

Fife Planning Review Body

Please note that this meeting will be held remotely

Monday, 12th December, 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. **MINUTE** – Minute of meeting of Fife Planning Review Body of 24th October, 2022. 5 - 6
4. **NATIONAL PLANNING FRAMEWORK 4 (NPF4)** – Verbal update from Strategic Development Manager (Strategic Development Areas and Infrastructure), Economy, Planning and Employability Services.
5. **APPLICATION FOR REVIEW - 13 WOODLEA GROVE, GLENROTHES (APPLICATION NO. 22/01489/FULL)** – First floor extension to rear of dwellinghouse
 1. Notice of Review 7 – 36
 2. Decision Notice and Report of Handling 37 – 46
 3. Representations 47 – 49
 4. Consultee Comments 50 – 52
6. **APPLICATION FOR REVIEW - 46 CAMERON PARK, THORNTON, KIRKCALDY (APPLICATION NO. 22/01602/FULL)** – Extension to domestic outbuilding to rear of dwellinghouse
 1. Notice of Review 53 – 75
 2. Decision Notice and Report of Handling 76 – 85
 3. Representations 86 – 89
7. **APPLICATION FOR REVIEW - LAND TO NORTH OF BURGH ROAD, COWDENBEATH (APPLICATION NO. 21/02717/PPP)** – Planning permission in principle for the erection of two dwellinghouses and associated development (Class 9)
 1. Notice of Review 90 – 116
 2. Decision Notice and Report of Handling 117 – 130
 3. Representations 131 – 135
 4. Consultee Comments 136 - 151

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

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

5th December, 2022.

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

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

Local Review meeting

Guidance Notes on Procedure

1. Introduction by Convener

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

2. Minutes of previous meeting

Review Body requested to approve minute of last meeting

3. Outline of first item - Convener

4. Powerpoint presentation of photos/images of site

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

5. Procedural agreement.

Members discuss application and decide whether –

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

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

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

a) Convener asks the LRB to consider

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

to establish the key issues pertinent to this case

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

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

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

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

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

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

9. Closure of meeting or on to next item

Version 5
31.10.2017

THE FIFE COUNCIL - FIFE PLANNING REVIEW BODY – REMOTE MEETING

24th October, 2022.

10.00 a.m. – 4.00 p.m.

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

ATTENDING: Mary McLean, Team Manager (Legal Services), Legal and Democratic Services; Bryan Reid, Lead Professional and Katherine Pollock, Lead Professional, Planning and Employability Services.

9. DECLARATIONS OF INTEREST

No declarations of interest were made in terms of Standing Order No. 7.1.

10. MINUTES

The minutes of the Fife Planning Review Body of 16th and 22nd August, 2022 were submitted.

Decision

The Review Body approved the minutes.

11. APPLICATION FOR REVIEW - LAND TO NORTH OF MEADOWSIDE ROAD, CUPAR (APPLICATION NO. 21/01559/FULL)

The Review Body considered the Application for Review submitted by Home, on behalf of Professor Georgina Follett, in respect of the decision to refuse planning permission for the erection of a dwellinghouse and formation of associated access and parking (Application No. 21/01559/FULL).

Decision

The Review Body agreed:-

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

12. APPLICATION FOR REVIEW - 10 SWAN ROAD, KIRKCALDY (APPLICATION NO. 22/01652/FULL)

The Review Body considered the Application for Review submitted by John Gordon Associates Ltd., on behalf of Mrs. C. Docherty, in respect of the decision to refuse planning permission for the installation of replacement windows and door (Application No. 22/01652/FULL).

Decision/

Decision

The Review Body agreed:-

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

13. APPLICATION FOR REVIEW - FORMER HAGGIS HOUSE, SALINE SHAW, SALINE, DUNFERMLINE (APPLICATION NO. 21/01556/FULL)

The Review Body considered the Application for Review submitted by Shand Architecture, on behalf of Saline Shaw Estate, in respect of the decision to refuse planning permission for the erection of a single storey detached dwellinghouse (Application No. 21/01556/FULL).

Decision

The Review Body agreed:-

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

Agenda Item 5(1)

**13 Woodlea Grove, Glenrothes, KY7 4AE
Application No. 22/01489/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 100566032-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="C"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Crooks"/>	Address 1 (Street): *	<input type="text" value="Woodlea Grove"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Glenrothes"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY7 4AE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="mclelland1@hotmail.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Fife Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="13 WOODLEA GROVE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="GLENROTHES"/>
Post Code:	<input type="text" value="KY7 4AE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="700173"/>	Easting	<input type="text" value="328298"/>
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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)

Proposed two-storey extension

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.

- No overlooking privacy issues as there are no side windows on the extension. - No overdevelopment, as we will be building on top of the existing extension. - Matching external finishing materials. - As stated in the Report of Handling, the proposal would not have a significantly increased detrimental impact on the daylight of this nearest neighbouring residential property. - Increased size of bedroom suitable for a growing family. - No Scottish Water issues

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)

22_01489_FULL-REFUSED-Decision Notice 22_01489_FULL-Report of Handling 22_01489_FULL-01A_-
_AMENDED_LOCATION_BLOCK_PLAN-3253662 22_01489_FULL-02A_-
_AMENDED_EXISTING_FLOOR_PLAN_ELEVATIONS-3253663 22_01489_FULL-03A_-
_AMENDED_PROPOSED_FLOOR_PLAN_ELEVATIONS-3253667 22_01489_FULL-Application Form-3170841 Appeal+Form+-
+PPA

Application Details

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

22/01489/FULL

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

13/05/2022

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

19/08/2022

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Mark Mclelland

Declaration Date: 13/09/2022



PLANNING PERMISSION APPEAL TO SCOTTISH MINISTERS

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

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

Use BLOCK CAPITALS if completing in manuscript

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

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

Yes

No

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

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

Statement of Appeal

You **MUST** state, in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your appeal.

