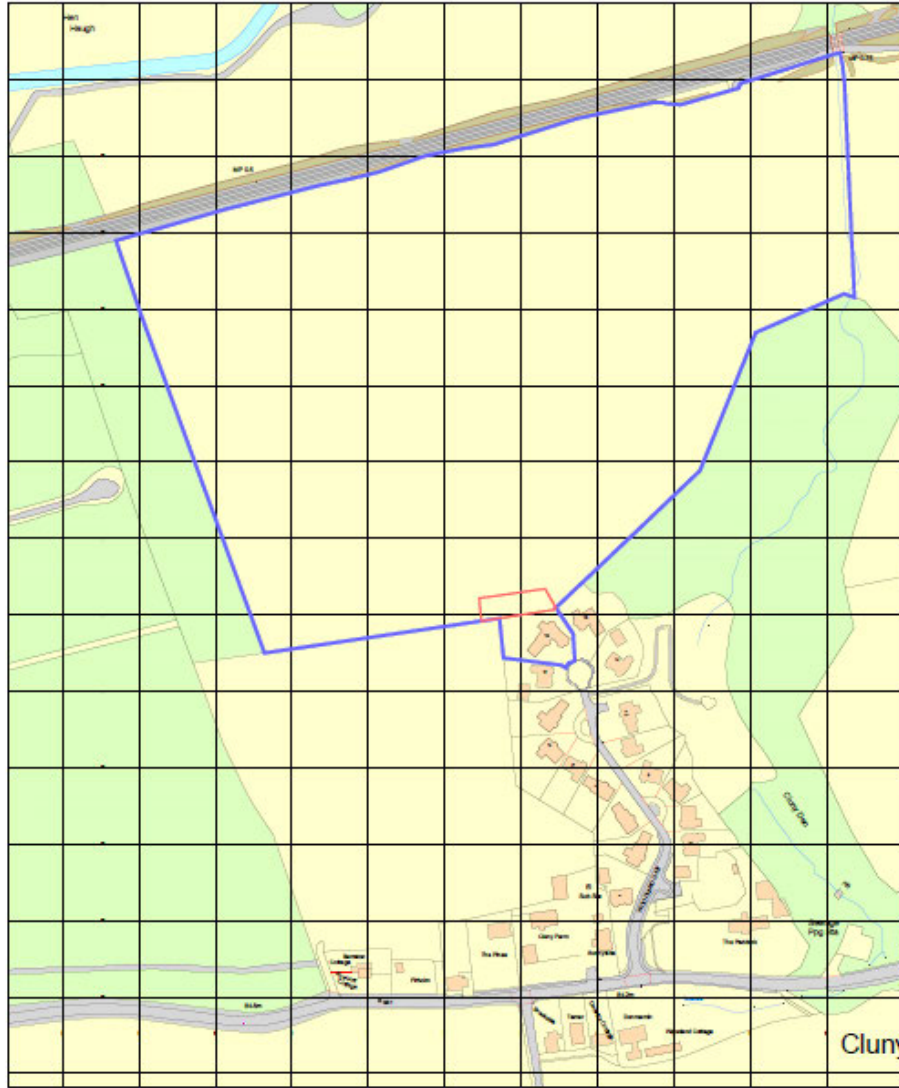
The swing set is actually sitting in this area here

- 2.2 The development was granted on what was previously brown field land and this resulted in the realignment of the settlement boundary. This realignment incorporated an area of existing woodland to the east of the development, which is now a protected area within the settlement boundary.
- 2.3 The houses themselves are all large detached two storey buildings, but unfortunately the allocated garden ground for the houses is relatively small, certainly when viewed against the size of the properties. The overall plot size is 1,439m² with a building area of 291m² and garden area of 832m². This equates to a building to garden ratio of 1:2.8. The garden represents less than 60% of the whole plot area.



- 2.3 In 2017 there was a proposal being discussed to plant forestry in the field to the north of the applicants' property and to avoid being further hemmed in the applicants approached the farmer and purchaser the entire field from him. This is now let to a tenant farmer and the agricultural activity continues.





- 2.4 In 2018 with a growing family, the applicants decided to make a small area of the field boundary area available for their children to play on. This was a strip of unused farmland and we understand that there are no planning issues with children playing in this area of the field.
- 2.5 As part of this play use however the applicants decided to install a climbing frame for his children to play on. The equipment is located at the west end of the play strip and is some 30 metres from the adjoining neighbour's boundary at no 16. As a result, the play requirement does not impact on the neighbour's amenity or privacy.



3.0 Relevant planning policy for the area.

- 3.1 It is understood that the residential development was built on brown field land and the extent of development has clearly been dictated by the extent of the previous use. As also noted above the settlement boundary runs around the rear gardens of the new houses and means that the gardens are very small for the size of the property. Arguably the developer was granted consented for more or larger houses than the site could readily support whilst providing the residents with adequate garden, amenity and safe children play space.
- 3.2 Development on the land outside the settlement boundary is governed by Policy 1 of the Fife Council current local plan. This policy which covers “development principles” states the following: -

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts.

Part A

1. The principle of development will be supported if it is either:

*a) within a defined settlement boundary and compliant with the policies for the location;
or*

b) in a location where the proposed use is supported by the Local Development Plan.

2. If the proposal does not meet either of the criteria under 1, above, the principle of development may be supported if the development is for:

a) housing on a site which is not allocated for housing in this plan, but which accords with the provisions of Policy 2: Homes; or

b) employment land for industrial or business use in a location where there is clear evidence of a shortfall in supply.

3.3 Whilst it is understood that the children's climbing frame does constitute development in term of planning and therefore would be subject to Policy 1, we would argue that the existing situation should be granted planning permission for the following reasons: -

1. The temporary nature of the structure. Our client would be happy to accept a conditional approval for a period of 5 years.
2. The fact that play on the structure would have no impact on the neighbour's amenity in term of privacy.
3. The tight nature of the approved gardens and the poor plot ratio available to the residents.

Fife Council's planning guidance on garden ground for new houses states that the ratio of buildings to gardens must be a least 1:3, but this guidance does not rule out 1:4 or greater. The existing plot ratio of side and rear garden to building falls short of this minimum standard.

4. The development does not impact on the ongoing agricultural activity to the north of the applicants' house.
5. The development does not detract from the view of the village from the north.

4.0 Conclusion

1. This retrospective application is for a change of use of a small area of land to the north of the existing residential plot at 19 Woodland Gait, Cluny, to allow the area to be used by the owner's children as a play area.
2. The area has a climbing frame installed on it, which has been insitu for some two years and which is located at the west side of the area of ground well away from any neighbouring properties. As a result, it has had no detrimental impact on either the residential amenity of the development or the privacy of any of the neighbouring properties.

**CHANGE OF USE FROM AGRICULTURAL LAND TO PRIVATE GARDEN GROUND
AND ERECTION OF DECKING AND PLAY EQUIPMENT.**

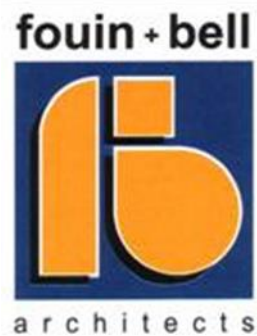
19 WOODLAND GAIT, CLUNY, FIFE, KY2 6NS.

Submission to Local Review Body.

Planning references 21/01090/FULL

On behalf of Mr and Mrs Edward Paterson

18 May 2022



**1 John's Place
Edinburgh
EH6 7EL**

Content

- 1.0 General introduction.**
- 2.0 Planning application.**
- 3.0 The Reason for refusal.**
- 4.0 The reasons to overturn the current decision.**
- 5.0 Conclusion.**

1.0 General introduction.

- 1.1 The following submission has been prepared following receipt of the Notice of Refusal in respect of the recent planning application for the change of use from agricultural land to private garden ground and erection of decking and play equipment.
- 1.2 Our clients, Mr and Mrs Edward Paterson, own the property immediately to the south of the application site, at 19 Woodland Gait, Cluny, but also the large field to the north of the original north boundary of this property.
- 1.3 An application was submitted on 2 December 2020 and formally registered on 7 April 2021 following a contact from Fife Council regarding the erection of a children's climbing frame on the area of land to the north of the client's house boundary fence. This is on land owned by the appellant.
- 1.4 We understand that planning has no objection to the area of ground being used for recreational purposes and play by the appellants children but simply the reaction of the climbing frame which constituted "development".

2.0 Planning application.

- 2.1 The application refence 21/01090/FULL was prepared by Fouin + Bell Architects in response to the letter sent to the appellants by Fife Council planning enforcement section, dated 1 October 2020. This intimated that the Council had concerns regarding the erection of a children's play frame on the land to the north boundary of the residential property at no 19 Woodland Gait, Cluny, Fife.
- 2.2 The application report provided background to the land ownership in the area, relevant planning policies and details of the proposed play equipment. The equipment had been on the land for since July 2019 with absolutely no issues, but it appears that a recent complaint to the Council has resulted in the need for this retrospective application to be submitted.
- 2.3 In 2017 there was a proposal being discussed to plant forestry in the field to the north of the applicants' property and to avoid being further hemmed in the applicants approached the farmer and purchased the entire field from him. This is now let to a tenant farmer and the agricultural activity continues.
- 2.4 In 2018 with a growing family, the applicants decided to make a small area of the field boundary area available for their children to play on. This was a strip of unused farmland and we understand that there are no planning issues with children playing in this area of the field.

2.5 As part of this play use however the applicants decided to install a climbing frame for his children to play on. The equipment is located at the west end of the play strip and is some 30 metres from the adjoining neighbour's boundary at no 16. As a result, the play requirement does not impact on the neighbour's amenity or privacy.

3.0 The reason for refusal.

3.1 The reason for refusal of the application was as follows: -

"In the interests of safeguarding the countryside from unplanned and unjustified development; the development constitutes an unplanned incursion into open countryside, beyond the established settlement boundary for Cluny, which is not justified in terms of and is therefore contrary to the provisions of Policy 1: Development Principles and Policy 7: Development in the Countryside of the adopted FIFEplan Fife Local Development Plan (2017), which policies presume against development in the countryside other than in specified circumstances. Approval of planning permission would likely set a precedent for other similar development contributing to poor settlement containment and the erosion of rural character next to settlements, contrary to the vision and strategy of FIFEplan".

4.0 The reasons to overturn the current decision.

4.1 Policies 1 and 7 are clearly aimed at ensuring that there is no erosion of the countryside with uncontained development. This is totally understood and supported. The fundamental issue with this application was that the development in question was children's play equipment. It is not the proposed development of a new house or other long term land use. It is not unusual for children to play in wooded areas remote from houses and this would not require planning permission even if they were minded to perhaps construct a tree house. Playing outdoors should be encouraged and not objected to.

4.2 Whilst it is understood that the children's climbing frame does constitute development in term of planning and therefore would be subject to Policy 1, we would argue that the existing situation should be granted planning permission for the following reasons: -

1. The temporary nature of the structure. Our client would be happy to accept a conditional approval for a period of 5 years.
2. The fact that play on the structure would have no impact on the neighbours' amenity in term of privacy.
3. The development does not impact on the ongoing agricultural activity to the north of the applicants' house.

4. The development does not detract from the view of the village from the north.
- 4.3 Further planning policy 1 “*presumes against development in the countryside other than in specified circumstances*”. We would contest that the particular circumstances of this application would be classified as “specific circumstances” and as a result it would be acceptable to allow this use to continue, even if only for a limited period of time.
- 4.4 Finally we note that the reason refusal states the “*Approval of planning permission would likely set a precedent for other similar development*”. Our understand is that there is actually no such thing as “precedence” in terms of planning and every application should be determined on the basis of its specific circumstances. The overturning of this refusal would not set a dangerous precedence since it would have been approved by a Local Review Body committee decision. This would mean that it was subject to planning permission and any future or similar “development” would have to be similarly subject to planning application and determination based upon its specific circumstances. As a result, approval of this would not set a precedence for future cases.

5.0 Conclusion.

- 5.1 This retrospective application was for a change of use of a small area of land to the north of the existing residential plot at 19 Woodland Gait, Cluny, to allow the area to be used by the owner’s children as a play area.
- 5.2 The area has a climbing frame installed on it, which has been in situ for some two years and which is located at the west side of the area of ground well away from any neighbouring properties. As a result, it has had no detrimental impact on either the residential amenity of the development or the privacy of any of the neighbouring properties.
- 5.3 The approval would not be precluded by Policies 1 and 7 since this allows approval under consideration of specific circumstances.
- 5.4 The approval of the climbing frame would not set a dangerous precedence.
- 5.5 As a result, we would respectfully request that the Local Review Body reconsider this Refusal Notice and grant both the planning consents for this application.

Proposal Details

Proposal Name	100337715
Proposal Description	COU from agricultural land to garden ground
Address	19 WOODLAND GAIT, CLUNY, KIRKCALDY, KY2 6NS
Local Authority	Fife Council
Application Online Reference	100337715-005

Application Status

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

Attachment Details

Notice of Review	System	A4
Cluny Location Plan-PL01 SITE PLAN	Attached	A1
Cluny Location Plan-PL02 SITE PLAN	Attached	A3
500 A3		
Cluny Location Plan-PL03 SITE PLAN	Attached	A3
250 A3		
Cluny Location Plan-PL04 SITE PLAN	Attached	A3
250 A3		
PL05 Supporting Statement Woodland	Attached	A4
Gait 02 12 20		
Notice of Review Form	Attached	A4
Woodland Gait LRB appeal	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-005.xml	Attached	A0

Agenda Item 5(2)

**19 Woodland Gait, Cluny, Kirkcaldy, KY2 6NS
Application No. 21/01090/FULL**

Planning Decision Notice

Report of Handling

Fouin + Bell Architects Ltd
Fouin Bell
1 John's Place
Edinburgh
City of Edinburgh
EH6 7EL

Planning Services

Brian Forsyth
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/01090/FULL

Date 8th April 2022

Dear Sir/Madam

Application No: 21/01090/FULL
Proposal: Change of use from agricultural land to private garden ground
and erection of decking and play equipment (all retrospective)
Address: 19 Woodland Gait Cluny Fife KY2 6NS

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,

Brian Forsyth, 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: 21/01090/FULL
Proposal: Change of use from agricultural land to private garden ground and erection of decking and play equipment (all retrospective)
Address: 19 Woodland Gait Cluny Fife KY2 6NS

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/01090/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of safeguarding the countryside from unplanned and unjustified development; the development constitutes an unplanned incursion into open countryside, beyond the established settlement boundary for Cluny, which is not justified in terms of and is therefore contrary to the provisions of Policy 1: Development Principles and Policy 7: Development in the Countryside of the adopted FIFEplan Fife Local Development Plan (2017), which policies presume against development in the countryside other than in specified circumstances. Approval of planning permission would likely set a precedent for other similar development contributing to poor settlement containment and the erosion of rural character next to settlements, contrary to the vision and strategy of FIFEplan.

PLANS

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

Reference	Plan Description
01	Location Plan
02	Site Plan
03	Site Plan
04	Site Plan
05	Supporting Statement

Dated: 8th April 2022

Derek Simpson

For Head of Planning Services
 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	19 Woodland Gait, Cluny, Fife		
PROPOSAL	Change of use from agricultural land to private garden ground and erection of decking and play equipment (all retrospective)		
DATE VALID	07/04/2021	PUBLICITY EXPIRY DATE	19/05/2021
CASE OFFICER	Brian Forsyth	SITE VISIT	None
WARD	Lochgelly, Cardenden And Benarty	REPORT DATE	05/04/2022

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 a c. 685 square metres area of former agricultural land classified as non-prime (enforcement case 20/00321/ENF clarifies), use of which has been changed to form an enlargement to the original back garden serving the applicant's detached dwellinghouse, adjoining on the site's south side. The applicant's house is at the far northern end of the Woodland Gait development, accessed off the north side of the B981. To the east of the applicant's house is 16 Woodland Gait, also a detached house, a corner of its garden intersecting with the site. The area around the site, other than the applicant's original garden to the south, but including land between the site and no. 16, is agricultural land.

1.2 Retrospective planning permission is sought for the above change of use from agricultural land to private garden ground, erection of a children's climbing frame and swing set, and the formation of decking on which the climbing frame and swing set have been erected. The applicant's supporting statement argues that planning permission should be granted for the following reasons: 1. The temporary nature of the structure; the applicant would be happy to accept a temporary permission of 5 years for same; 2. Play on the structure would have no impact on the neighbour's amenity in terms of privacy; 3. The small amount of existing garden area/poor plot ratio; 4. The development does not impact on adjacent agricultural activity; 5. The development does not detract from the view of the village from the north.

1.3 The previous planning applications for Woodland Gait listed in the Council's electronic register of planning applications are not relevant to consideration of the current application.

1.4 A physical site visit has not been undertaken for this planning application. All necessary information has been collated digitally to allow for the full assessment of the proposal. 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 is as follows:

- Principle of Development
- Residential Amenity
- Design/Visual Impact

2.2 Principle of Development

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

2.2.2 Part A of Policy 1: Development Principles of the adopted FIFEplan Fife Local Development Plan (2017) supports the principle of development 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 FIFEplan. While the applicant's house and existing garden and the rest of the Woodland Gait development fall within the settlement boundary for Cluny, the site lies outwith any defined settlement boundary in terms of FIFEplan, i.e. within an area of countryside. Part B of Policy 1 states that development proposals in a countryside location must address their development impact by complying with relevant criteria and supporting policies, including being a use appropriate for the countryside and complying with Policy 7: Development in the Countryside. Policy 7 only supports development where it: 1. is required for agricultural, horticultural, woodland, or forestry operations; 2. will diversify or add to the above land-based businesses to bring economic support to the existing business; 3. is for the extension of established businesses; 4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements; 5. is for facilities for access to the countryside; 6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or 7. is for housing in line with Policy 8 (Houses in the Countryside).

2.2.3 The neighbour at 16 Woodland Gait has objected in part on the grounds that the development is contrary to the development plan, in particular that the development is contrary to Policy 7: Development in the Countryside of FIFEplan, it being considered that there are no material considerations which would support a justification for setting aside its provisions. It is contended that the Council must have a very strong material case to support any departure from policy; the fact that works have already been carried out, or that the Council considers that secondary issues surrounding injury to amenity could be addressed through the introduction of mitigating measures, are not considered by the objector to provide a justification for such a significant departure from this fundamentally important aspect of the development plan policy. To make such a case is viewed as setting a precedent which would make it very difficult, if not impossible, for the Council to resist similar development elsewhere, potentially leading to the serious erosion of the rural character of the countryside at existing settlement boundaries and opening up a backdoor means of circumventing current development plan policy controls over development in the countryside.

2.2.4 The case officer concurs with the objector's view that there are no material considerations that justify setting aside the provisions of FIFEplan Policy 7. The existing private garden ground serving the applicant's house extends to 832 square metres, already significantly in excess of the 100 square metres target for detached houses in the Council's non-statutory Garden Ground customer guidelines. The building to garden plot ratio is 1:4, again already significantly in excess of the target in that guidance, i.e. 1:3. The development constitutes an unplanned incursion into open countryside, beyond the settlement boundary for Cluny, which development is not justified in terms of the above provisions of policy, which policies presume against development other than in the specified circumstances. Approval of planning permission is not justified as an exception to policy, in terms of addressing a deficiency of garden ground, poor plot ratio or otherwise; and would likely set a precedent for other similar development contributing to poor settlement containment and the erosion of rural character next to settlements, contrary to the vision and strategy of FIFEplan.

2.3 Residential Amenity

2.3.1 Policy 1: Development Principles of FIFEplan supports development proposals if they address their individual and cumulative impacts. Part B states that development proposals must address their development 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 detrimental impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, loss of privacy.

2.3.2 The neighbour at 16 Woodland Gait has objected on the grounds that the development is contrary to the development plan as it relates to residential amenity. It is contended that use of the area for private garden ground purposes, including play activity and maintenance, has given rise to a severe loss of privacy, particularly so in connection with use of their jacuzzi. The neighbour explains that requiring a screen fence to mitigate would be wholly inadequate as it would have to be of a significant size in order to address existing and potential overlooking and would therefore be overbearing and oppressive when viewed from their property. In addition, with regard to the future impact of further development in this area, the neighbour contends that if the area were to be approved for private garden use, there would be little, if anything, to prevent the erection of a large play structure towards the east of the area, thereby substantially

affecting amenity in terms of loss of privacy. The neighbour adds that although such rights could be removed by a condition to any approval, such a condition could be overturned on appeal; in addition, given that enforcement action by the Council in the event of a breach of such a condition is discretionary, the Council could decide not to pursue the matter. As a further consideration, even if such enforcement action were to be pursued, the ultimate recourse in addressing a failure to comply with enforcement action would be to the Procurator Fiscal (PF). When considered against other priorities there is a very real chance that the PF would decide not to pursue the matter. There is also the potential for such a structure to be classed as non-development thereby removing any scope to address further overlooking and the consequent serious impact on amenity due to loss of privacy.

2.3.3 The neighbour on the other side of the applicant's house, no.17, has submitted a representation in support of the development, stating the closest property to the climbing frame is theirs, with the obvious exception of the applicant's property itself, and this climbing frame structure/play area does not cause any disturbance, issue or problem at all to and has never done so since its erection. It is stated that the climbing frame structure and children's play area in its entirety do not overshadow anyone else, nor cause any loss of privacy, view or light to the other properties, nor is there any added noise or disturbance when the kids are out there playing.

2.3.4 The extended area of garden ground lacks any screening of the boundary, allowing for some direct overlooking of the neighbour's garden. This can be avoided by a condition of planning permission requiring boundary screening along the eastern boundary of the site. Given the extent of physical separation between the site and the neighbour's property and an intervening agricultural/countryside gap, it is not considered that such screening would be unduly overbearing or oppressive for or result in an unsatisfactory near outlook for the neighbour. The children's climbing frame and swing set, erected on decking, are sufficiently distant from the neighbour's garden such that they are considered not to add to privacy concerns. Conditions of planning permission in relation to future building operations/use can be used in confidence to control same. In relation to the objector's concerns with using such conditions, it must be noted that the Council has a duty to consider whether conditions can be used to make an otherwise acceptable development entirely acceptable (*Mason v Secretary of State for the Environment* (1984); *Garbutt v Secretary of State for the Environment* (1989)) and Planning Circular 4/1998, *The Use of Conditions in Planning Permissions*, extols the use of conditions to make unacceptable development acceptable. The Council has the power to impose such conditions as it thinks fit, provided they have a planning purpose, fairly and reasonably relate to the development, and are not so unreasonable that no reasonable planning authority could have imposed them.

2.3.5 Subject to conditions of planning permission requiring the above boundary screening and to control future play equipment, and notwithstanding the objector's position, it is not considered that the development would result in any significant detrimental impact on residential amenity, according with the above provisions of policy in respect of same. However, it is not considered that residential amenity is a determining issue in the case of this application.

2.4 Design/Visual Impact

2.4.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their development impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity; safeguarding the character and qualities of the landscape and complying with Policy 13: Natural

Environment and Access; and in the case of proposals in the countryside being a use appropriate for such a location and complying with Policy 7: Development in the Countryside. 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. Policy 7 states that development must protect overall landscape and environmental quality.

2.4.2 The site is not readily visible from within the Woodland Gait development. Other public views of the site are distant ones. As such, it is not considered that the proposals give rise to a significant detrimental impact in terms of streetscene and landscape, according with the above provisions of policy in relation to design/visual impact.

CONSULTATION RESPONSES

None

REPRESENTATIONS

One objection has been received from the neighbour at 16, Woodland Gait, raising the following:

The Town and Country Planning (Scotland) Act 1997 (as amended) states: "Where, in making any determination under the planning Acts, regard is to be add to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise" and "In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. It is considered that there is a fundamental conflict between the development and the development plan in terms of FIFEplan Policy 1: Development Principles, FIFEplan Policy 7: Development in the Countryside, and Policy 10: Amenity.

Officer response: For the reasons set out in the main body of the report, it is considered that the fundamental conflict referred to by the objector is limited to the principle of development and not also amenity.

The change of use relates to agricultural land outwith the established settlement boundary, thereby failing to comply with the provisions of Part A 1(a). In relation to Part A 1(b), subsequent considerations under this objection demonstrate that the use is contrary to FIFEplan in terms of the provisions of Policy 7: Development in the Countryside and Policy 10: Amenity. In addition, the unauthorised use does not comply with any of the provisions under Part 2 of FIFEplan Policy 1. Given this, the unauthorised use is considered to be contrary to the provisions of FIFEplan Policy 1; in addition, there are not considered to be any material matters that would justify setting aside the fundamental issues of principle set out under FIFEplan Policy 1. Therefore, the Council is considered to be statutorily bound to refuse this application.

Officer response: The substantive policy framework for consideration of this application is set out in the main body of this report and corresponds with the framework set out here by the objector. As set out in the main body of the report, the case officer concurs with the objector's view that there are no material considerations that justify setting aside the fundamental issue of principle set out in FIFEplan Policy 1. The Council is not statutorily bound to refuse the application where it agrees the development is contrary to the development plan, provided it considers there are relevant material considerations of sufficient weight to justify departing therefrom.

It is considered that FIFEplan Policy 7: Development in the Countryside makes no provision for the Council to approve this application for planning permission. In addition, there are not considered to be any material issues which would support a justification for setting aside the terms of Policy 7. Therefore, under the terms of the Act, it is considered that the Council is statutorily bound to refuse this application for planning permission. Although the Act advises that other material considerations may justify setting aside the provisions of the development plan, given the importance of settlement containment and countryside policies in planning terms, it is considered that the Council must have a very strong material case to support any such departure; the fact that works have already been carried out, or that the Council considers that secondary issues surrounding the injury to amenity could be addressed through the introduction of mitigating measures, is not considered to provide a justification for such a significant departure from this fundamentally important aspect of the development plan policy; to make such as case would set a precedent which would make it very difficult, if not impossible, for the Council to resist similar development elsewhere; this could then lead to the serious erosion of the rural character of the countryside at existing settlement boundaries and open up a backdoor means of circumventing current development plan policy controls over development in the countryside.

Officer response: The substantive policy framework for consideration of this application is set out in the main body of this report and covers the provisions set out here by the objector. As set out in the main body of the report, the case officer concurs with the objector's view that there are no material considerations that justify setting aside the provisions of FIFEplan Policy 7. The Council is not statutorily bound to refuse the application where it agrees the development is contrary to the development plan, provided it considers there are relevant material considerations of sufficient weight to justify departing therefrom. Although the case officer considers the development is acceptable in amenity terms (see main body of the report), it is otherwise agreed that there are no relevant material considerations of sufficient weight to justify departing from the development plan.

It will be noted that FIFEplan Policy 7 also includes reference to prime agricultural land. In this regard it is noted that Fife Council offered confirmation within the response to a formal complaint regarding this case (Ref: 101007718247 & 20/00321/ENF) that the James Hutton Institute classification for this area of ground is non-prime. However, this would clearly not then render the development exempt from consideration under the more substantive preceding policy provisions of FIFEplan Policy 7, as suggested within the Council's response. Such an interpretation of development plan policy, based on a requirement to satisfy only one aspect of policy in order to achieve full compliance, despite a fundamental lack of compliance with other aspects of that policy, would clearly be contrary to accepted practice in the application of policy.

Officer response: Agreed. Compliance with Policy 7 is dealt with in the main body of the report.

The supporting statement fails to acknowledge the wider use of the area for private garden ground purposes and the resulting severe effect on amenity. The photographs included with this

objection provide a clear demonstration of the extent and severity of the loss of privacy that has occurred. Although this loss of privacy is severe across the whole garden area, it is particularly acute in relation to the position of the outdoor jacuzzi, as detailed in the photograph. Although it has been suggested that a screen fence could resolve the amenity issues it is considered that such a feature would be wholly inadequate in terms of addressing amenity impact. A screen would need to be of a significant size in order to address existing and potential overlooking and would therefore be overbearing and oppressive when viewed from my property. In addition, with regard to the future impact of further development in this area, if the use of this portion of the agricultural field were to be approved for private garden use, then there would be little, if anything, to prevent the erection of a large play structure towards the east of the area, thereby substantially affecting amenity in terms of loss of privacy. Although such a consideration relates to a hypothetical scenario, it is nevertheless a very real potential impact which the Council should take into consideration when assessing the application given that a structure of such impact has already been positioned to the west of the area, as detailed in the photograph below. In this regard, depending on the scale and type of structure, permitted development rights exist that would enable such a structure to be erected without regulation by the Council. Although such rights could be removed by a condition to any approval, such a condition could be overturned on appeal. In addition, given that enforcement action by the Council in the event of a breach of such a condition is discretionary, the Council could decide not to pursue the matter. As a further consideration, even if such enforcement action were to be pursued, the ultimate recourse in addressing a failure to comply with enforcement action would be to the Procurator Fiscal (PF). When considered against other priorities there is a very real chance that the PF would decide not to pursue the matter. There is also the potential for such a structure to be classed as non-development thereby removing any scope to address further overlooking and the consequent serious impact on amenity due to loss of privacy.

Officer response: The case officer has considered the different ways the area is and could be used, including with reference to the submitted photographs and following a site visit, and his assessment in respect of amenity concerns is included in the main body of the report. It is not considered that the possibility that a condition or conditions to render the development acceptable in amenity terms might be overturned, not enforced, or not pursued, is relevant in determining whether planning permission should be granted. The Council has a duty to consider whether conditions can be used to make an otherwise acceptable development entirely acceptable (*Mason v Secretary of State for the Environment* (1984); *Garbutt v Secretary of State for the Environment* (1989)) and Planning Circular 4/1998, *The Use of Conditions in Planning Permissions*, extols the use of conditions to make unacceptable development acceptable. The Council has the power to impose such conditions as it thinks fit, provided they have a planning purpose, fairly and reasonably relate to the development, and are not so unreasonable that no reasonable planning authority could have imposed them.

The applicant's supporting statement states: "In 2018 with a growing family, the applicants decided to make a small area of the field boundary area available for their children to play on. This was a strip of unused farmland and we understand that there are no planning issues with children playing in this area of the field." This area was not unused farmland. However, even if were, this does not mean that its use classification was no longer agricultural. Also, irrespective of this, the key consideration is that the land is located outwith the settlement boundary and any subsequent use of the area requires to comply with development plan policy applying to a countryside location.

Officer response: Noted.

In relation to the first point in the applicant's statement ("1. The temporary nature of the structure. Our client would be happy to accept a conditional approval for a period of 5 years."), the application is for a change of use from agricultural land to private garden area, not for the erection of the play equipment. Therefore, the offer to accept a temporary permission fails to address the fundamental policy issues set out under FIFEplan Policy 1 and Policy 7 relating to the change of use. In addition, if the Council were to accept a temporary permission for change of use under a justification based on a temporary timescale for development then the applicant could present a case for such a temporary permission to be extended indefinitely in that material considerations under a later application for renewal would not have changed. Such a justification would also set a serious adverse precedent in terms of similar applications for temporary changes of use around settlement boundaries.

Officer response: The case officer generally concurs with this viewpoint. An undesirable precedent could be set.

In relation to the second point in the applicant's statement ("2. The fact that play on the structure would have no impact on the neighbour's amenity in term of privacy."), addressing the amenity issues does not in any way provide a justification for setting aside the more fundamental issues under these policies. If this argument were to be accepted as a justification for setting aside countryside policy, then this would again set an extremely undesirable precedent which the Council would then be unable to resist at other edge of settlement sites where amenity issues could be addressed. Having said this, the supporting statement fails to address the wider amenity impacts associated with the change of use of the field to garden ground. The extended garden area now affords anyone playing in the area, or maintaining it, direct views into my private garden area.

Officer response: The limited scope of the supporting statement is noted. The case officer is also of the view that an undesirable precedent could be set. The matters raised here are otherwise noted.

In relation to the third point in the applicant's statement ("3. The tight nature of the approved gardens and the poor plot ratio available to the residents. Fife Council's planning guidance on garden ground for new houses states that the ratio of buildings to gardens must be a least 1:3, but this guidance does not rule out 1:4 or greater. The existing plot ratio of side and rear garden to building falls short of this minimum standard."), the Council's plot ratio standards, as set out under the Garden Ground Policy, are aimed at preventing overdevelopment of a site, not promoting an increase in garden size. Although, provisions do allow for plot ratios in excess of 1:4, it will be noted that the existing plot ratio is close to 1:5. Again, this argument is completely inadequate in terms of providing a justification for the Council to set aside the settlement containment and countryside policies which it has defended so vigorously to date. In addition, it should be noted that the applicant's property, due to its corner position, has one of the largest garden areas within the overall development.

Officer response: The case officer generally concurs with the objector's views here.

In relation to the fourth point in the applicant's statement ("4. The development does not impact on the ongoing agricultural activity to the north of the applicants' house.), this is irrelevant. If not affecting agricultural activity on the remainder of a field were to provide a justification for setting aside the provisions of development plan policy, then this would set an undesirable precedent which landowners wishing to pursue development on a settlement edge would be only too happy to exploit.

Officer response: Noted.

In relation to the fifth point in the applicant's statement ("5. The development does not detract from the view of the village from the north."), this is largely irrelevant and offers no justification for setting aside the provisions of Policy 1 and Policy 7. If this were to be accepted as a justification for doing so then this would also set an undesirable precedent.

Officer response: Noted.

One representation in support has been received from the neighbour on the other side of the applicant's house, at no. 17, in the following terms:

The closest property to the climbing frame is ours, with the obvious exception of the applicant's property itself, and this climbing frame structure/play area does not cause any disturbance, issue or problem at all to and has never done so since its erection. We think it's a fantastic idea. The climbing frame structure and children's play area in its entirety do not overshadow anyone else, nor cause any loss of privacy, view or light to the other properties, nor is there any added noise or disturbance when the kids are out there playing. The whole area is to the rear of the applicant's property, and so does not interfere with traffic, vehicular access, or highway safety in any way either.

Officer response: Noted. Amenity is dealt with in the main body of the report.

The applicants are very friendly, approachable, helpful, and all-round great neighbours to live next door to. The kids are also great kids, always very polite and respectful, and we have a great balance of privacy and interaction between us as neighbours, as we go about our daily lives. Not to forget that Mr & Mrs Paterson do in fact own the land where their kids' play area is located and this simply extends their garden out a little farther, while staying well within their own property boundaries.

Officer response: The personal qualities of the applicants and their family are not a material planning consideration that can be taken into account in dealing with this application. The principle of the development is dealt with in the main body of the report.

CONCLUSION

The development constitutes an unplanned incursion into open countryside, beyond the established settlement boundary for Cluny, which is not justified in terms of the provisions of Policy 1: Development Principles and Policy 7: Development in the Countryside of the adopted FIFEplan Fife Local Development Plan (2017), which policies presume against development in the countryside other than in specified circumstances. Overall, the development is contrary to the development plan.

Approval of planning permission is not justified as an exception in this case, in particular there being no deficiency of garden ground or poor plot ratio at 19, Woodland Gait, Cluny, requiring to

be addressed, approval likely to set a precedent for other similar development contributing to poor settlement containment and the erosion of rural character next to settlements, contrary to the vision and strategy of FIFEplan.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding the countryside from unplanned and unjustified development; the development constitutes an unplanned incursion into open countryside, beyond the established settlement boundary for Cluny, which is not justified in terms of and is therefore contrary to the provisions of Policy 1: Development Principles and Policy 7: Development in the Countryside of the adopted FIFEplan Fife Local Development Plan (2017), which policies presume against development in the countryside other than in specified circumstances. Approval of planning permission would likely set a precedent for other similar development contributing to poor settlement containment and the erosion of rural character next to settlements, contrary to the vision and strategy of FIFEplan.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)

National

Scottish Planning Policy (2014)

Planning Circular 4/1998, The Use of Conditions in Planning Permissions (1998)

Other

Fife Council non-statutory Garden Ground customer guidelines

Agenda Item 5(3)

**19 Woodland Gait, Cluny, Kirkcaldy, KY2 6NS
Application No. 21/01090/FULL**

Representation(s)

Comments for Planning Application 21/01090/FULL

Application Summary

Application Number: 21/01090/FULL

Address: 19 Woodland Gait Cluny Fife KY2 6NS

Proposal: Change of use from agricultural land to private garden ground

Case Officer: Brian Forsyth

Customer Details

Name: Mr Joe Fitzpatrick

Address: 35 Aytoun Crescent, Burntisland, Fife KY3 9HS

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

Objection to Planning Application 21/01090/FULL -

Change of use from agricultural land to private garden ground,
19 Woodland Gait Cluny Fife

Submitted on behalf of:

Mr and Mrs White
16 Woodland Gait
Cluny
Fife

1.0 Introduction

1.1 I act on behalf of Mr and Mrs White of 16 Woodland Gait Cluny in submitting this objection to the application for planning permission in retrospect, 21/01090/FULL for change of use from agricultural land to private garden ground at 19 Woodland Gait Cluny, the property immediately adjoining my client's property.

2.0 Terms of Assessment

2.1 It is noted that Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (As amended) (the Act) provide the legislative context within which Fife Council as planning

authority is required to assess this application for planning permission in retrospect. Section 25 advises that:

Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 37(2) of the Act further advises that:

In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

2.2 In this regard the provisions of SESplan (June 2013) and FIFEplan (Sept 2017) provide the development plan context for an assessment of this application under the above legislative framework. The proposed Strategic Development Plan - SESplan (Oct 2016) and the Scottish Government publication - Scottish Planning Policy (SPP) are also relevant in terms of setting the strategic policy context. However, given the strategic scope of SESplan (Adopted and Proposed) and SPP, this objection focuses on the more detailed considerations set out within FIFEplan. Nevertheless, given that the policies set out under FIFEplan are derived from the above strategic policy context, the Council is urged to have regard to the wider policy framework as part of the determination process for this application.

2.3 This objection details the fundamental conflict of the unauthorised change of use in relation to the provisions of the development plan in terms of:

- FIFEplan Policy 1 - Development Principles;
- FIFEplan Policy 7 - Development in the Countryside; and
- FIFEplan Policy 10 - Amenity.

Each of the above policy considerations is addressed in turn within the following section of this objection. The detailed provisions of the above FIFEplan policies and the supporting guidance, are set out under Appendix 1.