Note: you might not have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account. You will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

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

Have you raised any matters which were not before the Planning Authority at the time the decision you are appealing against was made? Yes No

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

List of documents/evidence

Provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal and ensure that the documents are clearly numbered (If necessary, this can be continued or provided in full on a separate document). When listing plans and drawings, please quote the reference the planning authority gave them.

Environmental Impact Assessment Regulations

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

All questions in this section should be answered unless otherwise instructed

Yes

No

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

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

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

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

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

4. Is the proposed development a schedule 1 development?

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

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

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

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

7. Is the proposed development in a sensitive area?

Appeal Procedure

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

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

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

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

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

Site Inspection

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

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

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

Checklist

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

Full completion of all parts of this form

Full statement of appeal

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

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

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

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

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

Any screening opinion or direction issued

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

Any scoping opinion or direction issued

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

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

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

Other Appeals

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

Yes

No

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

Declaration

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

Signed

Date

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

This form and all supporting documents should be sent to:

E-mail: dpea@gov.scot

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

Contact Tel: 0300 244 6668



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 100566032-001

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

Description of Proposal

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

Add an additional storey onto existing extension.

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Mrs	Building Number:	13
Last Name: *	Crooks	Address 1 (Street): *	Woodlea Grove
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Glenrothes
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY7 4AE
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

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

Trees

Are there any trees on or adjacent to the application site? * Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? * Yes No

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mark Mclelland

On behalf of: Mr Mrs Crooks

Date: 13/05/2022

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

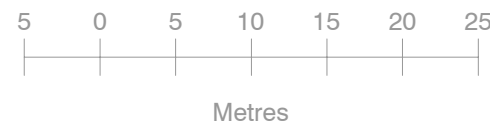
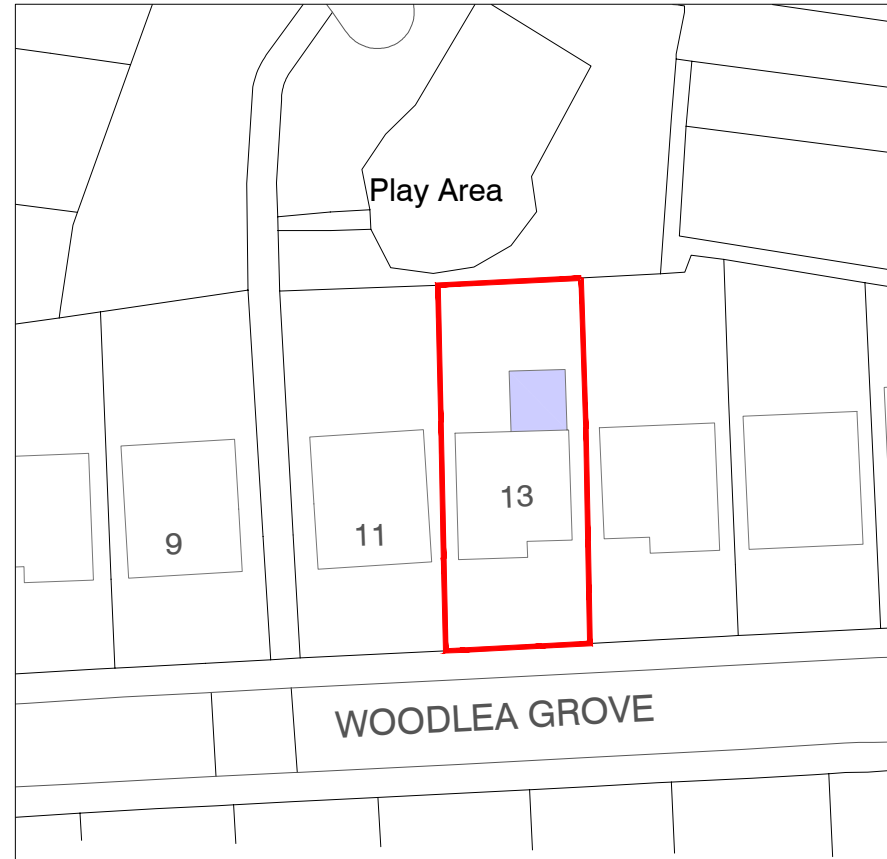
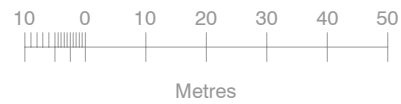
Declaration Name: Mr Mark Mcllelland

Declaration Date: 13/05/2022

Payment Details

Online payment: ZPL-705748274
Payment date: 13/05/2022 10:15:00

Created: 13/05/2022 10:15



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PROJECT / CLIENT:

Mr Chris Crooks
13 Woodlea Grove
Glenrothes
KY7 4AE

DRAWING:

Location and Block Plan

Drawn by: mm	Checked by: mm	Date: 14/01/2019	Scales: 1:500 & 1:1250
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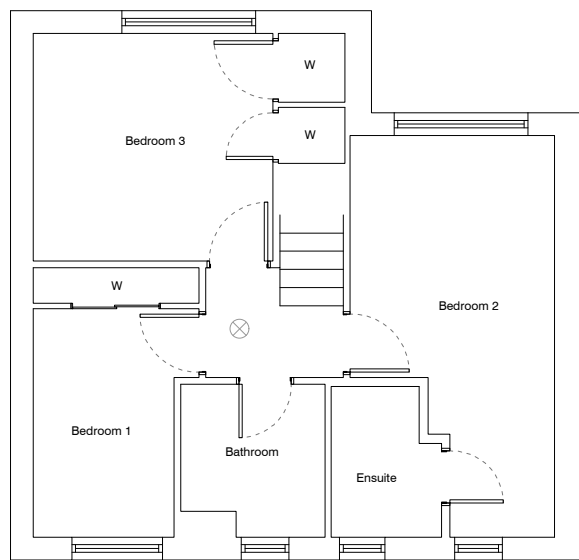
Site Code: 99	Job Code: 00	Drawing No.: 003	Revision: A
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3 Haig Place
Windygates
KY8 5EE