3.0 Assessment Under Section 25 of the Act.

3.1 In relation to an assessment of the application with respect to the overall principle, FIFEplan Policy 1 - Development Principles states:

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

Part A

1. The principle of development will be supported if it is either:

a) within a defined settlement boundary and compliant with the policies for the location; or/

b) in a location where the proposed use is supported by the Local Development Plan.

2. If the proposal does not meet either of the criteria under 1, above, the principle of development may be supported if the development is for:

a) housing on a site which is not allocated for housing in this plan but which accords with the provisions of Policy 2: Homes; or

b) employment land for industrial or business use in a location where there is clear evidence of a shortfall in supply.

3.2 It will be noted that the change of use relates to agricultural land located beyond the established settlement boundary thereby failing to comply with the provisions of Part A 1(a). In relation to Part A 1(b), subsequent considerations under this objection demonstrate that the use is contrary to the Local Development Plan in terms of the provisions of Policy 7 - Development in the Countryside and Policy 10 - Amenity. In addition, the unauthorised use does not comply with any of the provisions under Part 2 of FIFEplan Policy 1.

3.3 Given the above, the unauthorised use is considered to be contrary to the provisions of FIFEplan Policy 1. In addition, there are not considered to be any material matters that would justify setting aside the fundamental issues of principle set out under FIFEplan Policy 1. Therefore, under the terms of Section 25 of the Act Fife Council is considered to be statutorily bound to refuse this application for planning permission.

3.4 In relation to the Council's countryside policy FIFEplan Policy 7 - Development in the Countryside states:

Development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;

2. will diversify or add to the above land-based businesses to bring economic support to the existing business;

3. is for the extension of established businesses;

4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;

5. is for facilities for access to the countryside;

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

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

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

3.5 In relation to the Council's statutory obligations under Section 25 of the Act, it is considered that FIFEplan Policy 7 makes no provision for Fife Council to approve this application for planning permission. In addition, there are not considered to be any material issues which would support a justification for setting aside the clear terms of FIFEplan Policy 7. Therefore, under the terms of the Act, it is considered that Fife Council is statutorily bound to refuse this application for planning permission.

3.6 Although the Act advises that other material considerations may justify setting aside the provisions of the development plan, given the importance of settlement containment and countryside policies in planning terms, it is considered that the Council must have a very strong material case to support any such departure. The fact that works have already been carried out, or that the Council considers that the secondary issues surrounding the injury to amenity could be addressed through the introduction of mitigating measures, is not considered to provide a justification for such a significant departure from this fundamentally important aspect of the development plan policy. To make such a case would set a precedent which would make it very difficult, if not impossible, for the Council to resist similar development elsewhere. This could then lead to the serious erosion of the rural character of the countryside at existing settlement boundaries and open up a backdoor means of circumventing current development plan policy controls over development in the countryside.

3.7 It will be noted that FIFEplan Policy 7 also includes reference to prime agricultural land. In this regard it is noted that Fife Council offered confirmation within the response to a formal complaint regarding this case (Ref: 101007718247 & 20/00321/ENF) that the James Hutton Institute classification for this area of ground is non-prime. However, this would clearly not then render the development exempt from consideration under the more substantive preceding policy provisions of FIFEplan Policy 7, as suggested within the Council's response. Such an exclusatory interpretation of development plan policy, based on a requirement to satisfy only one aspect of policy in order to achieve full compliance, despite a fundamental lack of compliance with other aspects of that policy, would clearly be contrary to accepted practice in the application of policy.

3.8 In relation to an assessment of the application with respect to the impact on the amenity of my clients property, the relevant portion of FIFEPlan Policy 10 - Amenity, states:

Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to:

5. The loss of privacy,

3.9 It is noted that the supporting statement submitted with the application makes reference to the play structure located to the west of the unauthorised private garden area. In this regard the

argument is presented by the applicant that this is sufficiently distant from my clients property to avoid any adverse impact on amenity. However, the supporting statement fails to acknowledge the wider use of the area for private garden ground purposes, including play activity and maintenance and the resulting server effect on the amenity for my client. The photographs included with this objection provide a clear demonstration of the extent and severity of the loss of privacy that has occurred. Although this loss of privacy is severe across the whole garden area, it is particularly acute in relation to the position of my clients outdoor jacuzzi, as detailed in the photograph.

3.10 Notwithstanding the primacy of the core development plan policy considerations in terms of settlement containment and countryside policy, this should not detract from the seriousness of the amenity impact involved. In this regard, although the suggestion was made during enforcement proceedings that a screen fence could resolve the amenity issues it is considered that such a feature would be wholly inadequate in terms of addressing amenity impact. A screen would need to be of a significant size in order to address existing and potential overlooking and would therefore be overbearing and oppressive when viewed from my clients property. In addition, with regard to the future impact of further development in this area, if the use of this portion of the agricultural field were to be approved for private garden use, then there would be little, if anything, to prevent the erection of a large play structure towards the east of the area, thereby substantially affecting my clients amenity in terms of loss of privacy. Although such a consideration relates to a hypothetical scenario, it is nevertheless a very real potential impact which the Council should take into consideration when assessing the application given that a structure of such impact has already been positioned to the west of the area, as detailed in the photograph below.

3.11 In this regard, depending on the scale and type of structure, permitted development rights exist that would enable such a structure to be erected without regulation by Fife Council. Although such rights could be removed by a condition to any approval, such a condition could be overturned on appeal. In addition, given that enforcement action by the Council in the event of a breach of such a condition is discretionary, the Council could decide not to pursue the matter. As a further consideration, even if such enforcement action were to be pursued, the ultimate recourse in addressing a failure to comply with enforcement action would be to the Procurator Fiscal (PF). When considered against other priorities there is a very real chance that the PF would decide not to pursue the matter. There is also the potential for such a structure to be classed as non-development thereby removing any scope to address further overlooking and the consequent serious impact on my clients amenity due to loss of privacy.

3.12 The photo of the play structure is taken from my clients patio to the garden and the green plant in the foreground is only 4 paces from his kitchen patio windows. The photographs submitted as part of the supporting statement are not considered to show the full impact in terms of the actual distances between this plot and my client's garden. It is also difficult to gain an impression of the correct angles involved when looking at the photographs supplied by the applicant, whereas the photographs below give a better impression of the impact. Clearly, there's only so much that can be derived from photographic evidence. For this reason, it is considered imperative that the

Case Officer dealing with this application visits the site and views the situation from my client's property.

PHOTOGRAPHS SUBMITTED AS PART OF OBJECTION DOCUMENT ATTACHED TO EMAIL TO DEVELOPMENT MANAGEMENT VIA DEVELOPMENT CENTRAL EMAIL ADDRESS ON 17th MAY 2021.

4.0 Further Considerations.

4.1 It is with some considerable concern that Mr and Mrs White were advised during the course of the enforcement proceeding by the Council, that the enforcement proceedings involved inviting the submission of a retrospective application for planning permission in order to enable the unauthorised development to be regulated by means of mitigation such as the erection of a screen fence. Quite apart from the consideration that such a solution has serious limitations, as detailed earlier under this objection, of more serious concern is the consideration that such advice indicated a fundamental misinterpretation of the core issues relating to this case, with the focus being on amenity impact as opposed to the fundamental issues of principle associated with settlement containment and countryside policy. In this regard, the relatively limited incursion into the countryside associated with this development should not be allowed to detract from the magnitude of the policy impact in terms of undermining the whole basis of the settlement containment and countryside strategy set out under FIFEplan, with consequent implication across the whole of Fife.

4.3 In order to address the above issues regarding the Councils approach to enforcement action, my client instructed the submission of a formal complaint to the Council regarding procedural matters.

4.4 In response to the complaint, although the Council agreed that the unauthorised change of use did not appear to be compliant with the terms of FIFEplan Policy 7, the Council nevertheless considered appropriate to seek submission of an application for planning permission. The Councils reasoning in doing so was that this would then afford the applicant an opportunity to make a case under the provisions of Section 25 of the Act for setting aside the fundamental issues of principle involved with respect to settlement containment and countryside policy .

4.5 It is noted that the applicant's architect has submitted a statement seeking to make such a case in support of the development. However, the statement focuses mainly on the play structure located at the far west of the site as opposed to dealing more robustly with the actual subject of the planning application itself i.e. the unauthorised change of use. In this regard it is with further concern that my clients note the comments at paragraph 2.4 of the statement:

In 2018 with a growing family, the applicants decided to make a small area of the field boundary area available for their children to play on. This was a strip of unused farmland and we understand

that there are no planning issues with children playing in this area of the field.

In addressing this point, it is noted that the supporting statement makes reference to this area being unused farmland. In this regard my client advises that this is not the case. However, even if the area was unused, this does not mean that its use classification was no longer agricultural. Also, irrespective of this, the key consideration is that the land is located outwith the settlement boundary and any subsequent use of the area requires to comply with development plan policy applying to a countryside location.

4.6 Of more concern relating to paragraph 2.4 of the supporting statement is the comment that there are no planning issues associated with children playing within this area of the field. However, where such activity results in a material change in the nature of the use of the field so that it no longer constitutes a countryside use but has become a domestic use, then development has occurred, and planning permission is required.

4.7 In seeking to elaborate on the above, the change of use from agricultural to domestic garden ground use is not considered to be related solely to the siting of the play equipment or the planting of grass per-se. It is rather considered to be related to a combination of factors including the range of domestic garden type of activity taking place within the area such as more general play activity and maintenance works, as well as the physical changes mentioned. Neither is the lack of a boundary enclosure to physically include the area within the curtilage of the domestic property sufficient to argue that a change of use has not occurred.

4.8 The fact that the use and physical characteristics of the area are now distinct from and unrelated to those associated with an agricultural use is considered to be the determining factor in demonstrating that a change of use has occurred. Even if the play equipment were to be removed and no other play activity were to take place within the area, it can be argued that the planting and maintenance of the grass alone for a domestic purpose is sufficient to support an argument that a material change of use from agricultural to garden ground use has occurred in terms of fact and degree. Therefore, it can likewise be argued that only the complete removal of the grassed area and restoration of the site to agricultural use can be considered sufficient to fully address the unauthorised nature of the development.

4.9 With regard to the applicant's supporting statement, although this seeks to provide a justification for the development in relation to development plan policy, it is noted that no reference has been made to the main development plan policy against which this development requires to be considered i.e. FIFEplan Policy 7 - Development in the Countryside. Instead, the supporting statement focuses on FIFEplan Policy 1 - Development Principles. In this regard the supporting statement seeks to provide a justification for nevertheless approving the application, despite the lack of compliance with the terms of FIFEplan Policy 1 - and Policy 7. These issues are set out below, along with comments challenging the supposed justification:

1. The temporary nature of the structure. Our client would be happy to accept a conditional approval for a period of 5 years.

Comment: The application is for a change of use from agricultural land to private garden area, not for the erection of the play equipment. Therefore, the offer to accept a temporary permission fails completely to address the fundamental policy issues set out under FIFEplan Policy 1 and Policy 7 relating to the change of use. In addition, if the Council were to accept a temporary permission for change of use under a justification based on a temporary timescale for development then the applicant could present a very strong case for such a temporary permission to be extended indefinitely in that material considerations under a later application for renewal would not have changed. Such a justification would also set a potentially serious adverse precedent in terms of similar applications for temporary changes of use around settlement boundaries.

2. The fact that play on the structure would have no impact on the neighbour's amenity in term of privacy.

Comment: In terms of an assessment of the application in relation to the development plan, the amenity issues, albeit of significance in absolute terms, are secondary to the primary policy issues associated with the overall principle of development under Policy 1 and Policy 7. Addressing the amenity issues does not in any way provide a justification for setting aside the more fundamental issues under these policies. If this argument were to be accepted as a justification for setting aside countryside policy then this would again set an extremely undesirable precedent which the Council would then be unable to resist at other edge of settlement sites where amenity issues could be addressed.

Having said this, the supporting statement fails to address the wider amenity impacts associated with the change of use of the field to garden ground. The extended garden area now affords anyone playing in the area, or maintaining it, direct views into my clients private garden area.

3. The tight nature of the approved gardens and the poor plot ratio available to the residents. Fife Council's planning guidance on garden ground for new houses states that the ratio of buildings to gardens must be a least 1:3, but this guidance does not rule out 1:4 or greater. The existing plot ratio of side and rear garden to building falls short of this minimum standard.

Comment: The Council's plot ratio standards, as set out under the Garden Ground Policy, are aimed at preventing overdevelopment of a site, not promoting an increase in garden size. Although, provisions do allow for plot ratios in excess of 1:4, it will be noted that the existing plot ratio is close to 1:5. Again, this argument is completely inadequate in terms of providing a justification for the Council to set aside the settlement containment and countryside policies which it has defended so vigorously to date. In addition, it should be noted that the applicants property, due to its corner position, has one of the largest garden areas within the overall development.

4. The development does not impact on the ongoing agricultural activity to the north of the applicants' house.

Comment: This is irrelevant. If not affecting agricultural activity on the remainder of a field were to provide a justification for setting aside the provisions of development plan policy, then this would set an undesirable precedent which landowners wishing to pursue development on a settlement edge would be only too happy to exploit.

5. The development does not detract from the view of the village from the north.

Comment: Again, this is largely irrelevant and offers no justification for setting aside the provisions of Policy 1 and Policy 7. If this were to be accepted as a justification for doing so then this would also set an undesirable precedent.

4.10 Finally, my client would wish to reserve the right to comment further in the event that the applicant makes a further submission and in relation to any consultation responses received after the statutory period for submission of representations closes.

5.0 Conclusion

5.1 The above terms of objection are considered to provide a strong justification for refusal of this application. In this regard, given the location of the development beyond the established settlement boundary, the development is considered to be contrary to FIFEplan Policy 7 Development in the Countryside and FIFEplan Policy 1 - Development Principles in that these policies make no provision for the extension of a private garden into the countryside.

5.2 Although the Act advises that other material considerations may justify setting aside the provisions of the development plan, given the importance of settlement containment and countryside policies in planning terms, it is considered that the Council must have a very strong material case to support any such departure. The fact that works have already been carried out, or that the secondary issues surrounding the injury to amenity may be addressed through the introduction of mitigating measures, is not considered to provide a justification for such a significant departure from this fundamentally important aspect of the development plan policy. In addition, such measures have limitations in terms of safeguarding my clients amenity in the longer term.

5.3 Even if the above fundamental policy issues were to be set aside, in order to fully address existing and potential overlooking issues, such mitigation would require to be of such a height that it would be overbearing and oppressive when viewed from my client's property. In addition, planning controls over the future erection of a structure towards the east of the area, which would

then result in serious overlooking of my clients property, are considered to be limited in effect.

5.4 As a further consideration, to make such a case for approval would set a precedent which would make it very difficult, if not impossible, for the Council to resist similar development elsewhere. This could then lead to the serious erosion of the rural character of the countryside at existing settlement boundaries and open up a backdoor means of circumventing current development plan policy controls over development in the countryside. In this regard, the relatively limited incursion into the countryside associated with this development should not be allowed to detract from the magnitude of the policy impact in terms of undermining the whole basis of the settlement containment and countryside strategy set out under FIFEplan, with consequent implication across the whole of Fife.

5.5 Finally, it should be noted that my client's amenity has been seriously affected by this unauthorised development for almost two years now and the Council's urgent attention to remedying the situation is respectfully requested.

APPENDIX 1

Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

Part A

1. The principle of development will be supported if it is either:
 - a) within a defined settlement boundary and compliant with the policies for the location; or
 - b) in a location where the proposed use is supported by the Local Development Plan.
2. If the proposal does not meet either of the criteria under 1, above, the principle of development may be supported if the development is for:
 - a) housing on a site which is not allocated for housing in this plan but which accords with the provisions of Policy 2: Homes; or
 - b) employment land for industrial or business use in a location where there is clear evidence of a shortfall in supply.

Part B

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

1. Mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure (see Policy 3 Infrastructure and Services, Policy 4 Planning Obligations);
2. Avoid the loss of valuable cultural, tourism, and community resources (see Policy 3 Infrastructure and Services);
3. Protect Fife's existing and allocated employment land (see Policy 5 Employment Land and Property);

4. Make town centres the first choice for uses which attract a significant number of people, including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses, and accord with the town centres spatial frameworks (see Policy 6 Town Centres First and settlement proposals)
5. In the case of proposals in the countryside or green belt, be a use appropriate for these locations (see Policy 2 Homes, Policy 7 Development in the Countryside, Policy 8 Houses in the Countryside, Policy 9 Green Belt and Policy 11: Low Carbon Five);
6. Protect sport and recreation facilities and the amenity of the local community and businesses (See Policy 3 Infrastructure and Services and Policy 10 Amenity);
7. Safeguard the character and qualities of the landscape (see Policy 13 Natural Environment and Access, and Policy 15 Minerals);
8. Avoid flooding and impacts on the water environment (see Policy 12 Flooding and the Water Environment);
9. Safeguard or avoid the loss of natural resources, including effects on internationally designated nature conservation sites (see Policy 13 Natural Environment and Access and Policy 15 Minerals);
10. Safeguard the characteristics of the historic environment, including archaeology (see Policy 14 Built and Historic Environment);
11. Not compromise the performance or safety of strategic infrastructure or, alternatively, assist in the delivery of necessary improvements to mitigate impact arising from development (see Spatial Strategy diagram).

Part C

Development Proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant:

1. Meet the requirements for affordable housing and Houses in Multiple Occupation (see Policy 2 Homes);
2. Provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal (see Policy 3 Infrastructure and Services);
3. Provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland (see Policy 3 Infrastructure and Services);
4. Provide green infrastructure as required in settlement proposals and identified in the green network map (see Policy 3 Infrastructure and Services);
5. Provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments (see Policy 3 Infrastructure and Services);
6. Meet the requirements of any design briefs or development frameworks prepared or required for the site (see Policy 13 Natural Environment and Access, Policy 14 Built and Historic Environment, and relevant settlement proposals tables);
7. Provide a layout and design that demonstrates adherence to the six qualities of successful places as set out in the Government's Creating Places policy (see Policy 14 Built and Historic Environment);
8. Provide for energy conservation and generation in the layout and design (see Policy 3

Infrastructure and Services, Policy 11 Low Carbon Fife, Policy 13 Natural Heritage, Woodland, and Access, and Policy 14 Built and Historic Environment).

9. Contribute to achieving the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations (see Policy 11 Low Carbon Fife).

Policy 7: Development in the countryside

Development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;
2. will diversify or add to the above land-based businesses to bring economic support to the existing business;
3. is for the extension of established businesses;
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;
5. is for facilities for access to the countryside;
6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or
7. is for housing in line with Policy 8 (Houses in the Countryside)

In all cases, development must:

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

Prime Agricultural Land

Development on prime agricultural land will not be supported except where it is essential:

1. as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available;
2. for small-scale development directly linked to a rural business; or
3. for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

Applying Policy 7: Development in the Countryside

1. The "countryside" is defined as the area outwith the settlement boundaries shown on the Proposals Map. Scottish Planning Policy expects the planning system to promote a pattern of development in rural areas that is appropriate to the area's character and challenges it faces.
2. This policy will be used to protect the countryside from unplanned development. However, it is recognised that there are activities which require a countryside location or which are important contributors to the diversification of farms into new enterprises in order to survive as viable businesses. Small-scale employment sites adjacent to settlement boundaries that serve to

maintain the Council's employment land supply requirements (monitored through Fife Council's Employment Land Audit) and meet the criteria set out in the policy will also be supported.

3. The protection and enhancement of the built, natural, and historic qualities of the countryside are important considerations and these attributes must be maintained and enhanced wherever possible. There is a range of policies which protects these valued environments and development will not be permitted if there may be adverse environmental impacts which cannot be mitigated. Policies 8 (Houses in the Countryside), 9 (Green belt), 12 (Flooding and the water environment), and 13 (Natural environment and Woodland Access) will be important considerations in the determination of planning applications.

4. There will be circumstances where countryside locations are the most appropriate - or only feasible - places to locate energy or minerals developments. In these cases, this policy will be applied in assessing and managing the impact of a proposal that can be otherwise be supported by the Development Plan. Making Fife's Places Supplementary Guidance includes guidance on carrying out landscape assessments.

Policy 10: Amenity

Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to:

1. Air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas (see below).
2. Contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.
3. Noise, light, and odour pollution and other nuisances, including shadow flicker from wind turbines.
4. Traffic movements.
5. The loss of privacy, sunlight, and daylight.
6. Construction impacts.
7. The visual impact of the development on the surrounding area.
8. The loss of outdoor sports facilities, open space, green networks, protected trees, and woodland.

9. Impacts on the operation of existing or proposed businesses and commercial operations.

10. Impacts on operation of existing or proposed waste management facilities.

Where potential amenity issues are identified in the relevant settlement proposals tables or are identified as part of the assessment of the impact of a development proposal, the relevant mitigation measures will be required to be implemented by the developer to an agreed timetable and specification.

The actions required to mitigate or avoid amenity impact will vary according to the circumstances in each case but will include measures such as landscape buffer strips between incompatible uses, separation distances, noise attenuation screens or fences, and bunding. For the avoidance of doubt, safeguarding of outdoor sports facilities is addressed by Policy 3: Infrastructure and Services.

Applying Policy 10: Amenity

1. New development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. This policy applies to all development types and relates to impacts on neighbouring sites and uses, and on the wider communities.

2. The impact on amenity of development proposals will be judged on a case by case basis taking into account the requirements of existing uses and also ensuring future proposed land uses are not compromised. However, there are some development types that will always require an assessment of amenity impact. These are:

House alterations and extensions, development on garden ground, backland, and infill development.

Housing developments next to existing or proposed employment sites.

Businesses working from home.

Renewable energy and mineral proposals, particularly in terms of community impacts.

Leisure and 'evening economy' development in town centres within existing residential areas.

Housing or other proposals beside allocated or established employment areas which may conflict with the continued operation of the employment uses (including farm businesses in the countryside). Where the employment use is industrial in nature ie suitable buffering will be required to negate the impact on the amenity, particularly through noise, on residential areas.

Development which may lead to the loss of the amenity qualities of playing fields, open space, green networks, trees and woodland.

Development proposals in air quality management areas.

Development on contaminated land or unstable land.

3. In some instances, where potential negative impacts are identified, development proposals may still meet the requirements of this policy if suitable mitigation is implemented.

4. Mitigation will be considered on a site by site basis and may include the measures included in the policy. Solutions for each site will be considered on a site by site basis and may include screening, the use of buffer strips or tree planting, or other solutions best suited to address the identified impacts.

5. The Local Development Plan identifies some amenity requirements and mitigation measures in the relevant settlement proposals. These measures must be implemented as part of any development proposal. The specification for mitigation will be confirmed through planning conditions and associated legal agreements

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**Objection to Planning Application 21/01090/FULL –
Change of use from agricultural land to private garden ground,
19 Woodland Gait Cluny Fife**

Submitted on behalf of:

Mr and Mrs White
16 Woodland Gait
Cluny
Fife

14th May 2021

1.0 Introduction

- 1.1 I act on behalf of Mr and Mrs White of 16 Woodland Gait Cluny in submitting this objection to the application for planning permission in retrospect, 21/01090/FULL for change of use from agricultural land to private garden ground at 19 Woodland Gait Cluny, the property immediately adjoining my client's property.

2.0 Terms of Assessment

- 2.1 It is noted that Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (As amended) (the Act) provide the legislative context within which Fife Council as planning authority is required to assess this application for planning permission in retrospect. Section 25 advises that:

Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 37(2) of the Act further advises that:

In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

- 2.2 In this regard the provisions of SESplan (June 2013) and FIFEplan (Sept 2017) provide the development plan context for an assessment of this application under the above legislative framework. The proposed Strategic Development Plan – SESplan (Oct 2016) and the Scottish Government publication - Scottish Planning Policy (SPP) are also relevant in terms of setting the strategic policy context. However, given the strategic scope of SESplan (Adopted and Proposed) and SPP, this objection focuses on the more detailed considerations set out within FIFEplan. Nevertheless, given that the policies set out under FIFEplan are derived from the above strategic policy context, the Council is urged to have regard to the wider policy framework as part of the determination process for this application.

- 2.3 This objection details the fundamental conflict of the unauthorised change of use in relation to the provisions of the development plan in terms of:

- FIFEplan Policy 1 – Development Principles;
- FIFEplan Policy 7 – Development in the Countryside; and
- FIFEplan Policy 10 – Amenity.

Each of the above policy considerations is addressed in turn within the following section of this objection. The detailed provisions of the above FIFEplan policies and the supporting guidance, are set out under Appendix 1.

3.0 Assessment Under Section 25 of the Act.

- 3.1 In relation to an assessment of the application with respect to the overall principle, FIFEplan Policy 1 – Development Principles states:

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

Part A

1. The principle of development will be supported if it is either:

a) within a defined settlement boundary and compliant with the policies for the location; or/

b) in a location where the proposed use is supported by the Local Development Plan.

2. If the proposal does not meet either of the criteria under 1, above, the principle of development may be supported if the development is for:

a) housing on a site which is not allocated for housing in this plan but which accords with the provisions of Policy 2: Homes; or

b) employment land for industrial or business use in a location where there is clear evidence of a shortfall in supply.

3.2 It will be noted that the change of use relates to agricultural land located beyond the established settlement boundary thereby failing to comply with the provisions of Part A 1(a). In relation to Part A 1(b), subsequent considerations under this objection demonstrate that the use is contrary to the Local Development Plan in terms of the provisions of Policy 7 – Development in the Countryside and Policy 10 – Amenity. In addition, the unauthorised use does not comply with any of the provisions under Part 2 of FIFEplan Policy 1.

3.3 Given the above, the unauthorised use is considered to be contrary to the provisions of FIFEplan Policy 1. In addition, there are not considered to be any material matters that would justify setting aside the fundamental issues of principle set out under FIFEplan Policy 1. Therefore, under the terms of Section 25 of the Act Fife Council is considered to be statutorily bound to refuse this application for planning permission.

3.4 In relation to the Council's countryside policy FIFEplan Policy 7 – Development in the Countryside states:

Development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;

2. will diversify or add to the above land-based businesses to bring economic support to the existing business;

3. is for the extension of established businesses;

4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;

5. is for facilities for access to the countryside;

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

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

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

3.5 In relation to the Council's statutory obligations under Section 25 of the Act, it is considered that FIFEplan Policy 7 makes no provision for Fife Council to approve this application for planning permission. In addition, there are not considered to be any material issues which would support a justification for setting aside the clear terms of FIFEplan Policy 7. Therefore, under the terms of the Act, it is considered that Fife Council is statutorily bound to refuse this application for planning permission.

3.6 Although the Act advises that other material considerations may justify setting aside the provisions of the development plan, given the importance of settlement containment and countryside policies in planning terms, it is considered that the Council must have a very/

strong material case to support any such departure. The fact that works have already been carried out, or that the Council considers that the secondary issues surrounding the injury to amenity could be addressed through the introduction of mitigating measures, is not considered to provide a justification for such a significant departure from this fundamentally important aspect of the development plan policy. To make such a case would set a precedent which would make it very difficult, if not impossible, for the Council to resist similar development elsewhere. This could then lead to the serious erosion of the rural character of the countryside at existing settlement boundaries and open up a backdoor means of circumventing current development plan policy controls over development in the countryside.

3.7 It will be noted that FIFEplan Policy 7 also includes reference to prime agricultural land. In this regard it is noted that Fife Council offered confirmation within the response to a formal complaint regarding this case (Ref: 101007718247 & 20/00321/ENF) that the James Hutton Institute classification for this area of ground is non-prime. However, this would clearly not then render the development exempt from consideration under the more substantive preceding policy provisions of FIFEplan Policy 7, as suggested within the Council's response. Such an exclusatory interpretation of development plan policy, based on a requirement to satisfy only one aspect of policy in order to achieve full compliance, despite a fundamental lack of compliance with other aspects of that policy, would clearly be contrary to accepted practice in the application of policy.

3.8 In relation to an assessment of the application with respect to the impact on the amenity of my clients property, the relevant portion of FIFEPlan Policy 10 – Amenity, states:

Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to:

5. The loss of privacy,

3.9 It is noted that the supporting statement submitted with the application makes reference to the play structure located to the west of the unauthorised private garden area. In this regard the argument is presented by the applicant that this is sufficiently distant from my clients property to avoid any adverse impact on amenity. However, the supporting statement fails to acknowledge the wider use of the area for private garden ground purposes, including play activity and maintenance and the resulting server effect on the amenity for my client. The photographs included with this objection provide a clear demonstration of the extent and severity of the loss of privacy that has occurred. Although this loss of privacy is severe across the whole garden area, it is particularly acute in relation to the position of my clients outdoor jacuzzi, as detailed in the photograph.

3.10 Notwithstanding the primacy of the core development plan policy considerations in terms of settlement containment and countryside policy, this should not detract from the seriousness of the amenity impact involved. In this regard, although the suggestion was made during enforcement proceedings that a screen fence could resolve the amenity issues it is considered that such a feature would be wholly inadequate in terms of addressing amenity impact. A screen would need to be of a significant size in order to address existing and potential overlooking and would therefore be overbearing and oppressive when viewed from my clients property. In addition, with regard to the future impact of further development in this area, if the use of this portion of the agricultural field were to be approved for private garden use, then there would be little, if anything, to prevent the erection of a large play structure towards the east of the area, thereby substantially affecting my clients amenity in terms of loss of privacy. Although such a consideration relates to a hypothetical scenario, it is nevertheless a very real potential impact which the Council should take into consideration when assessing the application given that a structure of such impact has already been positioned to the west of the area, as detailed in the photograph below.

3.11 In this regard, depending on the scale and type of structure, permitted development rights exist that would enable such a structure to be erected without regulation by Fife Council. Although such rights could be removed by a condition to any approval, such a condition could be overturned on appeal. In addition, given that enforcement action by the Council in the event of a breach of such a condition is discretionary, the Council could decide not to pursue the matter. As a further consideration, even if such enforcement action were to be pursued, the/

ultimate recourse in addressing a failure to comply with enforcement action would be to the Procurator Fiscal (PF). When considered against other priorities there is a very real chance that the PF would decide not to pursue the matter. There is also the potential for such a structure to be classed as non-development thereby removing any scope to address further overlooking and the consequent serious impact on my clients amenity due to loss of privacy.

3.12 The photo of the play structure is taken from my clients patio to the garden and the green plant in the foreground is only 4 paces from his kitchen patio windows. The photographs submitted as part of the supporting statement are not considered to show the full impact in terms of the actual distances between this plot and my client's garden. It is also difficult to gain an impression of the correct angles involved when looking at the photographs supplied by the applicant, whereas the photographs below give a better impression of the impact. Clearly, there's only so much that can be derived from photographic evidence. For this reason, it is considered imperative that the Case Officer dealing with this application visits the site and views the situation from my client's property.



4.0 Further Considerations.

- 4.1 It is with some considerable concern that Mr and Mrs White were advised during the course of the enforcement proceeding by the Council, that the enforcement proceedings involved inviting the submission of a retrospective application for planning permission in order to enable the unauthorised development to be regulated by means of mitigation such as the erection of a screen fence. Quite apart from the consideration that such a solution has serious limitations, as detailed earlier under this objection, of more serious concern is the consideration that such advice indicated a fundamental misinterpretation of the core issues relating to this case, with the focus being on amenity impact as opposed to the fundamental issues of principle associated with settlement containment and countryside policy. In this regard, the relatively limited incursion into the countryside associated with this development should not be allowed to detract from the magnitude of the policy impact in terms of undermining the whole basis of the settlement containment and countryside strategy set out under FIFEplan, with consequent implication across the whole of Fife.
- 4.3 In order to address the above issues regarding the Councils approach to enforcement action, my client instructed the submission of a formal complaint to the Council regarding procedural matters.
- 4.4 In response to the complaint, although the Council agreed that the unauthorised change of use did not appear to be compliant with the terms of FIFEplan Policy 7, the Council nevertheless considered appropriate to seek submission of an application for planning permission. The Councils reasoning in doing so was that this would then afford the applicant an opportunity to make a case under the provisions of Section 25 of the Act for setting aside the fundamental issues of principle involved with respect to settlement containment and countryside policy .
- 4.5 It is noted that the applicant's architect has submitted a statement seeking to make such a case in support of the development. However, the statement focuses mainly on the play structure located at the far west of the site as opposed to dealing more robustly with the actual subject of the planning application itself i.e. the unauthorised change of use. In this regard it is with further concern that my clients note the comments at paragraph 2.4 of the statement:

In 2018 with a growing family, the applicants decided to make a small area of the field boundary area available for their children to play on. This was a strip of unused farmland and we understand that there are no planning issues with children playing in this area of the field.

In addressing this point, it is noted that the supporting statement makes reference to this area being unused farmland. In this regard my client advises that this is not the case. However, even if the area was unused, this does not mean that it's use classification was no longer agricultural. Also, irrespective of this, the key consideration is that the land is located outwith the settlement boundary and any subsequent use of the area requires to comply with development plan policy applying to a countryside location.

- 4.6 Of more concern relating to paragraph 2.4 of the supporting statement is the comment that there are no planning issues associated with children playing within this area of the field. However, where such activity results in a material change in the nature of the use of the field so that it no longer constitutes a countryside use but has become a domestic use, then development has occurred, and planning permission is required.
- 4.7 In seeking to elaborate on the above, the change of use from agricultural to domestic garden ground use is not considered to be related solely to the siting of the play equipment or the planting of grass per-se. It is rather considered to be related to a combination of factors including the range of domestic garden type of activity taking place within the area such as more general play activity and maintenance works, as well as the physical changes mentioned. Neither is the lack of a boundary enclosure to physically include the area within the curtilage of the domestic property sufficient to argue that a change of use has not occurred.

- 4.8 The fact that the use and physical characteristics of the area are now distinct from and unrelated to those associated with an agricultural use is considered to be the determining factor in demonstrating that a change of use has occurred. Even if the play equipment were to be removed and no other play activity were to take place within the area, it can be argued that the planting and maintenance of the grass alone for a domestic purpose is sufficient to support an argument that a material change of use from agricultural to garden ground use has occurred in terms of fact and degree. Therefore, it can likewise be argued that only the complete removal of the grassed area and restoration of the site to agricultural use can be considered sufficient to fully address the unauthorised nature of the development.
- 4.9 With regard to the applicant's supporting statement, although this seeks to provide a justification for the development in relation to development plan policy, it is noted that no reference has been made to the main development plan policy against which this development requires to be considered i.e. FIFEplan Policy 7 – Development in the Countryside. Instead, the supporting statement focuses on FIFEplan Policy 1 – Development Principles. In this regard the supporting statement seeks to provide a justification for nevertheless approving the application, despite the lack of compliance with the terms of FIFEplan Policy 1 – and Policy 7. These issues are set out below, along with comments challenging the supposed justification:

1. The temporary nature of the structure. Our client would be happy to accept a conditional approval for a period of 5 years.

Comment: The application is for a change of use from agricultural land to private garden area, not for the erection of the play equipment. Therefore, the offer to accept a temporary permission fails completely to address the fundamental policy issues set out under FIFEplan Policy 1 and Policy 7 relating to the change of use. In addition, if the Council were to accept a temporary permission for change of use under a justification based on a temporary timescale for development then the applicant could present a very strong case for such a temporary permission to be extended indefinitely in that material considerations under a later application for renewal would not have changed. Such a justification would also set a potentially serious adverse precedent in terms of similar applications for temporary changes of use around settlement boundaries.

2. The fact that play on the structure would have no impact on the neighbour's amenity in terms of privacy.

Comment: In terms of an assessment of the application in relation to the development plan, the amenity issues, albeit of significance in absolute terms, are secondary to the primary policy issues associated with the overall principle of development under Policy 1 and Policy 7. Addressing the amenity issues does not in any way provide a justification for setting aside the more fundamental issues under these policies. If this argument were to be accepted as a justification for setting aside countryside policy then this would again set an extremely undesirable precedent which the Council would then be unable to resist at other edge of settlement sites where amenity issues could be addressed.

Having said this, the supporting statement fails to address the wider amenity impacts associated with the change of use of the field to garden ground. The extended garden area now affords anyone playing in the area, or maintaining it, direct views into my clients private garden area.

3. The tight nature of the approved gardens and the poor plot ratio available to the residents. Fife Council's planning guidance on garden ground for new houses states that the ratio of buildings to gardens must be a least 1:3, but this guidance does not rule out 1:4 or greater. The existing plot ratio of side and rear garden to building falls short of this minimum standard.

Comment: The Council's plot ratio standards, as set out under the Garden Ground Policy, are aimed at preventing overdevelopment of a site, not promoting an increase in garden size. Although, provisions do allow for plot ratios in excess of 1:4, it will be noted that the existing plot ratio is close to 1:5. Again, this argument is completely inadequate in terms of providing a justification for the Council to set aside the settlement containment and countryside policies which it has defended so vigorously to date. In addition, it should be noted that the applicants property, due to its corner position, has one of the largest garden areas within the overall development.

4. The development does not impact on the ongoing agricultural activity to the north of the applicants' house.

Comment: This is irrelevant. If not affecting agricultural activity on the remainder of a field were to provide a justification for setting aside the provisions of development plan policy, then/

this would set an undesirable precedent which landowners wishing to pursue development on a settlement edge would be only too happy to exploit.

5. The development does not detract from the view of the village from the north.

Comment: Again, this is largely irrelevant and offers no justification for setting aside the provisions of Policy 1 and Policy 7. If this were to be accepted as a justification for doing so then this would also set an undesirable precedent.

- 4.10 Finally, my client would wish to reserve the right to comment further in the event that the applicant makes a further submission and in relation to any consultation responses received after the statutory period for submission of representations closes.