OFFICE: 01333 302585
MOB: 07920 770177

Produced on 11 February 2019 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date.
This map shows the area bounded by 328237,700147 328237,700249 328348,700249 328348,700147
Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.
Crown copyright 2019. Supplied by copla ltd trading as UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).
Data licenced for 1 year, expiring 11 February 2020. Unique plan reference: vx/318381/432840

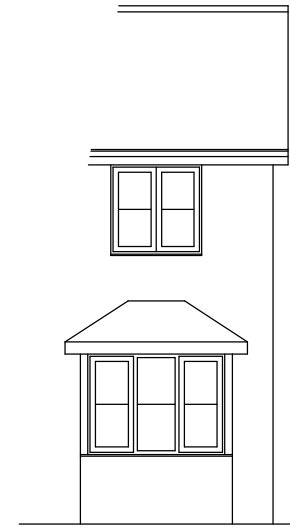


Existing 1st Floor Plan
(scale 1:100)

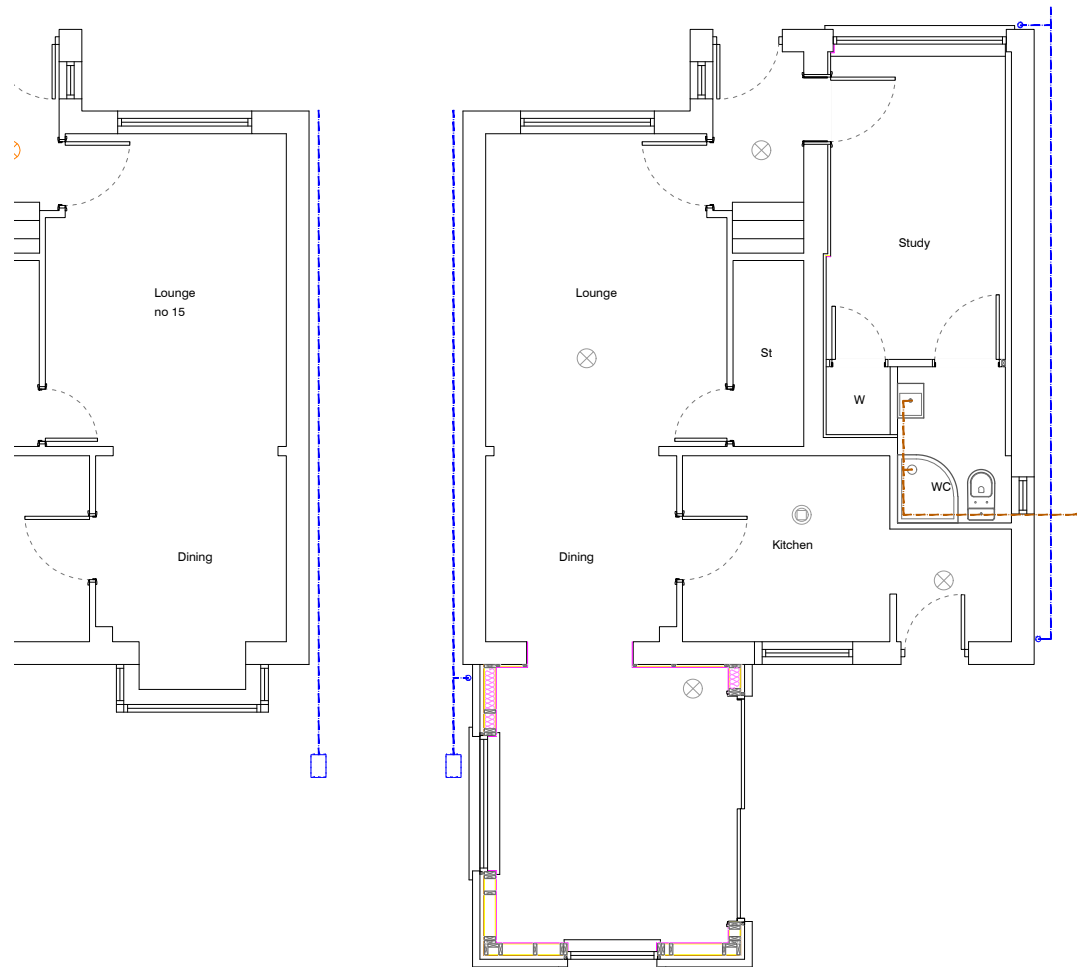
- Electrical Legend**
Refer to separate specification for fixing heights
- ceiling-mounted heat detector
 - ceiling-mounted smoke detector/alarm
 - ceiling-mounted CO detector/alarm
 - ceiling-mounted light fitting
 - recessed ceiling downlight
 - wall-mounted light fitting
 - ceiling-mounted extract fan
 - through-wall extract fan
 - board for consumer unit & electric meter
 - appliance control unit
 - bell push
 - door chime
 - low-level double socket
 - high-level double socket
 - low-level single socket
 - high-level single socket
 - low-level telecom socket
 - high-level telecom socket
 - low-level flex outlet
 - high-level flex outlet
 - low-level TV aerial socket
 - high-level TV aerial socket
 - single-gang switch
 - double-gang switch
 - three-gang switch
 - wall-mounted thermostat
 - wall-mounted alarm control unit