5.0 Conclusion

- 5.1 The above terms of objection are considered to provide a strong justification for refusal of this application. In this regard, given the location of the development beyond the established settlement boundary, the development is considered to be contrary to FIFEplan Policy 7 Development in the Countryside and FIFEplan Policy 1 – Development Principles in that these policies make no provision for the extension of a private garden into the countryside.
- 5.2 Although the Act advises that other material considerations may justify setting aside the provisions of the development plan, given the importance of settlement containment and countryside policies in planning terms, it is considered that the Council must have a very strong material case to support any such departure. The fact that works have already been carried out, or that the secondary issues surrounding the injury to amenity may be addressed through the introduction of mitigating measures, is not considered to provide a justification for such a significant departure from this fundamentally important aspect of the development plan policy. In addition, such measures have limitations in terms of safeguarding my clients amenity in the longer term.
- 5.3 Even if the above fundamental policy issues were to be set aside, in order to fully address existing and potential overlooking issues, such mitigation would require to be of such a height that it would be overbearing and oppressive when viewed from my client's property. In addition, planning controls over the future erection of a structure towards the east of the area, which would then result in serious overlooking of my clients property, are considered to be limited in effect.
- 5.4 As a further consideration, to make such a case for approval would set a precedent which would make it very difficult, if not impossible, for the Council to resist similar development elsewhere. This could then lead to the serious erosion of the rural character of the countryside at existing settlement boundaries and open up a backdoor means of circumventing current development plan policy controls over development in the countryside. In this regard, the relatively limited incursion into the countryside associated with this development should not be allowed to detract from the magnitude of the policy impact in terms of undermining the whole basis of the settlement containment and countryside strategy set out under FIFEplan, with consequent implication across the whole of Fife.
- 5.5 Finally, it should be noted that my client's amenity has been seriously affected by this unauthorised development for almost two years now and the Council's urgent attention to remedying the situation is respectfully requested.

Signed:



On behalf of Mr and Mrs White
16 Woodland Gait
Cluny
Fife
KY2 6NS

APPENDIX 1

Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts. Such development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

Part A

1. The principle of development will be supported if it is either:
 - a) within a defined settlement boundary and compliant with the policies for the location; or
 - b) in a location where the proposed use is supported by the Local Development Plan.
2. If the proposal does not meet either of the criteria under 1, above, the principle of development may be supported if the development is for:
 - a) housing on a site which is not allocated for housing in this plan but which accords with the provisions of Policy 2: Homes; or
 - b) employment land for industrial or business use in a location where there is clear evidence of a shortfall in supply.

Part B

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

1. Mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure (see Policy 3 Infrastructure and Services, Policy 4 Planning Obligations);
2. Avoid the loss of valuable cultural, tourism, and community resources (see Policy 3 Infrastructure and Services);
3. Protect Fife's existing and allocated employment land (see Policy 5 Employment Land and Property);
4. Make town centres the first choice for uses which attract a significant number of people, including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses, and accord with the town centres spatial frameworks (see Policy 6 Town Centres First and settlement proposals)
5. In the case of proposals in the countryside or green belt, be a use appropriate for these locations (see Policy 2 Homes, Policy 7 Development in the Countryside, Policy 8 Houses in the Countryside, Policy 9 Green Belt and Policy 11: Low Carbon Fife);
6. Protect sport and recreation facilities and the amenity of the local community and businesses (See Policy 3 Infrastructure and Services and Policy 10 Amenity);
7. Safeguard the character and qualities of the landscape (see Policy 13 Natural Environment and Access, and Policy 15 Minerals);
8. Avoid flooding and impacts on the water environment (see Policy 12 Flooding and the Water Environment);
9. Safeguard or avoid the loss of natural resources, including effects on internationally designated nature conservation sites (see Policy 13 Natural Environment and Access and Policy 15 Minerals);
10. Safeguard the characteristics of the historic environment, including archaeology (see Policy 14 Built and Historic Environment);
11. Not compromise the performance or safety of strategic infrastructure or, alternatively, assist in the delivery of necessary improvements to mitigate impact arising from development (see Spatial Strategy diagram).

Part C

Development Proposals must be supported by information or assessments to demonstrate that they will comply with the following relevant criteria and supporting policies, where relevant:

1. Meet the requirements for affordable housing and Houses in Multiple Occupation (see Policy 2 Homes);
2. Provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal (see Policy 3 Infrastructure and Services);
3. Provide measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland (see Policy 3 Infrastructure and Services);

4. Provide green infrastructure as required in settlement proposals and identified in the green network map (see Policy 3 Infrastructure and Services);
5. Provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site or flood assessments (see Policy 3 Infrastructure and Services);
6. Meet the requirements of any design briefs or development frameworks prepared or required for the site (see Policy 13 Natural Environment and Access, Policy 14 Built and Historic Environment, and relevant settlement proposals tables);
7. Provide a layout and design that demonstrates adherence to the six qualities of successful places as set out in the Government's Creating Places policy (see Policy 14 Built and Historic Environment);
8. Provide for energy conservation and generation in the layout and design (see Policy 3 Infrastructure and Services, Policy 11 Low Carbon Fife, Policy 13 Natural Heritage, Woodland, and Access, and Policy 14 Built and Historic Environment).
9. Contribute to achieving the area's full potential for electricity and heat from renewable sources, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations (see Policy 11 Low Carbon Fife).

Policy 7: Development in the countryside

Development in the countryside will only be supported where it:

1. is required for agricultural, horticultural, woodland, or forestry operations;
2. will diversify or add to the above land-based businesses to bring economic support to the existing business;
3. is for the extension of established businesses;
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;
5. is for facilities for access to the countryside;
6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or
7. is for housing in line with Policy 8 (*Houses in the Countryside*)

In all cases, development must:

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

Prime Agricultural Land

Development on prime agricultural land will not be supported except where it is essential:

1. as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available;
2. for small-scale development directly linked to a rural business; or
3. for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

Applying Policy 7: Development in the Countryside

1. The “countryside” is defined as the area outwith the settlement boundaries shown on the Proposals Map. *Scottish Planning Policy* expects the planning system to promote a pattern of development in rural areas that is appropriate to the area's character and challenges it faces.
2. This policy will be used to protect the countryside from unplanned development. However, it is recognised that there are activities which require a countryside location or which are important contributors to the diversification of farms into new enterprises in order to survive as viable businesses. Small-scale employment sites adjacent to settlement boundaries that serve to maintain the Council's employment land supply requirements (monitored through Fife Council's *Employment Land Audit*) and meet the criteria set out in the policy will also be supported.
3. The protection and enhancement of the built, natural, and historic qualities of the countryside are important considerations and these attributes must be maintained and enhanced wherever possible. There is a range of policies which protects these valued environments and development will not be permitted if there may be adverse environmental impacts which cannot be mitigated. Policies 8 (*Houses in the Countryside*), 9 (Green belt), 12 (*Flooding and the water environment*), and 13 (*Natural environment and Woodland Access*) will be important considerations in the determination of planning applications.
4. There will be circumstances where countryside locations are the most appropriate – or only feasible – places to locate energy or minerals developments. In these cases, this policy will be applied in assessing and managing the impact of a proposal that can be otherwise supported by the Development Plan. *Making Fife's Places Supplementary Guidance* includes guidance on carrying out landscape assessments.

Policy 10: Amenity

Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to:

1. Air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas (see below).
2. Contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.
3. Noise, light, and odour pollution and other nuisances, including shadow flicker from wind turbines.
4. Traffic movements.
5. The loss of privacy, sunlight, and daylight.
6. Construction impacts.
7. The visual impact of the development on the surrounding area.
8. The loss of outdoor sports facilities, open space, green networks, protected trees, and woodland.
9. Impacts on the operation of existing or proposed businesses and commercial operations.
10. Impacts on operation of existing or proposed waste management facilities.

Where potential amenity issues are identified in the relevant settlement proposals tables or are identified as part of the assessment of the impact of a development proposal, the relevant mitigation measures will be required to be implemented by the developer to an agreed timetable and specification.

The actions required to mitigate or avoid amenity impact will vary according to the circumstances in each case but will include measures such as landscape buffer strips between incompatible uses, separation distances, noise attenuation screens or fences, and bunding. For the avoidance of doubt, safeguarding of outdoor sports facilities is addressed by Policy 3: Infrastructure and Services.

Applying Policy 10: Amenity

1. New development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. This policy applies to all development types and relates to impacts on neighbouring sites and uses, and on the wider communities.

2. The impact on amenity of development proposals will be judged on a case by case basis taking into account the requirements of existing uses and also ensuring future proposed land uses are not compromised. However, there are some development types that will always require an assessment of amenity impact. These are:

House alterations and extensions, development on garden ground, backland, and infill development.

Housing developments next to existing or proposed employment sites.

Businesses working from home.

Renewable energy and mineral proposals, particularly in terms of community impacts.

Leisure and 'evening economy' development in town centres within existing residential areas.

Housing or other proposals beside allocated or established employment areas which may conflict with the continued operation of the employment uses (including farm

businesses in the countryside). Where the employment use is industrial in nature ie suitable buffering will be required to negate the impact on the amenity, particularly through noise, on residential areas.

Development which may lead to the loss of the amenity qualities of playing fields, open space, green networks, trees and woodland.

Development proposals in air quality management areas.

Development on contaminated land or unstable land.

3. In some instances, where potential negative impacts are identified, development proposals may still meet the requirements of this policy if suitable mitigation is implemented.

4. Mitigation will be considered on a site by site basis and may include the measures included in the policy. Solutions for each site will be considered on a site by site basis and may include screening, the use of buffer strips or tree planting, or other solutions best suited to address the identified impacts.

5. The Local Development Plan identifies some amenity requirements and mitigation measures in the relevant settlement proposals. These measures must be implemented as part of any development proposal. The specification for mitigation will be confirmed through planning conditions and associated legal agreements

Comments for Planning Application 21/01090/FULL

Application Summary

Application Number: 21/01090/FULL

Address: 19 Woodland Gait Cluny Fife KY2 6NS

Proposal: Change of use from agricultural land to private garden ground

Case Officer: Brian Forsyth

Customer Details

Name: Mr Steve Anderson

Address: Woodland House, 17 Woodland Gait, Cluny Kirkcaldy, Fife KY2 6NS

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My wife and I are the immediate neighbours of the applicants Mr & Mrs Paterson, as we reside at Woodland House, 17 Woodland Gait.

We have been aware of the climbing frame that has been built to the rear of Mr & Mrs Paterson's property for a couple of years now, and occasionally see the kids having fun there when the weather permits. The closest property to the climbing frame is ours, with the obvious exception of the applicants property itself, and this climbing frame structure/play area does not cause any disturbance, issue or problem at all to us at Woodland House, and has never done so since its erection.

In fact on a personal level we think this is a fantastic idea, and the placement of the climbing frame in particular shows full consideration to the other residents of Woodland Gait. On the subject of the relevant planning requirements, the climbing frame structure (and childrens play area in its entirety) do not overshadow anyone else, nor cause any loss of privacy, view or light to the other properties. The whole area is to the rear of the applicant's property, and so does not interfere with traffic, vehicular access, or highway safety in any way either. As a F1RST qualified Advanced Driver/Instructor and member of the Fife IAM, this is something which I personally always have a full awareness of.

The new play area does not interfere with the environment in any way, nor is there any added noise or disturbance when the kids are out there playing. In fact this means there is less noise heard by residents of the street, due to its purposely secluded, private and considerate positioning. Visual amenity is also unaffected in this instance, and the entire play area with climbing frame looks like the ideal thing to provide for your kids to use at their age.

Further to this, and admittedly not on the direct subject of planning, we would also both emphasise that Mr & Mrs Paterson are very friendly, approachable, helpful, and all round great neighbours to live next door to. The kids are also great kids, always very polite and respectful, and we have a great balance of privacy and interaction between us as neighbours, as we go about our daily lives. Not to forget that Mr & Mrs Paterson do in fact own the land where their kids play area is located, and this simply extends their garden out a little farther, while staying well within their own property boundaries.

Given that this does not adversely affect us as the closest residents to the climbing frame, common sense will hopefully show that anyone claiming this would be an issue, would be doing so without merit. We as neighbours and residents of Woodland Gait can further add our thanks to the applicants too, because by them owning the field and actively subletting the large majority of it to local farmers, they are firstly encouraging, promoting and assisting in the growth of local businesses, while also ensuring that the view hasn't been taken away out back for the other residents of Woodland Gait.

It's a fantastic idea across the board, and we offer our full support to Edward, Tina and the kids, as you continue to assess this application.

Many thanks for reading, and keep up the great work.

Steve & Ellen Anderson

Agenda Item 5(4)

**19 Woodland Gait, Cluny, Kirkcaldy, KY2 6NS
Application No. 21/01090/FULL**

Further Representation(s)

Joe Fitzpatrick
Planning Consultant

Joe.fitzpatrick390@gmail.com
07974426615
01592874360

**Response to Notice of Review Relating Planning Application 21/01090/FULL –
Change of use from agricultural land to private garden ground, 19 Woodland Gait
Cluny Fife**

Submitted on behalf of:

Mr and Mrs White
16 Woodland Gait
Cluny
Fife

7th June 2022

1.0 Introduction

- 1.1 I act on behalf of Mr and Mrs White of 16 Woodland Gait Cluny in submitting this response to the Notice of Review relating to the application for planning permission in retrospect, 21/01090/FULL for change of use from agricultural land to private garden ground at 19 Woodland Gait Cluny, the property immediately adjoining my client's property. This response should be read in conjunction with the original objection dated 14th May 2014, a copy of which is included as part of this submission.

2.0 Response to Notice of Review

- 2.1 It is noted that the supporting statement to the Notice of Review (NoR) does not fully address the reason for refusal of the application set out within the Report of Handling in terms of the fundamental conflict with FIFEplan Policy 1 and Policy 7 relating to the overall principle. Instead, the focus within the Notice of Review relates to the amenity impact. In this regard, although Mr and Mrs White disagree with the findings set out within the Report of Handling, it is noted that the amenity issue did not feature as part of the reasons for refusal.
- 2.2 Given the above it is considered crucial to emphasise the fundamental issue of principle involved and not allow the relatively small scale of the unauthorized use, or the response within the Report of Handling to Mr and Mrs White's serious concerns over the amenity impact, to detract from the severity of the implications for FIFEplan policy relating to development in the countryside if this application for planning permission were to be approved.
- 2.3 Given the above, in addressing the line of argument set out within the NoR, the situation is significantly more than one involving "children playing in this area of the field" (NoR - para 2.4). In addition, given the above, it is considered wholly inaccurate to state that "The fundamental issue with this application was that the development in question was children's play equipment." (NoR para 4.1).
- 2.4 As a further consideration, although under the terms of Section 25 of the Act other material issues can be taken into consideration when determining an application for planning permission, it is noted that the Report of Handling concludes that:

"there are no material considerations that justify setting aside the provisions of FIFEplan Policy 7. " (RoH para 2.2.4)

- 2.5 In view of the above, it is considered that the case set out by the applicant at paragraph 4.2 of the supporting statement are irrelevant to an assessment of this Notice of Review. However, in the interests of providing a comprehensive response the following comments are offered for consideration. In this regard the terms of paragraph 4.2 and an accompanying response are set out below:

1. The temporary nature of the structure. Our client would be happy to accept a conditional approval for a period of 5 years.

Response: The fundamental issue under consideration relates to the change of use from agricultural land to private domestic garden ground. A temporary permission, no matter what the duration, would not address the fundamental issues of principle which render the development wholly unacceptable in relation to FIFEplan Policy 1 and Policy 7, as detailed in the Report of Handling and the reason for refusal.

2. The fact that play on the structure would have no impact on the neighbours' amenity in terms of privacy.

Response: Although the Report of Handling indicates that the impact on amenity could be managed, contrary to the very real and significant concerns of Mr and Mrs White, the Report notes:

"However, it is not considered that residential amenity is a determining issue in the case of this application." (RoH para 2.3.5)

Notwithstanding the terms of the Report of Handling it should be noted that the loss of privacy associated with the unauthorized development has had a severe effect on the amenity of Mr and Mrs White. Although the terms of the supporting statement make reference to play activity associated with the play structure, the materiality of the change of use is much more extensive and further emphasized by the positioning of goal posts immediately adjacent to Mr and Mrs Whites garden, with football games played regularly, positioning of a rabbit hutch within the grass area, regular BBQ activity, the managed grass area, not to mention the overlooking from the play structure.

For the above reasons it is considered imperative that the FPRB visit the site and Mr and Mrs White are happy to accommodate such a visit.

3. The development does not impact on the ongoing agricultural activity to the north of the applicants' house.

Response: This consideration does not in any way diminish the reasonable prospect of similar development being approved across the whole of Fife if this application were to be approved. The limited scale of the incursion into agricultural land and the case that agricultural activity will therefore be largely unaffected is completely irrelevant.

4. The development does not detract from the view of the village from the north.

Response: Again, although the Report of Handling concludes that the visual impact can be managed, this consideration is irrelevant in terms of the serious extent to which the integrity of countryside policy across Fife would be undermined if this development were to be approved.

2.6 In relation to a further issue raised at paragraph 4.3 of the supporting case under the Notice of Review, comments is offered that:

Further, planning policy 1 "presumes against development in the countryside other than in specified circumstances"

In this regard it should be noted that FIFEplan Policy 1 and the supporting text to Policy 1 makes no reference to "specified circumstances". The comment relating to this was offered within the Report of Handling at paragraph 2.2.4 which then went on to detail why the development could **not** be considered to satisfy the circumstances specified under FIFEplan Policy 1 as development that can be justified against policy:

The development constitutes an unplanned incursion into open countryside, beyond the settlement boundary for Cluny, which development is not justified in terms of the above provisions of policy, which policies presume against development other than in the specified circumstances. Approval of planning permission is not justified as an exception to policy, in terms of addressing a deficiency of garden ground, poor plot ratio or otherwise; and would likely set a precedent for other similar development contributing to poor settlement containment and the erosion of rural character next to settlements, contrary to the vision and strategy of FIFEplan. (RoH para 2.2.4)

2.7 As, a further point made in support of the Notice of Review relating to issues associated with precedent. In this regard, Section 25 of the Act places an obligation on a planning authority to determine an application with respect to the provisions of the Development Plan unless material considerations indicate otherwise. If the Council were to approve this development then such a decision could be sited as a material consideration in seeking to justify similar departures from policy. Therefore, although it is the case that a planning authority cannot be forced into a decision based on a previous case, where a similar case emerges then there would be reasonable prospect that the same decision could be supported.

- 2.8 In addition, the issue of precedent is made at paragraph 2.2.4 of the Report of Handling, as detailed above. As a further consideration the Report of Handling argues, there is nothing to justify setting aside the provisions of the Development Plan in this specific case that could not also have reasonable prospect of applying to other situations across Fife. In this case, the severity of the implications for the integrity of countryside policy, as set out under FIFEplan, are such that there can be no question in relation to the soundness of the case for refusal presented within the Report of Handling.
- 2.9 On the basis of the above, as well as the original terms of objection and the case presented within the Report of Handling itself, it is considered that the Fife Planning Review Body has a very strong case for supporting the assessment of their Officer and upholding the recommendation to refuse this application for planning permission.

Signed:



On behalf of Mr and Mrs White
16 Woodland Gait
Cluny
Fife
KY2 6NS

35 AYTOUN CRESCENT

BURNTISLAND

FIFE

KY3 9HS

Agenda Item 6(1)

**Land to West of Greenmount Road North,
Burntisland**

Application No. 20/03131/ARC

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 100551555-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	JJF Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Joe	Building Name:	
Last Name: *	Fitzpatrick	Building Number:	35
Telephone Number: *	07974426615	Address 1 (Street): *	Aytoun Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Burntisland
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY3 9HS
Email Address: *	joe.fitzpatrick390@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	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="Anne"/>	Building Number:	<input type="text" value="33"/>
Last Name: *	<input type="text" value="Stevenson"/>	Address 1 (Street): *	<input type="text" value="Greenmount Road North"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Greenmount Road North"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Burntisland"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY3 9JQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

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="Greenmount"/>

Northing	<input type="text" value="686574"/>	Easting	<input type="text" value="323785"/>
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Description of Proposal

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

20/03131/ARC Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses Land To West Of 36 Greenmount Road North Burntisland Fife

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.

Condition 1 and Condition 5 of the ARC Approval are inconsistent with a previous decision by the Fife Local Review Body (FPRB Reference 17/277) relating to the PPP this ARC has been submitted under i.e. 16/03521/PPP.

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)

1. Fife Planning Review Body Decision Reference 17/277 Relating to Application 16/03521/PPP 2. Covering letter detailing the Grounds for Review 4th April 2022. 3. Decision Notice 20/03131/ARC Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses Land To West Of 36 Greenmount Road North Burntisland

Application Details

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

20/03131/ARC

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

04/02/2021

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

13/01/2022

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 Joe Fitzpatrick

Declaration Date: 04/04/2022

Fife Council Employment, Planning/
and Employability Service
Fife House
Glenrothes
Fife
KY7 5LY

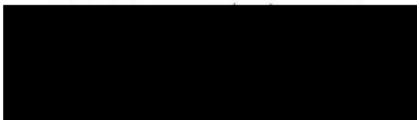
4th April 2022

Dear Sir/Madam,

Notice of Review Relating to Conditions 1 and 5 of 20/03131/ARC Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses Land To West Of 36 Greenmount Road North Burntisland Fife

The above application has been approved with conditions which are contrary to a previous decision of the Fife Planning Review Body under the PPP to which this ARC approval is linked. A copy of the previous FPRB decision has been submitted with this Notice of Review as Document 1. In order to reflect the terms of the approval of planning permission in principle 16/03521/PPP it is requested that Condition 1 of the ARC approval be amended to remove reference to the road layout not being approved. In addition, Condition 5 should be removed in order to avoid the two private accesses being linked as a single through roadway. Instead a pedestrian and cycle link only should be formed between the two private access roads.

Yours Sincerely



Joe Fitzpatrick
BSc(Hons) MRTPI

FPRB Reference 17/277

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Land To West Of 36 Greenmount Road North Burntisland Fife
- Application for review by Mrs Anne Stevenson against the decision by an appointed officer of Fife Council
- Application 16/03521/PPP for Planning Permission in Principle for Planning permission in principle for erection of 11 detached dwellinghouses with associated access (Section 42 application to vary condition 1 of planning permission 15/00825/PPP to allow the submission of separate applications for each plot)
- Application Drawings:
01 - Supporting Statement,
- Site Inspection took place on 27th November 2017.

Date of Decision Notice: 18 December 2017

Decision

The FPRB varies the determination reviewed by them by varying condition 8 of Planning Permission 16/03521/PPP.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 Condition 8 of the above planning permission was considered by the FPRB at its meeting on 30 October 2017. The FPRB decided at this meeting that they did not have sufficient information to determine the Review. The FPRB requested a further response from the Council's Transportation Development Management Team on the need for the condition subject of the Review. Condition 8 of the above planning permission was then considered by the FPRB at the next meeting of 27 November 2017. The Review Body was attended by Councillors Ian Ferguson (Convener), Rosemary Liewald, Alice McGarry, Mino Manekshaw and Bill Porteous. Site inspections were carried out on 30 October 2017 and 27 November 2017 prior to the meetings.

2.0 Proposal

- 2.1 The application site is a 0.8Ha area of land within the settlement of Burntisland. The site was previously occupied by the Greenmount Hotel which has now been demolished and removed from the site. The site is now vacant and overgrown. The boundary wall for the previous hotel remains in place and bounds the site along its north western and north eastern boundary. The former Greenmount Hotel was a listed building and the listing included the boundary wall. The boundary wall therefore remains listed through this designation. The site is allocated as a residential opportunity site through Policy BUR006 of the Adopted FIFEplan (2017).
- 2.2 The surrounding area is predominately residential in nature with dwellinghouses being predominately two storey in height. Vehicular access to the site is at the corner of Greenmount Road North with Kirkcaldy Road. The application site also includes an existing dwellinghouse, No 36 Greenmount Road North, which is accessed from the existing opening at the junction of Greenmount Road North with Kirkcaldy Road. There is another existing opening on Kirkcaldy Road.
- 2.3 The site has planning permission for the development of 11 residential units through planning permission 15/00825/PPP. An application (1603521/PPP) was made under section 42 of the Town and Country Planning (Scotland) Act 1997 as amended to modify condition 1 of this planning permission. This was to allow for the development of the site as a plotted residential development. This application was approved and allowed for a modified condition 1 but also introduced a further condition (condition 2). It is application 16/03521/PPP which is subject of this Review.
- 2.4 The applicant requested that the inclusion of condition 8 of planning permission 16/03521/PPP be reviewed. Condition 8 states:

FOR THE AVOIDANCE OF DOUBT, a link road shall be provided between the two access points referred to in condition 7 in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such.

The applicant has requested that this condition should be deleted but has also indicated that they would be willing to consider a modified condition which required the provision of a pedestrian link rather than a vehicular link.

3.0 Reasoning

- 3.1 The determining issues in this review were whether the link road was considered necessary in terms of road safety and design and whether the planning condition met the terms of Circular 4/1998. The FPRB considered the terms of the Development Plan which comprises the SESPlan (“Strategic Development Plan”) and the Adopted FIFEplan (Fife Local Development Plan) 2017 (“Adopted Local Development Plan”). The FPRB also considered the Making Fife’s Places Planning Policy Guidance and Circular 4/1998 (The Use of Conditions in Planning Permissions).

- 3.2 The FPRB considered the reason given for the planning condition within the Report of Handling of the Appointed Officer and noted that the planning condition was required in the interests of road safety and to provide an adequate access for the site. The FPRB also considered the commentary within the Report of Handling of planning permission 15/00825/PPP provided within the Notice of Review which provided some commentary on the inclusion of the condition. The FPRB had requested a further consultation response from Transportation Development Management specifically with regards to this condition. Transportation Development Management confirmed that, from a road safety point of view, the link between the two proposed cul-de-sacs was not required.
- 3.3 The FPRB considered the merits of the development having a link road through it and concluded that the road would not be of any greater benefit than a cul-de-sac for a development of this size in road safety terms. They outlined that this route could become a rat run and could lead to greater road safety concerns for residents. As Transportation Development Management have indicated that the link road is not necessary from a road safety point of view, the FPRB did not consider that the link was needed for the reason given in the condition and did not consider that the link road would improve the road safety matters of this development.
- 3.4 The FPRB also assessed the need for the link road against the provisions within the Making Five's Places Planning Policy Guidance. They noted that this Guidance promotes developments to have multiple accesses for all modes of transport. They also noted that the Guidance allows for small scale development to be accessed from a single access and discussed the response from Transportation Development Management requested through the Review. This confirmed that the development could be served through two shared private accesses rather than a link road. The FPRB discussed the merits and preference of avoiding cul-de-sacs in terms of good design and connectivity but concluded that the scale of this development would allow for a high quality development to be created utilising two cul-de-sacs. They did not consider that the lack of a link road would greatly affect the connectivity of the site. The FPRB did consider it necessary that some link was provided in terms of good design and connectivity. It noted that currently a safe route to school is taken past the site and instead may utilise the site in the future. The FPRB considered that a pedestrian and cycle link between the cul-de-sacs would provide suitable connectivity for residents and a safe route through the site.
- 3.5 The FPRB considered planning condition 8 against the tests of an appropriate planning condition as set out within Circular 4/1998 (The Use of Conditions in Planning Permissions). The FPRB concluded that planning condition 8 would not meet all of the tests of Circular in that they concluded that the condition is not necessary (one of the tests of a planning condition) as it is not needed in terms of road safety and design. The FPRB concluded that a pedestrian/ cycle connection would be sufficient to provide sufficient connectivity and would be a suitable design solution for this site. As the condition does not meet all of the tests within the Circular the FPRB concluded that the condition could be deleted and replaced by a condition requiring that the link be for pedestrian and cycling only.

4.0 Decision

4.1 The FPRB therefore have varied the decision of the Appointed Officer and concluded that condition 8 of planning permission 16/03521/PPP be amended to require a pedestrian and cycling link only. The FPRB have decided that planning permission should be approved subject to the following conditions.

1. The first further application(s) for certain matters (Approval of Matters Required by Condition) submitted for the requisite approval of this Planning Authority shall relate to the ground works and design brief associated with the self-build residential development hereby approved and shall include:-

- a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers;
- b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision;
- c) Details of the proposed method of drainage and details of a Sustainable Drainage System (SuDS);
- d) Details of the proposed external alterations and finishes to the boundary wall openings;
- e) Details of the proposed footpath along Kirkcaldy Road;
- f) Details of a scheme of replacement planting;
- g) Details of accesses;
- h) A design brief relating to the design requirements for the proposed dwellinghouses.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006).

2. Any subsequent application(s) for certain matters (Approval of Matters Required by Condition) submitted for the requisite approval of this Planning Authority shall include:-

- a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers); and the position of all buildings;
- b) A detailed plan to a scale of not less than 1:500 showing the site contours, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment;
- c) Detailed plans, sections and elevations of all buildings proposed to be erected on the site, together with details of the proposed method of drainage, details of a Sustainable Drainage System(SuDS) and the colour and type of materials to be used externally on walls and roofs;
- d) A detailed plan to a scale of not less than 1:500 demonstrating off-street parking spaces in accordance with the current Fife Council Transportation Development Guidelines.
- e) Street elevations, photomontages and cross sections demonstrating the proposed buildings in relation to the existing street scene.
- f) Details of the boundary treatments, landscaping, bin stores, cycle racks, drying areas and amenity space.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning etc. (Scotland) Act 2006).

3. The sketch drawings and layout plans accompanying the application are not approved.

Reason: The details shown on the drawings submitted are not regarded as necessarily the only or best solution for the development of this site.

4. BEFORE THE OCCUPATION OF ANY PART OF THE DEVELOPMENT, parking, manoeuvring, servicing, turning and access driveway areas shall be provided in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such. FOR THE AVOIDANCE OF DOUBT the internal access arrangements demonstrated on the proposed block plan are not approved.

Reason: In the interests of road safety; to ensure the provision of an adequate design layout and construction.

5. BEFORE THE ACCESS ON KIRKCALDY ROAD IS BROUGHT INTO USE, visibility splays of 2.4m metres by 43 metres shall be provided in both directions at the junction of the new access with Kirkcaldy Road in accordance with the current Fife Council Transportation Development Guidelines. Thereafter these shall be permanently maintained free from any obstructions exceeding a height of 600mm above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

6. BEFORE THE ACCESS ON GREENMOUNT ROAD NORTH IS BROUGHT INTO USE, visibility splays of 2.4m metres by 25 metres shall be provided in both directions at the junction of the new access with Greenmount Road North in accordance with the current Fife Council Transportation Development Guidelines. Thereafter these shall be permanently maintained free from any obstructions exceeding a height of 600mm above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

7. FOR THE AVOIDANCE OF DOUBT, the main public vehicular access to the site shall only be taken from the new access points as detailed on the indicative site plan.

Reason: In the interests of road safety. To ensure an acceptable access location in relation to the existing road system.

8. FOR THE AVOIDANCE OF DOUBT, a pedestrian/ cycle link shall be provided between the two access points referred to in condition 7 in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such.

Reason In the interests of road safety. To ensure an acceptable access location in relation to the existing road system.

9. Surface water to be disposed of from the developed site shall be dealt with using techniques advocated in The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR). Full details of the methods to be used (including all calculations) shall be submitted to the Planning Authority for approval in writing. Thereafter the scheme as approved shall be fully completed before any part of the development authorised by the granting of this permission becomes operational.

Reason: To ensure that adequate measures are put in place to deal with surface water drainage.

10. BEFORE THE OCCUPATION OF ANY PART OF THE DEVELOPMENT, off-street parking spaces shall be provided in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such.

Reason: To ensure adequate provision of off-street car parking.

11. FOR THE AVOIDANCE OF DOUBT, The existing gate way and gate piers shall be retained.

Reason: In the interests of visual amenity; to ensure that the proposed development does not detract from the character and appearance of this Category B Listed Building.

12. Each residential unit provided on the site shall be used solely as a residence for (a) a single person or by people living together as a family; or, (b) not more than 5 unrelated residents living together in a dwellinghouse; or, (c) not more than 2 unrelated residents living together in a flat. The use of the site for any other purpose, including another purpose in Class 9 of the Schedule to the Town and Country Planning (Use Classes) Order 1997 will require to be the subject of a further planning application to and approved by this Planning Authority. For the avoidance of doubt none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

Reason: In order to retain proper control over the use of the property.

13. Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for demolition/construction activities within the site shall be restricted to Monday to Friday between 8.00 am to 6.00pm, 8.00am to 1.00 pm on a Saturday and at no time on a Sunday or Public Holidays. No commercial vehicles associated with demolition/construction work shall enter or leave the site before 8.00am and after 6.00pm Monday to Friday; before 8.00am and after 1.00pm on a Saturday and at any time on a Sunday or during Public Holidays.

Reason: In the interests of residential amenity; to ensure that the activity on the site does not generate a level of noise which, would disturb neighbouring residential amenity.

14. The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

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

.....
Proper Officer

Advisory notes

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

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

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

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

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

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

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

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

JJF Planning
Joe Fitzpatrick
35 Aytoun Crescent
Burntisland
United Kingdom
KY3 9HS

Planning Services

Scott McInroy
development.central@fife.gov.uk

Your Ref:
Our Ref: 20/03131/ARC

Date 13th January 2022

Dear Sir/Madam

Application No: 20/03131/ARC
Proposal: Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses
Address: Land To West Of 36 Greenmount Road North Burntisland Fife

Please find enclosed a copy of Fife Council's decision notice in relation to the above application made on behalf of **Ms Anne Stevenson**. You are advised carefully to read any conditions which form part of the decision notice and to contact me if anything in the decision notice requires further explanation.

The decision notice is an important document and should be kept safe for future reference.

Yours faithfully,

Scott McInroy, Planner, Development Management

Enc

USEFUL GUIDANCE

BUILDING WARRANT

This permission does not exempt you from obtaining a Building Warrant under the Building (Scotland) Acts. For further information, please contact 03451 55 11 22.

FIFE COUNCIL LAND, ROADS AND FOOTPATHS

The consent of Fife Council as the landowner may be required where development is on Council owned land, or where access is required over adopted roads and/or footpaths.

AVOIDING DANGER FROM UNDERGROUND SERVICES

Freephone Dial-Before-You-Dig, Susiephone No. 08000 231 251 or email dialbeforeyoudig@susiephone.co.uk . If you require any more information about Susiephone then please contact Susiephone Ltd, PO Box 12891, Loanhead, EH20 9WU.

ROADS CONSTRUCTION CONSENT

This permission does not exempt you from obtaining a Roads Construction Consent under the Roads Scotland Act 1984. For further information please contact: Fife Council, Transportation and Environmental Services

ADVICE FROM SCOTTISH WATER

The issue of a Building Warrant or Planning Permission does not cover aspects of the works for which separate approval is required from Scottish Water (SW). As Fife Council notifies SW of **all** applications which are approved, applicants should be aware that inspection of work which is not approved in advance by SW is often inconvenient and may result in the applicant incurring additional expense to remedy work undertaken incorrectly.

Please contact:	Scottish Water	Tel: 0845 601 8855
	6 Castle Drive Dunfermline, Fife KY11 8GG	Email: customer.service@scottishwater.co.uk



DECISION NOTICE

APPROVAL REQUIRED BY CONDITION(S)

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 **APPROVES MATTERS SPECIFIED IN CONDITIONS** for the particulars specified below

Application No: 20/03131/ARC
Proposal: Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses
Address: Land To West Of 36 Greenmount Road North Burntisland Fife

You are legally required to fully comply with all the particulars as set out in the terms of this decision notice. The plans and any other submissions which form part of this Decision notice are as shown as 'Approved' for application reference 20/03131/ARC on Fife Council's Planning Applications Online.

CONDITIONS

1. BEFORE THE OCCUPATION OF ANY PART OF THE DEVELOPMENT, parking, manoeuvring, servicing, turning and access driveway areas shall be provided in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such. FOR THE AVOIDANCE OF DOUBT the internal access arrangements demonstrated on the proposed block plan are not approved.

Reason: In the interests of road safety; to ensure the provision of an adequate design layout and construction.

2. BEFORE THE ACCESS ON KIRKCALDY ROAD IS BROUGHT INTO USE, visibility splays of 2.4m metres by 43 metres shall be provided in both directions at the junction of the new access with Kirkcaldy Road in accordance with the current Fife Council Transportation Development Guidelines. Thereafter these shall be permanently maintained free from any obstructions exceeding a height of 600mm above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

3. BEFORE THE ACCESS ON GREENMOUNT ROAD NORTH IS BROUGHT INTO USE, visibility splays of 2.4m metres by 25 metres shall be provided in both directions at the junction of the new access with Greenmount Road North in accordance with the current Fife Council Transportation Development Guidelines. Thereafter these shall be permanently maintained free from any obstructions exceeding a height of 600mm above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

Dated: 13th January 2022

Chris Smith

4. Within 3 months of consent being granted and prior to any works being undertaken on site, revised plans shall be submitted for approval by Fife Council as Planning Authority showing the provision of 2m x 25m visibility splays at the junction of the new access to Plot 9 and the public road. These splays shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, in accordance with the current Fife Council Making Fife's Places Appendix G and this requires the realignment of the boundary wall of Plots 8 and 9. Once approved, these visibility splays shall be retained for the lifetime of the development and as per the layout shown on the relevant plan.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junction of the access to the site and the public road.

5. FOR THE AVOIDANCE OF DOUBT, a link road shall be provided between the two access points referred to in condition 7 in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such.

Reason: In the interests of road safety. To ensure an acceptable access location in relation to the existing road system.

6. Prior to the occupation of each dwelling, there shall be provided within the curtilage of each plot 3 off-street parking spaces (excluding the integral garages) for vehicles in accordance with current Fife Council Making Fife's Places Appendix G and as per the layout shown on Drawing No 01A. The parking spaces shall be retained for the lifetime of the development.

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

7. The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

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

REASON(S) FOR MAKING THIS DECISION

The reason(s) why the Council made this decision are: -

The principle of development at this location was established through the approval on the planning permission in principle application (Planning Reference 15/00825/PPP) and the S42 consent through the approval of application 16/03521/PPP. The details now submitted comply with the conditions of that decision and the development is therefore considered to be satisfactory. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any detrimental impacts on surrounding residential properties or road safety and is considered acceptable in terms of its visual impact.