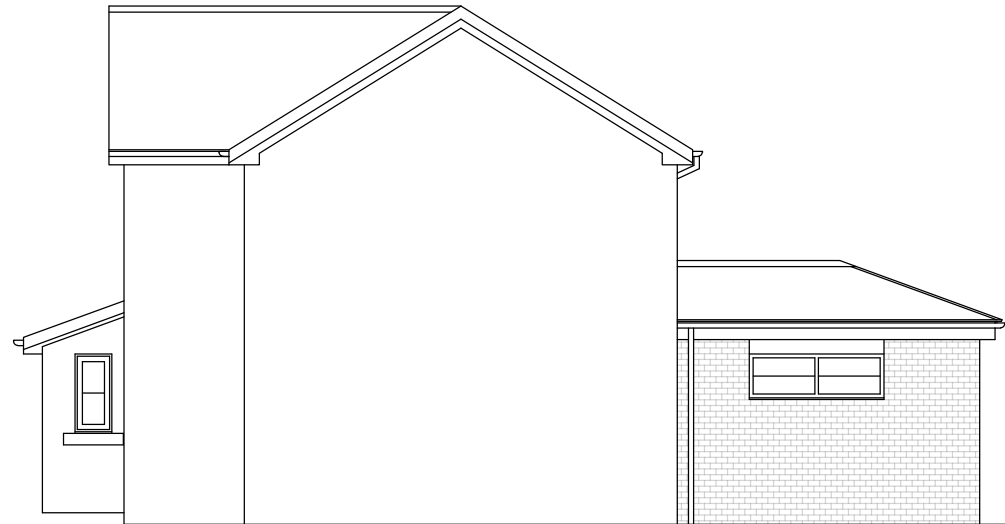
Existing Front Elevation
(scale 1:100)



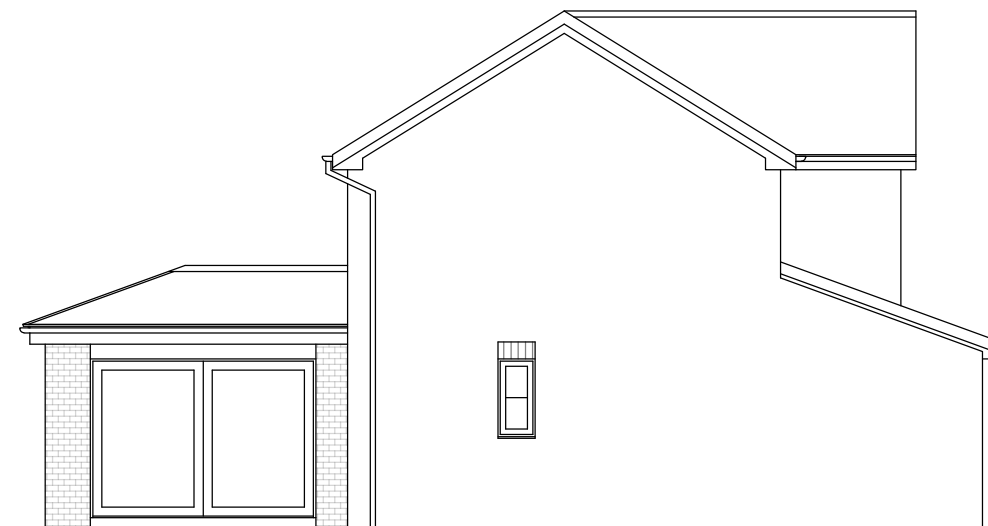
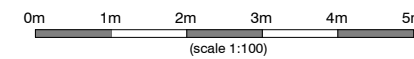
Existing Rear Elevation
(scale 1:100)



Existing Ground Floor Plan
(scale 1:100)



Existing Side Elevation
(scale 1:100)



Existing Side Elevation
(scale 1:100)

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PROJECT / CLIENT:
Mr Chris Crooks
13 Woodlea Grove
Glenrothes
KY7 4AE

DRAWING:
Existing Floor Plan and Elevations

Drawn by: mm	Checked by: mm	Date: 14/01/2019	Scales: 1:100
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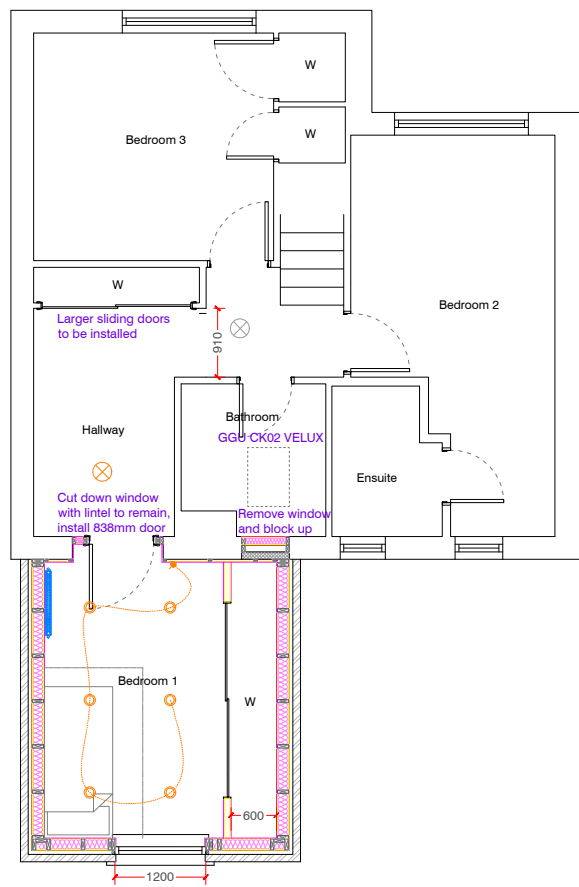
Site Code: 99	Job Code: 00	Drawing No.: 001	Revision: B
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**Mclelland Architectural
DESIGN LTD**

3 Haig Place
Windygates
KY8 5EE

OFFICE: 01333 302585
MOB: 07920 770177



- Electrical Legend**
Refer to separate specification for fixing heights
- ceiling-mounted heat detector
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 - ceiling-mounted CO detector/alarm
 - ceiling-mounted light fitting
 - recessed ceiling downlight
 - wall-mounted light fitting
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 - three-gang switch
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 - wall-mounted alarm control unit

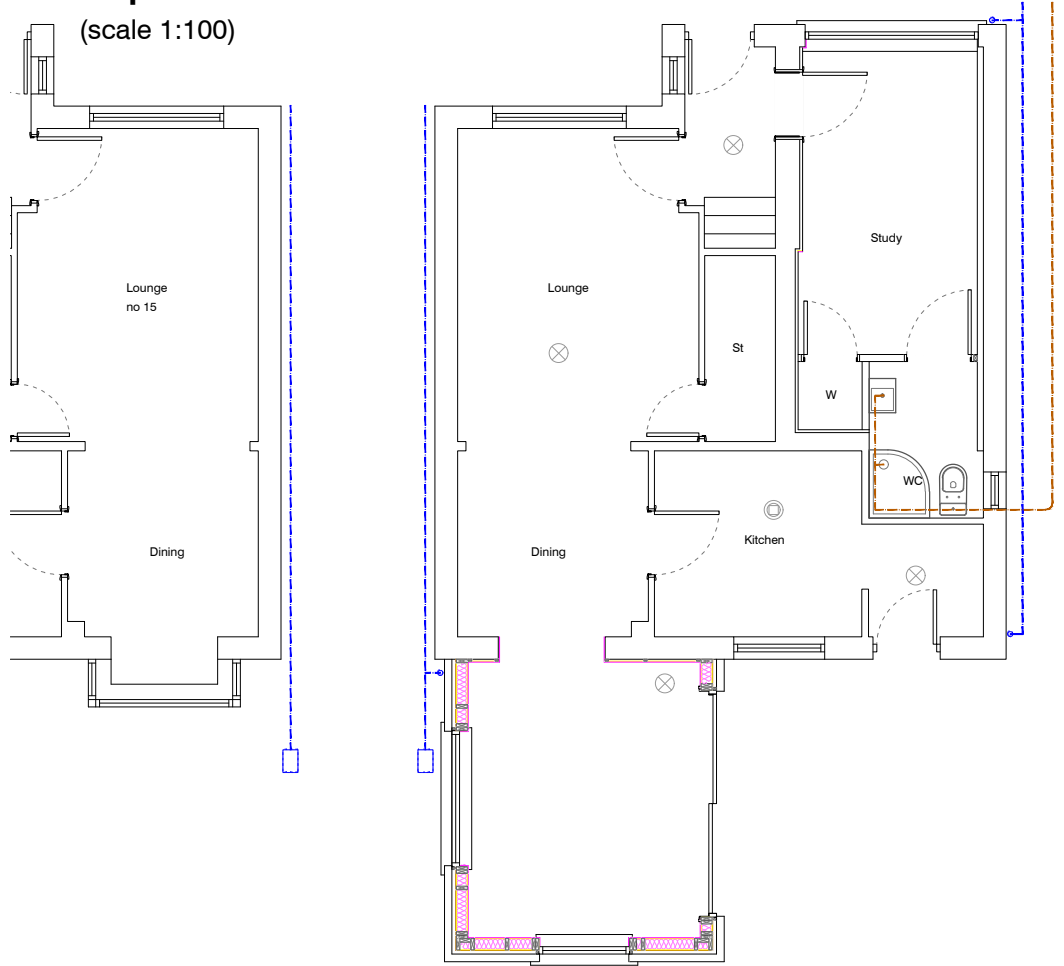


Proposed Front Elevation
(scale 1:100)

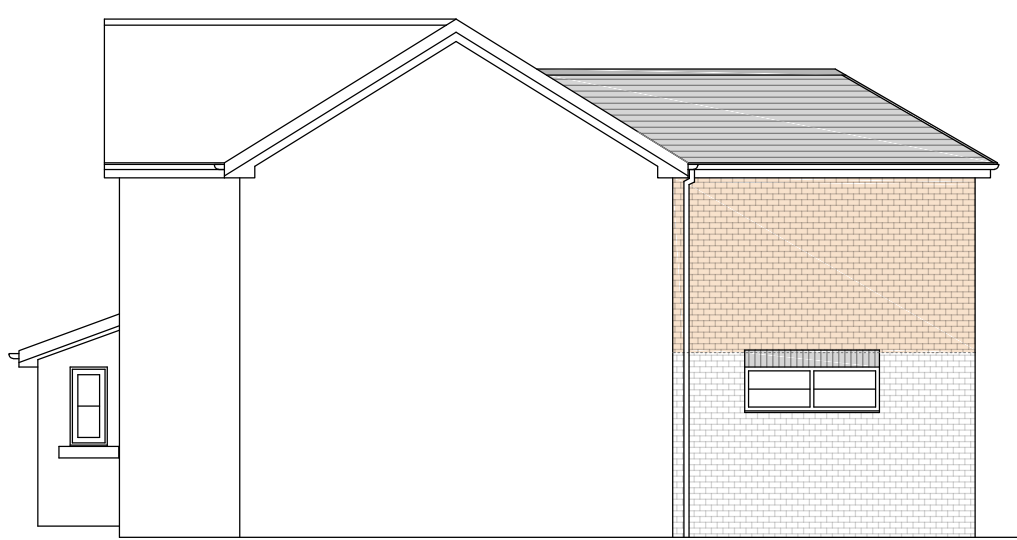


Proposed Rear Elevation
(scale 1:100)