Dated: 13th January 2022

Chris Smith

PLANS

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

Reference	Plan Description
01	Location Plan
02	Site Layout
03	Proposed various - elevation, floor etc
04	Proposed various - elevation, floor etc
05	Street Scene
06	Road Details and Sections
07	Suds
08A	Suds
09	Additional Information
10	Topographic Site Plan
11	Pavement Construction Plan
12	Pavement Construction Plan
13	Proposed various - elevation, floor etc
14A	Drainage Plan
15	Surface Water Flow Diagram
16	Drainage statement/strategy
17	SUDs and Flood Risk Assessment Certs
18	SUDs and Flood Risk Assessment Certs
19	SUDs and Flood Risk Assessment Certs
20	SUDs and Flood Risk Assessment Certs

Dated:13th January 2022

Chris Smith

IMPORTANT NOTES ABOUT THIS DECISION

IT IS YOUR RESPONSIBILITY TO ENSURE THAT ALL WORKS AUTHORISED BY THIS DECISION ARE CARRIED OUT STRICTLY IN ACCORDANCE WITH ALL OF THE CONDITIONS AND SPECIFICATIONS OF THE DECISION NOTICE, INCLUDING THESE NOTES.

DURATION

This permission is granted subject to the standard condition that the development to which it relates must be begun no later than-

3 years from the date of the related planning permission in principle, or

2 years from the date of this permission

Whichever is the later.

COMMENCEMENT/COMPLETION OF DEVELOPMENT

Prior to the development hereby approved commencing on site, you are required to submit written notification to Fife Council as Planning Authority of the intended date of commencement of the development (form attached), which for the avoidance of doubt shall not commence until this notification has been agreed in writing by this Council. On completion of the development, you are also required to submit written notification to this Council of this as soon as practicably possible.

LOCAL REVIEW

If you are not satisfied with the condition(s) imposed 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.

ENFORCEMENT

Failure to carry out development in accordance with the approved details or to comply with any conditions on this decision notice may result in enforcement action being taken.

Proposal Details

Proposal Name	100551555
Proposal Description of 20/03131/ARC	LRB Submission Relating to Conditions 1 and 5
Address	
Local Authority	Fife Council
Application Online Reference	100551555-001

Application Status

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

Attachment Details

Notice of Review	System	A4
FPRB Decision Notice	Attached	A4
Grounds for Review	Attached	A4
20 03131 ARC Decision Notice	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Agenda Item 6(2)

**Land to West of Greenmount Road North,
Burntisland**

Application No. 20/03131/ARC

Planning Decision Notice

Report of Handling

JJF Planning
Joe Fitzpatrick
35 Aytoun Crescent
Burntisland
United Kingdom
KY3 9HS

Planning Services

Scott McInroy
development.central@fife.gov.uk

Your Ref:
Our Ref: 20/03131/ARC

Date 13th January 2022

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Please contact:	Scottish Water	Tel: 0845 601 8855
	6 Castle Drive Dunfermline, Fife KY11 8GG	Email: customer.service@scottishwater.co.uk



DECISION NOTICE

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Reason: In the interests of road safety; to ensure the provision of an adequate design layout and construction.

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Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

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Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

Dated: 13th January 2022

Chris Smith

4. Within 3 months of consent being granted and prior to any works being undertaken on site, revised plans shall be submitted for approval by Fife Council as Planning Authority showing the provision of 2m x 25m visibility splays at the junction of the new access to Plot 9 and the public road. These splays shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, in accordance with the current Fife Council Making Fife's Places Appendix G and this requires the realignment of the boundary wall of Plots 8 and 9. Once approved, these visibility splays shall be retained for the lifetime of the development and as per the layout shown on the relevant plan.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junction of the access to the site and the public road.

5. FOR THE AVOIDANCE OF DOUBT, a link road shall be provided between the two access points referred to in condition 7 in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such.

Reason: In the interests of road safety. To ensure an acceptable access location in relation to the existing road system.

6. Prior to the occupation of each dwelling, there shall be provided within the curtilage of each plot 3 off-street parking spaces (excluding the integral garages) for vehicles in accordance with current Fife Council Making Fife's Places Appendix G and as per the layout shown on Drawing No 01A. The parking spaces shall be retained for the lifetime of the development.

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

7. The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

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

REASON(S) FOR MAKING THIS DECISION

The reason(s) why the Council made this decision are: -

The principle of development at this location was established through the approval on the planning permission in principle application (Planning Reference 15/00825/PPP) and the S42 consent through the approval of application 16/03521/PPP. The details now submitted comply with the conditions of that decision and the development is therefore considered to be satisfactory. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any detrimental impacts on surrounding residential properties or road safety and is considered acceptable in terms of its visual impact.

Dated: 13th January 2022

Chris Smith

PLANS

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

Reference	Plan Description
01	Location Plan
02	Site Layout
03	Proposed various - elevation, floor etc
04	Proposed various - elevation, floor etc
05	Street Scene
06	Road Details and Sections
07	Suds
08A	Suds
09	Additional Information
10	Topographic Site Plan
11	Pavement Construction Plan
12	Pavement Construction Plan
13	Proposed various - elevation, floor etc
14A	Drainage Plan
15	Surface Water Flow Diagram
16	Drainage statement/strategy
17	SUDs and Flood Risk Assessment Certs
18	SUDs and Flood Risk Assessment Certs
19	SUDs and Flood Risk Assessment Certs
20	SUDs and Flood Risk Assessment Certs

Dated:13th January 2022

Chris Smith

IMPORTANT NOTES ABOUT THIS DECISION

IT IS YOUR RESPONSIBILITY TO ENSURE THAT ALL WORKS AUTHORISED BY THIS DECISION ARE CARRIED OUT STRICTLY IN ACCORDANCE WITH ALL OF THE CONDITIONS AND SPECIFICATIONS OF THE DECISION NOTICE, INCLUDING THESE NOTES.

DURATION

This permission is granted subject to the standard condition that the development to which it relates must be begun no later than-

3 years from the date of the related planning permission in principle, or

2 years from the date of this permission

Whichever is the later.

COMMENCEMENT/COMPLETION OF DEVELOPMENT

Prior to the development hereby approved commencing on site, you are required to submit written notification to Fife Council as Planning Authority of the intended date of commencement of the development (form attached), which for the avoidance of doubt shall not commence until this notification has been agreed in writing by this Council. On completion of the development, you are also required to submit written notification to this Council of this as soon as practicably possible.

LOCAL REVIEW

If you are not satisfied with the condition(s) imposed 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.

ENFORCEMENT

Failure to carry out development in accordance with the approved details or to comply with any conditions on this decision notice may result in enforcement action being taken.

REPORT OF HANDLING**APPLICATION DETAILS**

ADDRESS	Land To West Of 36, Greenmount Road North, Burntisland		
PROPOSAL	Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses		
DATE VALID	04/02/2021	PUBLICITY EXPIRY DATE	22/03/2021
CASE OFFICER	Scott McInroy	SITE VISIT	27/04/2021
WARD	Burntisland, Kinghorn And West Kirkcaldy	REPORT DATE	10/01/2022

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT

Under Section 25 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 Site Description**

1.1.1 The application site relates to an area of land of approximately 1.1 hectares in size situated within an established residential area within the settlement envelope of Burntisland, as defined in the Adopted FIFEplan (2017). The application site itself is zoned as a Housing Opportunity site (ref BUR 006). The overall site itself was originally granted planning permission in principle under reference 15/00825/PPP for the erection of 11 dwellinghouses with associated access road on 24th March 2016. The history of the site is explained in section 1.3 of the report below.

The surrounding area is predominately residential in nature with dwellinghouses being predominately two storeys in height. Vehicular access to the site is at the corner of Greenmount Road North with Kirkcaldy Road. The application site also includes an existing dwellinghouse, No 36 Greenmount Road North, which is accessed from the existing opening at the junction of Greenmount Road North with Kirkcaldy Road. There is another existing opening on Kirkcaldy Road.

1.2 Proposal

1.2.1 This application seeks detailed planning permission via approval required by conditions to erect 11 dwellinghouses on the site. Planning Permission in Principle has been granted for the site originally through application 15/00825/PPP, then through 16/03521/PPP subject to the fulfilment of Conditions. In respect to the scale, massing and design the application proposes to erect a mix of 1 and half and two storey housetypes, to be finished in a mix of buff coloured dry dash render, grey interlocking concrete rooftiles and white upvc windows and doors.

1.3 Planning History

1.3.1 The relevant planning history to this site is as follows:

- 15/00825/PPP - Planning Permission in Principle for erection of 11 detached dwellinghouses with associated access - approved 24/03/2016.

-16/03521/PPP - condition 1 of planning permission 15/00825/PPP to allow the submission of separate applications for each plot) - approved 06/03/2017.

1.4 Application Process

1.4.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

2.0 Planning 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
- Land Stability
- Water/Drainage/Flood Risk
- Trees and Biodiversity

2.2 Principle of Development

2.2.1 The principle of erecting 11 dwellinghouses on this site was established by the approval of the planning permission in principle (Planning Reference 15/00825/PPP and 16/03521/PPP). The overall acceptability of such a development must however also meet other policy criteria set

out within the planning permission in principle approval and these issues are considered in detail below.

2.3 Design/ Visual Impact

2.3.1 One of the aims of SESplan is to conserve and enhance the built environment.

2.3.2 Policy 10, criterion 7, of FIFEplan supports development where it does not have a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area.

2.3.3 Fife Council's Planning Policy Guidance - Making Fife's Places encourages a design-led approach to development proposals, focussed on achieving high quality design through careful consideration of the needs of users and future users to create buildings which are fit for purpose.

2.3.4 The style, massing and design of the proposed dwellinghouses meets the requirements of the extant planning permission in principle approval (Planning Reference 16/03521/PPP) and complement the design ethos of the surrounding modern built environment.

2.4 Residential Amenity

2.4.1 PAN1/2011 sets out how noise issues generally should be handled when considering any application for planning permission. Policy 10 of the adopted FIFEplan supports development proposals where they are compatible with neighbouring uses and protect personal privacy and amenity.

2.4.2 Fife Council's Planning Customer Guidelines on Daylight and Sunlight seeks to ensure that adequate levels of natural light are achieved in new developments and unacceptable impacts on light to nearby properties are avoided.

2.4.3 The main consideration in this instance relates directly to any impact the proposed dwellinghouses would have on the adjacent residential properties and on each other in relation to overlooking, loss of privacy and loss of daylight. Concerns have been raised regarding the impact of plots 3 and 4 on the neighbouring dwelling to the south. The plot layouts and dwellinghouses have been designed to ensure that the windows of the proposed dwellings within the site would be in compliance with the distances set out within Fife Council's Planning Customer Guideline on Minimum Distances between Window Openings. The same applies for the relationship of any proposed houses in relation to any existing or proposed properties outwith the site. Again, the plot layouts and house styles have been designed to ensure that no properties would create shade or block daylight/ sunlight to any other adjacent existing property or any proposed property within the site itself.

2.4.4. The application is therefore capable of meeting the requirements of national guidance, the Development Plan and supplementary guidance relating to residential amenity.

2.5 Garden Ground

2.5.1 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 of 1:3 will be required.

2.5.2 The proposed development adequately provides sufficient amenity garden ground in line with the policy described above. The application therefore meets the requirements of the Development Plan relating in this regard.

2.6 Road Safety

2.6.1 Policy 8 of SESplan states that Local Authorities should ensure that new development minimises the generation of additional car traffic including applying car parking standards that relate to public transport accessibility. In addition, the policy states that LDP's should also ensure that the design and layout of new development demonstrably promotes non-car modes of travel; and, should consider the merits of protecting existing and potential traffic free cycle and walking routes such as disused railways affected by any development proposals.

2.6.2 Policy 10 of the Adopted FIFEplan supports development where it does not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements.

2.6.3 FIFEplan Policy 4 references Planning Obligations Guidance which provides further detail on methodologies and development requirements. The proposed development would not however require to contribute towards the strategic transportation intervention measures identified as the proposed residential development is on brownfield land.

2.6.4. Fife Council's Transport Development Management team (TDMT) has assessed the application and recommend approval subject to the inclusion of a number of standard conditions on the planning permission relating to parking, visibility splays, accesses and pedestrian/cycle links.

2.6.5 The application, subject to the inclusion of the aforementioned conditions recommended by the TDMT, meets the requirements of the Development Plan in relation to road safety.

2.7 Land Stability

2.7.1 PAN33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. Policy 10 of the Adopted FIFEplan advises development proposals will only be supported where there is no significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.7.2 Fife Council's Land & Air Quality Team (LAQT) has assessed the information contained within the application and have no objection to the proposals however due to past land uses in the area the team requested suspensive conditions stating the action to be taken if any contamination is found.

2.8 Water/Drainage/Flood Risk

2.8.1 The SPP (Managing Flood Risk and Drainage) requires Planning Authorities to take a precautionary approach to flood risk from all sources, taking account of the predicted effects of climate change. Similar provision is included within SESplan. More specific guidance on flood risk and management is set out in PAN 69. Policy 12 of the Adopted FIFEplan states that development will not be supported if it would increase the risk of flood risk; it would be at risk of flooding or; adequate provision is not made for access to watercourses for maintenance.

2.8.2 The SPP (Drainage and Culverts) stipulates that planning permission should not be granted unless the proposed arrangements for surface water drainage are adequate and appropriate long term maintenance arrangements will be in place. It elaborates that for large scale development proposals in areas where drainage is already constrained or otherwise problematic or if there would be off-site effects, a comprehensive drainage assessment will be required. Policy 3 of the Adopted FIFEplan state that developments should not place unacceptable demands on public infrastructure including drainage systems. They also stipulate that proposals involving significant surface water run-off will only be supported where Sustainable Urban Drainage Systems (SUDS) or similar appropriate measures are undertaken. The applicant has provided drainage report, drainage layout plan, SuDs/drainage design and check certificates

2.8.3 Fife Council's Structural Services Team has been consulted and raise no objection to the proposed development to erect 11 dwellinghouses on the site. The current proposals will not increase flooding or drainage issues and the Council's floods team have no objection to the proposals subject to conditions.

2.8.4 In this particular instance the proposed development meets the requirements of national guidance and the Development Plan relating to flooding and drainage.

CONSULTATION RESPONSES

Structural Services - Flooding, Shoreline And Harbours	No objection
Transportation, Planning Services	No objection subject to conditions
Structural Services - Flooding, Shoreline And Harbours	No objections
Scottish Water	
Historic Environment Scotland	No comment
Archaeology Team, Planning Services	No objection
Built Heritage, Planning Services	No objection
Policy And Place Team (Central Area)	No comment
Trees, Planning Services	
Land And Air Quality, Protective Services	No objection subject to condition
Housing And Neighbourhood Services	No objection

REPRESENTATIONS

One general comment has been received. The submitted comments have been addressed under section 2.4 (Residential Amenity) of this report of handling.

CONCLUSION

The principle of development at this location was established through the approval on the planning permission in principle application (Planning Reference 15/00825/PPP) and the S42 consent through the approval of application 16/03521/PPP. The details now submitted comply with the conditions of that decision and the development is therefore considered to be satisfactory. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any detrimental impacts on surrounding residential properties or road safety and is considered acceptable in terms of its visual impact.

DETAILED RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. BEFORE THE OCCUPATION OF ANY PART OF THE DEVELOPMENT, parking, manoeuvring, servicing, turning and access driveway areas shall be provided in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such. FOR THE AVOIDANCE OF DOUBT the internal access arrangements demonstrated on the proposed block plan are not approved.

Reason: In the interests of road safety; to ensure the provision of an adequate design layout and construction.

2. BEFORE THE ACCESS ON KIRKCALDY ROAD IS BROUGHT INTO USE, visibility splays of 2.4m metres by 43 metres shall be provided in both directions at the junction of the new access with Kirkcaldy Road in accordance with the current Fife Council Transportation Development Guidelines. Thereafter these shall be permanently maintained free from any obstructions exceeding a height of 600mm above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

3. BEFORE THE ACCESS ON GREENMOUNT ROAD NORTH IS BROUGHT INTO USE, visibility splays of 2.4m metres by 25 metres shall be provided in both directions at the junction of the new access with Greenmount Road North in accordance with the current Fife Council Transportation Development Guidelines. Thereafter these shall be permanently maintained free from any obstructions exceeding a height of 600mm above the adjacent road channel levels.

Reason: In the interests of road safety; to ensure the provision and maintenance of adequate visibility at junctions and accesses.

4. Within 3 months of consent being granted and prior to any works being undertaken on site, revised plans shall be submitted for approval by Fife Council as Planning Authority showing the provision of 2m x 25m visibility splays at the junction of the new access to Plot 9 and the public road. These splays shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, in accordance with the current Fife Council

Making Fife's Places Appendix G and this requires the realignment of the boundary wall of Plots 8 and 9. Once approved, these visibility splays shall be retained for the lifetime of the development and as per the layout shown on the relevant plan.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junction of the access to the site and the public road.

5. FOR THE AVOIDANCE OF DOUBT, a link road shall be provided between the two access points referred to in condition 7 in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such.

Reason: In the interests of road safety. To ensure an acceptable access location in relation to the existing road system.

6. Prior to the occupation of each dwelling, there shall be provided within the curtilage of each plot 3 off-street parking spaces (excluding the integral garages) for vehicles in accordance with current Fife Council Making Fife's Places Appendix G and as per the layout shown on Drawing No 01A. The parking spaces shall be retained for the lifetime of the development.

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

7. The presence of any previously unsuspected or un-encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.

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

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

National Policy and Guidance
Scottish Planning Policy (SPP) (2014)

Development Plan
Adopted FIFEplan (2017)

Other Guidance
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2017)
Fife Council's Planning Customer Guidelines on Garden Ground (2016)
Fife Council's Minimum Distance between Windows Guidance
Making Fife's Places Planning Policy Guidance (2018)

Agenda Item 6(3)

**Land to West of Greenmount Road North,
Burntisland**

Application No. 20/03131/ARC

Representation(s)

Dawn Batchelor

From: [REDACTED]
Sent: 15 March 2021 18:44
To: Development Central
Subject: Planning Application No. 20/03131/ARC - comments

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.

Planning Application No. 20/03131/ARC

– Land to West of 36 Greenmount Road North, Burntisland

After viewing the plans for proposed housing at the land to West of 36 Greenmount Road North, Burntisland, and as we share a border with plots 3 and 4 , we would like to point out some considerations:

- 2 large 2 storey houses (type 2) would border our garden and will
 - 1) Partially block our view of the hill
 - 2) Compromise our privacy
 - 3) Overlook our garden

- A) Suggestion to alleviate this could be to change these two type 2 houses to type 3, or at least the house on plot 3 overlooking our back garden
- B) Suggest the maximum distance possible be incorporated in the plot to distance the houses from ours i.e. place the houses as far from boundary as would be possible.

Whilst recognising that this land is going to be developed can we ask that our points be considered.