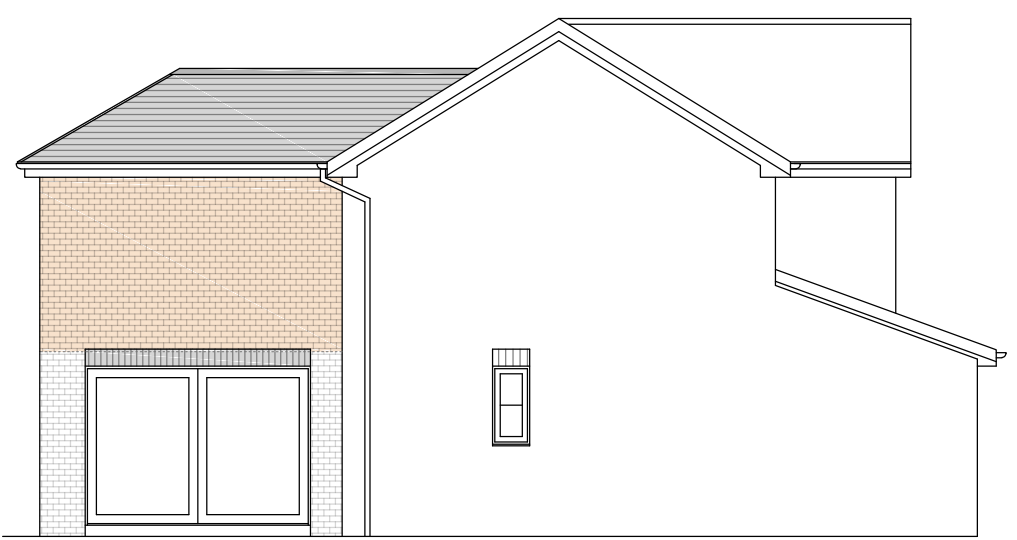
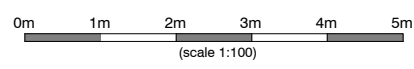
Proposed 1st Floor Plan
(scale 1:100)



Proposed Ground Floor Plan
(scale 1:100)



Proposed Side Elevation
(scale 1:100)



Proposed Side Elevation
(scale 1:100)

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PROJECT / CLIENT:
Mr Chris Crooks
13 Woodlea Grove
Glenrothes
KY7 4AE

DRAWING:
Proposed Floor Plan and Elevations

Drawn by: mm	Checked by: mm	Date: 14/01/2019	Scales: 1:100
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Site Code: 99	Job Code: 00	Drawing No.: 002	Revision: B
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3 Haig Place
Windygates
KY8 5EE

OFFICE: 01333 302585
MOB: 07920 770177

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

Planning Services

Andrew Cumming
development.central@fife.gov.uk

Your Ref:
Our Ref: 22/01489/FULL

Date 19th August 2022

Dear Sir/Madam

Application No: 22/01489/FULL
Proposal: First floor extension to rear of dwellinghouse
Address: 13 Woodlea Grove Glenrothes Fife KY7 4AE

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,

Andrew Cumming, Planning Assistant, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

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

Application No: 22/01489/FULL
Proposal: First floor extension to rear of dwellinghouse
Address: 13 Woodlea Grove Glenrothes Fife KY7 4AE

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/01489/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of visual and residential amenity; the proposal is contrary to Policies 1 and 10 of the Adopted FIFEplan 2017, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), in that the proposed extension in terms of its size, scale, form, massing and siting, would have an overdominant and overbearing impact, resulting in an adverse visual and residential amenity impact on the immediate neighbouring residential property to the east of the site.

PLANS

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

Reference	Plan Description
01A	Location Plan/Block Plan
02A	Existing various eg elevation, floor etc
03A	Proposed various - elevation, floor etc

Dated:19th August 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.

APPLICATION DETAILS

ADDRESS	13 Woodlea Grove, Glenrothes, Fife		
PROPOSAL	First floor extension to rear of dwellinghouse		
DATE VALID	13/05/2022	PUBLICITY EXPIRY DATE	16/06/2022
CASE OFFICER	Andrew Cumming	SITE VISIT	07/06/2022
WARD	Glenrothes Central And Thornton	REPORT DATE	16/08/2022

ASSESSMENT

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

1.0 BACKGROUND

1.1 The application property is a modern, detached, two storey dwellinghouse, with an existing single storey extension set to the east side of its north-facing rear elevation, set in an established principally residential area of mixed style properties, with a grassed and equipped play park set immediately to the rear/north of the site.

1.2 This application is for a first floor extension on top of the aforementioned existing single storey extension to the north-facing rear elevation of the house.

1.3 There have been no recent, previous planning applications received for this property.

2.0 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application are Design/Visual Amenity, Residential Amenity, Consultations and Representations.

2.2 DESIGN/VISUAL AMENITY

2.2.1 Adopted Local Plan Policies 1 and 10 and Fife Council's Approved Planning Customer Guidelines on Home Extension (including garages and conservatories) apply.

2.2.2 Overbearing was raised as a concern in the representations received. The proposed extension would be visible from the public play area to the rear/north of the property. It would be set level with the east-facing side elevation of the house, only 1m from the mutual east side boundary of the site with No. 15, resulting in a full height two storey extension, 4.8 metres high to the underside of the eaves, 6.2 metres overall to the proposed pitched roof ridge, at the same 4m depth as the existing single storey extension set below. It is however recognised that it is proposed to be finished in matching external finishing materials.

2.2.3 The proposed extension is considered unacceptable in terms of its size, scale, form, massing and siting, would have an overdominant, overbearing visual impact on the immediate neighbouring residential property in such close proximity to the east side of the site, contrary to good design principles and the need to protect local amenity, and therefore does not comply with the design and visual amenity terms of these policies and guidelines.

2.3 RESIDENTIAL AMENITY

2.3.1 Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight and Garden Ground apply.

2.3.2 With no east or west-facing side elevation windows proposed and the proposed north-facing rear elevation window only to provide views principally out over the grassed and equipped play area to the rear/north of the site, there would be no significantly increased overlooking/privacy issues with the proposal.

2.3.3 Daylight was raised as a concern in the representations received. With the location of the proposal to be set sufficiently back from the nearest rear elevation windows of the nearest neighbouring residential property to the east side of the site No. 15, in accordance with the 45 degree daylight calculation, and the room served by these windows running the full depth of the house front to back therefore also receiving light from the south-facing front elevation windows of the house, the proposal would not have a significantly increased detrimental impact on the daylight of this nearest neighbouring residential property.

2.3.4 Sunlight was raised as a concern in the representations received. It is recognised that the two storey houses in the row No.s 13-17 at some 5 metres high to the eaves and 7 metres high to the ridge, are built close enough together, with only 9-10 metres deep rear garden areas, for the centre point of the immediate neighbouring residential property to the east side of the site No. 15 to already not receive a minimum of 2 hours direct sunlight, in accordance with sunlight guidelines. However, it is also considered that the resultant two storey extension, at 4m deep and some 5m high to the eaves and over 6m high to the ridge, would have an increased adverse impact on the late afternoon/evening sunlight received at the centre point of No. 15's rear garden area, set some 6 metres away to the north-east of the proposal. It is therefore considered that this would constitute an overdominant, overbearing residential impact on the immediate neighbouring residential property in such close proximity to the east side of the site, in terms of the sunlight received and reasonable enjoyment of that neighbouring property's rear garden area, contrary to good design principles and the need to protect local amenity, and therefore does not comply with the residential amenity terms of these policies and guidelines.

2.3.5 Overdevelopment was raised as a concern in the representations received, however, with the proposal to be set on top of the existing single storey extension already in place, there would be no additional impact on the existing garden ground of the application property.

CONSULTATION RESPONSES

Scottish Water

REPRESENTATIONS

Two representations have been received raising concerns about, overbearing, daylight, sunlight, overdevelopment, house value and loss of view.

Overbearing is already addressed earlier at paragraph 2.2.2 of this report.

Daylight and sunlight are already addressed earlier at paragraphs 2.3.3 and 2.3.4 respectively of this report.

Overdevelopment is already addressed at paragraph 2.3.5 of this report.

House value and loss of view are not material planning considerations in the determination of this application.

CONCLUSION

The proposal is contrary to Policies 1 and 10 of the Adopted FIFEplan 2017, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), in that the proposed extension in terms of its size, scale, form, massing and siting, would have an overdominant, overbearing visual and residential impact on the immediate neighbouring residential property in such close proximity to the east side of the site, contrary to good design principles and the need to protect local amenity.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of visual and residential amenity; the proposal is contrary to Policies 1 and 10 of the Adopted FIFEplan 2017, and Fife Council's Approved Planning Customer Guidelines on

Home Extensions (including garages and conservatories), in that the proposed extension in terms of its size, scale, form, massing and siting, would have an overdominant and overbearing impact, resulting in an adverse visual and residential amenity impact on the immediate neighbouring residential property to the east of the site.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Adopted FIFEplan (2017)

Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight, and Garden Ground

Proposal Details

Proposal Name	100566032
Proposal Description	Add an additional storey to existing extension.
Address	13 WOODLEA GROVE, GLENROTHES, KY7 4AE
Local Authority	Fife Council
Application Online Reference	100566032-002

Application Status

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

Attachment Details

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

Agenda Item 5(2)

**13 Woodlea Grove, Glenrothes, KY7 4AE
Application No. 22/01489/FULL**

Planning Decision Notice

Report of Handling

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

Planning Services

Andrew Cumming
development.central@fife.gov.uk

Your Ref:
Our Ref: 22/01489/FULL

Date 19th August 2022

Dear Sir/Madam

Application No: 22/01489/FULL
Proposal: First floor extension to rear of dwellinghouse
Address: 13 Woodlea Grove Glenrothes Fife KY7 4AE

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Yours faithfully,

Andrew Cumming, Planning Assistant, Development Management

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Application No: 22/01489/FULL
Proposal: First floor extension to rear of dwellinghouse
Address: 13 Woodlea Grove Glenrothes Fife KY7 4AE

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03A	Proposed various - elevation, floor etc

Dated:19th August 2022

Derek Simpson

For Head of Planning Services
Fife Council

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WARD	Glenrothes Central And Thornton	REPORT DATE	16/08/2022

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CONSULTATION RESPONSES

Scottish Water

REPRESENTATIONS

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House value and loss of view are not material planning considerations in the determination of this application.

CONCLUSION

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STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Adopted FIFEplan (2017)

Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight, and Garden Ground

Agenda Item 5(3)

**13 Woodlea Grove, Glenrothes, KY7 4AE
Application No. 22/01489/FULL**

Representation(s)

Comments for Planning Application 22/01489/FULL

Application Summary

Application Number: 22/01489/FULL

Address: 13 Woodlea Grove Glenrothes Fife KY7 4AE

Proposal: Single storey first floor extension to rear of dwellinghouse

Case Officer: Andrew Cumming

Customer Details

Name: Mr Steven Brandon

Address: 15 Woodlea Grove, Glenrothes, Fife KY7 4AE

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to this planning application for the following reasons:

The proposed structure would further overshadow our rear garden, severely limiting our ability to enjoy our garden by restricting sunlight, also would also restrict the natural growth of the garden and plants due to lack of sunlight.

It would have a detrimental effect on the value of our property by overshadowing and restricting sunlight to our property and by creating an overbearing environment.

The proposed structure would prohibit natural sunlight from entering our rear living room window.

The proposed structure would constitute an overdevelopment of the property in relation to the built environment.