From Alex and Liz McGuire
17 Greenmount Road North, Burntisland, KY3 9JQ

[REDACTED]



Agenda Item 6(4)

**Land to West of Greenmount Road North,
Burntisland**

Application No. 20/03131/ARC

Consultee Comments

Consultee Comments for Planning Application 20/03131/ARC

Application Summary

Application Number: 20/03131/ARC

Address: Land To West Of 36 Greenmount Road North Burntisland Fife

Proposal: Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses

Case Officer: David Shankland

Consultee Details

Name: Mr Scott McInroy

Address: Kingdom House, Kingdom Avenue, Glenrothes, Fife KY7 5LY

Email: scott.mcinroy@fife.gov.uk

On Behalf Of: Archaeology Team, Planning Services

Comments

No response required

Consultation Request Notification

Please use updated template attached for your response

Planning Authority Name	Fife Council
Response Date	5th March 2021
Planning Authority Reference	20/03131/ARC
Nature of Proposal (Description)	Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses
Site	Land To West Of 36 Greenmount Road North Burntisland Fife
Site Postcode	N/A
Site Gazetteer UPRN	000320285826
Proposal Location Easting	323794
Proposal Location Northing	686570
Area of application site (Ha)	
Clarification of Specific Reasons for Consultation	
Development Hierarchy Level	N/A
Supporting Documentation URL	http://planning.fife.gov.uk/online/applicationDetails.do?activeTab=documents&keyVal=QLBKZNHFFO500
List of Available Supporting Documentation	As above URL
Date of Validation by Planning Authority	4th February 2021 Development Type: Local - Approval Required by Conditions
Date of Consultation	19th February 2021
Governing Legislation	Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006
Consultation Type	Approval Required by Condition(s)
PA Office	Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LY
Case Officer	David Shankland
Case Officer Phone number	03451 55 11 22

Planning Portfolio Internal Assessment Sheet

EPPS Team	Archaeology Team, Planning Services
Application Ref Number:	20/03131/ARC
Application Description:	Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses
Date:	
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 Economy, Planning and Employability Service. 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.

Assessment Summary

1.0 POLICY CONTEXT

Local Plans

Relevant FIFEplan policies on built and historic environment:

- **Policy 1 – Development Principles**

Part B

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

2. Avoid the loss of valuable cultural, tourism and community resources

- **Policy 14 – Built and Historic Environment**

All archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where:

- *Remains are preserved in-situ and in an appropriate setting; or*
- *There is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed.*

Proposals will not be supported where it is considered they will harm or damage:

- *Patterns of traditional orchards and medieval garden riggs*

In all the above, development proposals must be accompanied with the appropriate investigations. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations.

Applying Policy 14

11. The archaeological investigation of all buried sites and standing historic buildings within an Archaeological Area of Regional Importance will be required in advance of development unless good reason for an exemption can be shown.

Relevant International and national cultural heritage policy and guidance that underpins FIFEplan Policy 14:

- *The European Convention on the Protection of the Archaeological Heritage (Revised) 1992*
- *Scottish Planning Policy 2014 (SPP) Paragraphs 135-151: Valuing the Historic Environment, particularly paragraph 150 'Archaeology and Other Historic Environment Assets'*
- *Town and Country Planning (Scotland) Act 1997, the Planning etc (Scotland) Act 2006, and the Historic Environment (Amendment) (Scotland) Act 2011*
- *Scottish Historic Environment Policy (SHEP) 2011*
- *Planning Advice Note (PAN) 2/2011: Planning and Archaeology*
- *Our Place in Time - the Historic Environment Strategy for Scotland (2014)*
- *Historic Scotland's Managing Change in the Historic Environment and Guidelines for Landscape and Visual Impact Assessment (2002) guidance note series*
- *Visual Impact Assessment (2002) guidance note series*

2.0 ARCHAEOLOGICAL ASSESSMENT

2.1 The archaeological implications of this proposal have assessed against all statutory and non-statutory heritage constraint data sets held by Fife Council, including:

- Scheduled Ancient Monuments
- Non-Statutory List of Monuments
- National Inventory of Gardens & Designed Landscapes

- National Inventory of Historic battlefield Sites
- Conservation Areas
- Archaeological Areas of Regional Importance
- Archaeological Sites of Regional Importance
- Non-Statutory archaeological sites (FSMR & NMRS sites)
- Archaeological Unit library
- HES aerial photograph transcription data
- HES ground survey data
- HES Historic Landscape Assessment data
- Ordnance Survey historic mapping (all editions back to the First Edition)
- Historic cartographic material
- Listed Building data
- GIS archaeological landscape and comparative modelling approaches
- Lidar data

3.0 OVERALL ASSESSMENT

3.1 Advice is sought on the archaeological implications of the erection of the erection of 11 dwellinghouses of the site of the former 19th century villa latterly known as Greenmount Hotel, to the west of Greenmount Road North, Burntisland.

3.2 No archaeological sites, monuments or deposits are recorded on or near the site. The site is not covered by any heritage designations.

4.0 CONCLUSIONS

4.1 No significant archaeological issues.

5.0 RECOMENDATIONS (include any suggested conditions/planning obligations if considering approval)

5.1 Should consent be granted, no archaeological works will be required.

Signed: Douglas Speirs, Archaeologist, Development Plan Team
 Date: 5th March, 2021
 E-mail: Douglas.Speirs@fife.gov.uk
 Number: 473748

Signed by *insert name and upload to Consultee Access* (Service Manager)

Date _____
E-mail
Number

NB Referral to Senior Manager by Service Manager on a need to know basis.
Effective from January, 2015.

Planning Portfolio Internal Assessment Sheet

EPPS Team	Built Heritage - EPES
Application Ref Number:	20/03131/ARC
Application Description:	Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses Land To West Of 36 Greenmount Road North Burntisland Fife
Date:	02/03/2021
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 Economy, Planning and Employability Service. 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.

1.0 POLICIES

FIFEplan Fife's local Development Plan – adopted on 21 September 2017
<https://www.fifedirect.org.uk/topics/index.cfm?fuseaction=page.display&p2sid=D61AC1F5-DD4B-CE6A-51E3BDDDED79D5ABC&themeid=2B482E89-1CC4-E06A-52FBA69F838F4D24>

Policy 1 (Part B) 10: Development Principles

Development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant:

Safeguard the characteristics of the historic environment

Policy 14 – Built and Historic Environment

Designated sites and buildings

Development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage:

-Listed Buildings or their setting, including structures or features of special architectural or historic interest

2.0 OVERALL ASSESSMENT

2.1 The proposal affects the former site of the Greenmount hotel which was listed category B with its boundary walls and gateposts.

3.0 CONCLUSIONS

3.1 There is no objection to the proposed re-arrangement of natural stone boundary walls which would re-build and repair existing walls and gateposts.

However the work should all be designed and detailed to match existing. Where relevant, any additional coping stones, dressed quoin stones and natural stone rubble not available from the original wall on site should be sourced through geologically matching to the original wall and sampled for approval along with the lime mortar and for prior approval. All should be constructed by an experienced stonemason to match the original/existing build pattern, coursing, mortar joint size, stone shapes and sizes and any surface tooling on the dressed stones. A sample of approximately 1m² of each type of build should be built up for inspection and prior approval.

That is all to meet the relevant guidance underpinning the Scottish historic Environment Policy 9 and Fife Council's policies 1 and 14).

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

4.0 It is recommended that the additional checks and steps to ensure that the walls and gateposts would be repaired and built to equal the appearance, materials and craftsmanship of the pre-existing boundary walls should be taken in determining this condition.

Important note

The above internal planning assessment response has been prepared at officer level within the Economy, Planning and Employability 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.

Signed by Fiona Fisher, Economy, Planning and Employability Services
E-mail fiona.fisher@fife.gov.uk

Number 03451 555 555 Ext 440477

NB Referral to Senior Manager by Service Manager on a need to know basis.
Effective from January, 2015.



By email to:
development.central@fife.gov.uk

Fife Council
Planning and Development
Kingdom House
Kingdom Avenue
Glenrothes
KY7 5LY

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

T: 0131 668 8716

Our case ID: 300049326
Your ref: 20/03131/ARC
02 March 2021

Dear Fife Council

Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Land To West Of 36 Greenmount Road North, Burntisland, Fife - Application for Approval
of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for
erection of 11 dwellinghouses.

Thank you for your consultation which we received on 19 February 2021.

We have considered your consultation and confirm that we have no locus in this
particular case.

Detailed guidance on the application of National policy is set out in our 'Managing
Change in the Historic Environment' series available online at
[https://www.historicenvironment.scot/advice-and-support/planning-and-
guidance/legislation-and-guidance/managing-change-in-the-historic-environment-
guidance-notes/](https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation
website at www.engineshed.org.

Yours faithfully

Historic Environment Scotland

AFFORDABLE HOUSING REQUIREMENT

Land to West of 36 Greenmount Road North, Burntisland

Project Reference	Central235A
Planning Application Reference	20/03131/ARC

This note provides guidance on the delivery of affordable housing for the above site. Please refer to the following Fife Council documents for further information:

- [Affordable Housing Supplementary Planning Guidance \(Sept 2018\)](#)
- [Adopted FIFEplan \(Sept 2017\)](#).

Total no of units or site capacity	11 total units
Affordable Housing Requirement	<p>There is no affordable housing contribution required on this planning application as it is exempt due to the following:</p> <ul style="list-style-type: none">• A valid planning consent exists which does not require an affordable housing contribution and any new application proposes 9 or less additional units and is below the threshold for the provision of affordable housing. <p>The previous planning application of 15/00825/PPP refers to the extant permission for nine of the units and the additional two units fall under the relevant thresholds. See also 93/B/0090 for the original permission.</p>

Housing Service Contacts	<p>Karen Gubby Housing Professional Fife Council Housing Services Tel: 03451 55 55 55 Extension: 444 558 Mobile: 07712549357 E-Mail: karen.gubby@fife.gov.uk</p>
	<p>Craig Brown Lead Officer – Affordable Housing & Regeneration Fife Council Housing Services Tel: 03451 55 55 55 Extension 490 116 Mobile: 07525392613 E-mail: craig.brown@fife.gov.uk</p>

MEMORANDUM

TO: David Shankland, Planner, Development Management
FROM: Donald Payne, Technical Officer, Land & Air Quality
DATE: 5 March 2021
OUR REF: PC140555C2 **YOUR REF:** 20/03131/ARC (15/00825/PPP)
SUBJECT: Erection of 11 dwellinghouses at 36 Greenmount Road North Burntisland

Thank you for your consultation on the above application.

Planning Condition(s) 13 of Decision Notice 15/00825/PPP should be retained.

Due to the age of the buildings previously on site, it is possible that the building fabric included asbestos. Any asbestos containing materials encountered should be the subject of appropriate removal and disposal arrangements in consultation with SEPA and HSE to prevent asbestos getting into the soil. Further details and a list of companies licensed by the Asbestos Licensing Unit are available at www.hse.gov.uk.

In the event that any unexpected materials or conditions such as asbestos, hydrocarbon staining, made-ground, gassing, odours or other apparent contamination are encountered during the development work, work should stop and Development Management should be notified. This might necessitate undertaking a suitable site-specific risk assessment for contaminated land, see www.fife.gov.uk/contaminatedland.

Should Development Management approve any application for the site, it is advised that the contaminated land condition LQC3 (attached) be utilised to ensure the site would be developed in accordance with the relevant technical guidance including PAN 33.

Please note that we are not qualified to comment on geotechnical matters relating to ground stability or foundation design. This response is from the Land & Air Quality team; our colleagues in Public Protection may submit their own response. Should you require any further information or clarification regarding the above comments, please do not hesitate to contact this office.

Model Suspensive Planning Condition for Land Quality

LQC3

IN THE EVENT THAT CONTAMINATION IS ENCOUNTERED that was not identified by the developer prior to the grant of this planning permission, 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.

FIFE COUNCIL

ASSETS, TRANSPORTATION AND ENVIRONMENT

TO: Scott McInroy, Planner, Development Management
FROM: Denise Richmond, Structural Services, Flooding, Shoreline & Harbours
DATE: 04 May 2021
OUR REF: DR/20/031230/ARC
YOUR REF: 20/03130/ARC
CONTACT: Denise Richmond
SUBJECT: **Approval of matters specified by condition of planning permission 16/03521/PPP for a residential development of 11 dwelling houses, associated SUDS, drainage infrastructure, access arrangements, roads, footpaths, open space and landscaping on land to the west of 36 Greenmount Road North, Burntisland.**

I refer to your Consultation Request Notification dated 30 April 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 drainage.

We ask the Applicant to provide:

- Calculations of any attenuation volume. The results should show the 1 in 200year return period events plus climate change.
- Assessment of maximum groundwater level at the location of any underground or surface attenuation features to demonstrate that the base of these features remains above this level.
- Confirmation that the underground storage system is outwith the 45° zone of influence measured from the rear of the prospectively adoptable road (includes footways, verges and service strips).
- Confirmation of who will adopt/vest and maintain the surface water network, including the diverted culvert and SuDS outwith property boundaries.
- Responsibility for maintenance of SuDS within property boundaries rests with the property owner. The developer shall provide confirmation on how the homeowners are to be made aware of the burden of responsibility and whether there will be an allowance for setting up factoring arrangements to manage maintenance.
- Confirmation of Scottish Water Permit to connect surface water to the combined sewer at the two locations indicated and at proposed discharge rates.
- SuDS design and check certificates Appendix 1 and 2.

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

FIFE COUNCIL

ASSETS, TRANSPORTATION AND ENVIRONMENT

TO: Scott McInroy, Planner, Development Management
FROM: Denise Richmond, Structural Services, Flooding, Shoreline & Harbours
DATE: 28 October 2021
OUR REF: DR/20/03130/ARC
YOUR REF: 20/03130/ARC
CONTACT: Denise Richmond
SUBJECT: **Approval of matters specified by condition of planning permission 16/03521/PPP for a residential development of 11 dwelling houses, associated SUDS, drainage infrastructure, access arrangements, roads, footpaths, open space and landscaping on land to the west of 36 Greenmount Road North, Burntisland.**

I refer to your memo dated 20 October 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.

We ask the Applicant to provide:

- If the proposed road is to be adopted, we require confirmation that the underground storage system is outwith the 45° zone of influence measured from the rear of the prospectively adoptable road (includes footways, verges and service strips).
- **Soakaways should be constructed a minimum of 5m away from any structure or boundary.** Plots 9 and 10 appear to have less separation, please clarify.

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	20/03131/ARC
	Application for Approval of Matters Required by Condition of Planning Permission in Principle 16/03521/PPP for Erection of 11 Dwellinghouses at Land to West of 36 Greenmount Drive North, Burntisland
Date:	7th January 2022
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

Important Note

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

Assessment Summary

1.0 OVERALL ASSESSMENT

1.1 This ARC application is for the erection of 11 dwellings on the site along with the formation of two vehicular accesses and private accesses. Although, the housetype plans are tagged as indicative on IDOX, the agent confirmed in his e-mail to the case officer (dated 12/12/21) that the housetypes are in fact proposed. Therefore, the following response is based on that premise as required for an ARC submission.

- 1.2 TDM have assessed the submission against the relevant conditions (1, 2, 4, 5, 6, 7, 8 and 10) on approval 16/03521/PPP and would comment as follows.
- 1.3 In terms of the TDM implications of conditions 1 and 2, the layout shown on Drawing No 01A is generally acceptable, although I note that an additional vehicular access is proposed from Greenmount Road North to serve Plot 9. This access must have the provision of 2m x 25m visibility splays and this aspect of the proposed site layout Drawing No 01A is unacceptable. However, my concerns in this respect can be addressed via a modification to condition 6 (see below)
- 1.4 The layout shown is acceptable as per condition 4 and I will comment on the parking provision separately under condition 10. Condition 4 must still be included should the ARC consent be granted.
- 1.5 Condition 5, the details shown on Drawing No 01A for the Kirkcaldy Road junction visibility splays is acceptable, however, this condition must be imposed on any ARC consent to ensure the splays are maintained for the lifetime of the development.
- 1.6 Condition 6, the visibility splays details shown on Drawing No 01A for the junction serving Plots 4, 5, 6, 7 and 8 are acceptable, however, this condition must be imposed on any ARC consent to ensure the splays are maintained for the lifetime of the development. For the avoidance of doubt, the limited visibility splays proposed at the junction of the access to Plot 9 with the public road are hereby not approved and I would suggest that this can be addressed via the imposition of an additional condition 6a below. This condition will necessitate the lowering or realignment of the boundary walls of Plots 8 and 9. However, these features are all within the applicant's control at present. If this condition cannot be included, then Plot 9 is unacceptable to TDM for road and pedestrian safety reasons.
- 1.6 Condition 7, the site plan (Drawing No 01A) shows the accesses being formed at the specified locations, however, it includes the formation of an additional access to Plot 9 which isn't covered by the condition. However, the imposition of condition 6a below would address this.
- 1.7 Condition 8 – a suitable pedestrian/cycle link has been shown on Drawing No 01A but the condition must be retained to ensure the link is retained in perpetuity.
- 1.8 Parking condition 10 must remain but I would suggest that it is reworded as per the suggested condition 10 below. The internal dimensions of the proposed integral double garages are all sub-standard and can only be classed as providing storage. However, each plot has a large driveway that can accommodate 3 parking spaces.
- 1.9 Although not covered on the PPP consent, I would suggest that a condition is included regarding the provision of bin stores close to the junction of each access with the public road. Fife Council's refuse lorry will not attempt to take access to the dwellings along the proposed shared private accesses.

2.0 CONCLUSIONS

- 2.1 TDM have no objections to approval being granted, subject to the above comments and the inclusion of the following conditions.

3.0 RECOMMENDATIONS

Modified Additional Conditions

- 6a - Within 3 months of consent being granted and prior to any works being undertaken on site, revised plans

shall be submitted for approval by Fife Council as Planning Authority showing the provision of 2m x 25m visibility splays at the junction of the new access to Plot 9 and the public road. These splays shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, in accordance with the current Fife Council Making Fife's Places Appendix G and this requires the realignment of the boundary wall of Plots 8 and 9. Once approved, these visibility splays shall be retained for the lifetime of the development and as per the layout shown on the relevant plan. Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junction of the access to the site and the public road.

10 - Prior to the occupation of each dwelling, there shall be provided within the curtilage of each plot 3 off-street parking spaces (excluding the integral garages) for vehicles in accordance with current Fife Council Making Fife's Places Appendix G and as per the layout shown on Drawing No 01A. The parking spaces shall be retained for the lifetime of the development. Reason: In the interest of road safety; to ensure the provision of adequate off-street parking facilities.

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: 07/01/2022

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

Number: 03451 555555 extension 480211

Wednesday, 11 May 2022



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North Street
Glenrothes
KY7 5LT

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

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

Dear Sir/Madam

SITE: Land To West Of 36 Greenmount Road, , North Burntisland, KY3 9HH
PLANNING REF: 20/03131/ARC
OUR REF: DSCAS-0033390-WHD
PROPOSAL: Application for Approval of Matters Required By Condition of Planning Permission in Principle 16/03521/PPP for erection of 11 dwellinghouses

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced 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

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



Please Note

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

Surface Water

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

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

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

General notes:

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



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

Next Steps:

▶ All Proposed Developments

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

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

▶ Non Domestic/Commercial Property:

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

▶ Trade Effluent Discharge from Non 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,

Planning Application Team

Development Operations 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."



To find out more about connecting your
 SW Public
 Published
 please go to the water and waste water supply visit:



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So, how are we doing?
 We'd love to know what we're doing well or could do better.
 We promise we're listening,
[click here](#) to tell us...



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