Dawn Batchelor

From: James McCormack [REDACTED]
Sent: 23 May 2022 20:27
To: Development Central
Subject: Application No.22/01489/full

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

Dear Sirs,

I have received notification of proposed plans and would like to lodge objection to the above application in respect of the erection of a single storey extension at number 13 Woodlea Grove on the following reasons:

1. Sunlight is already limited in the garden throughout the year and the erection of an extension would result in even less sunlight. Our patio area is directly to the rear of the house and sunlight will be restricted, particularly later in the day.
2. I work from home a few days a week and I like to use my garden to relax on my break periods on sunnier days. The view is already affected by the current extension as we look to the left of our house. Having an additional storey will effectively be an eyesore.
3. My home office is at the rear of my property so sunlight helps brighten my work area once again this will be restricted.
4. In the evenings during summer my family and I like to sit on the patio and enjoy the sun an extension would block sunlight from our patio area.
5. Due to the position of the back garden the grass is already difficult to maintain. I rely on good sunlight to keep it dry during the 4/5 months of the year, otherwise it is like a swamp due to lack of sunlight. I feel that having any extra shade will affect maintenance and growth of the grass.

I would be grateful if you could take the above into consideration when determining the application.

I look forward to hearing from you.

Yours sincerely,

James McCormack

[REDACTED] Woodlea Grove
Glenrothes
KY7 4AE

Agenda Item 5(4)

**13 Woodlea Grove, Glenrothes, KY7 4AE
Application No. 22/01489/FULL**

Consultee Comments

Friday, 27 May 2022



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

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

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



Dear Customer,

13 Woodlea Grove, Glenrothes, Fife, KY7 4AE
Planning Ref: 22/01489/FULL
Our Ref: DSCAS-0065683-RBF
Proposal: Single storey first floor extension to rear of dwellinghouse

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

For all extensions that increase the hard-standing area within the property boundary, you must look to limit an increase to your existing discharge rate and volume. Where possible we recommend that you consider alternative rainwater options. All reasonable attempts should be made to limit the flow.

No new connections will be permitted to the public infrastructure. The additional surface water will discharge to the existing private pipework within the site boundary.

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

Yours sincerely,

Kerry Lochrie
Development Operations Analyst

Tel: 0800 389 0379
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Agenda Item 6(1)

**46 Cameron Park, Thornton, Kirkcaldy, KY1 4BA
Application No. 22/01602/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 100566007-004

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Grayara Designs		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Joshua	Building Name:	
Last Name: *	Gray	Building Number:	95
Telephone Number: *	07984453584	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Thornton
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14AQ
Email Address: *	grayaradesigns@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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Paul"/>	Building Number:	<input type="text" value="46"/>
Last Name: *	<input type="text" value="Carruthers"/>	Address 1 (Street): *	<input type="text" value="Cameron Park"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Thornton"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY1 4BA"/>
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="46 CAMERON PARK"/>
Address 2:	<input type="text" value="THORNTON"/>
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="KY1 4BA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="697625"/>	Easting	<input type="text" value="328802"/>
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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)

Extension to outbuilding (garage) to rear of dwellinghouse

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Digitally gathered evidence, distant views from various streets surrounding the clients property, other examples of jobs in the surrounding area that are the same and have been approved.

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)

All initial drawings from original planning application, statement of appeal.

Application Details

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

22/01602/FULL

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

24/05/2022

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

25/07/2022

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)

As the decision has been based on 10 year old imagery from google, the site is now not visible from Cameron Park as Mr Carruthers has a double storey extension to the side of his property, therefore a site visit would be the best action to be taken.

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)

Side access is unavailable due to double storey extension, Mr Carruthers would need to be notified to allow for access.

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.

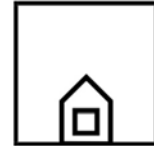
Declare – Notice of Review

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

Declaration Name: Mr Joshua Gray

Declaration Date: 08/08/2022

**Planning Services
Fife Council
Fife House
North Street
Glenrothes, Fife
KY7 5LT**



GRAYARA DESIGNS
ARCHITECTURAL SERVICES

05/08/2022

**PAUL CARRUTHERS
46 CAMERON PARK
THORNTON
KIRKCALDY
KY1 4BA**

STATEMENT OF APPEAL.

I am writing this statement of appeal on behalf of my client for the review of application - 22/01602/FULL - as we feel that the proposed project has been refused based on the representations that have been put forward as well as the digitally gathered evidence.

Referring directly back to the report of handling dated 22/07/2022;

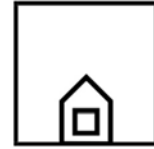
All evidence that was gathered digitally by Andrew Cumming states that google imagery, GIS mapping software, and current photographs of the site provided by the agent were used in providing enough information for the project to be determined as refused.

Also mentioned was that distant views of the extended building will be publicly available from Cameron Park to the front and Chewton Road to the north side of the site.

However the images from google imagery were captured in 2009, within this time Mr Carruthers has since extended by two storeys to the south side of his property blocking all views from Cameron Park to the rear of his garden.

The views from Chewton Road have sight lines to the bungalow to the rear of Mr Carruthers garden, in which the proposed garage extension would replace, albeit with the exact same material choices as dictated in the planning drawings, white rendered wall finish with matching roof tiles, this would have a direct correlation to the bungalow. As well as tying in with the other surrounding buildings, Mr Carruthers garage new 5.8metre ridgeline would not tower over the bungalow as suggested from the gathered digital evidence.

Another example of a raised ridge height of an outbuilding would be that of 35 Main Street, Thornton - 12/04260/FULL. The new ridge height of this outbuilding is in the region of 6.7metres and is clearly visible by neighbours looking out to the rear as well as in passing on Thornton Main Street.



GRAYARA DESIGNS
ARCHITECTURAL SERVICES

Mr Carruthers has also made the concern to myself that due to the cost implementation of removing the roof, replacing it with trusses and increasing the floor area that it is much more cost effective than the upkeep of a flat roof spanning almost 80m2.

Therefore, we would suggest that someone from the council come visit the property and not base the decision on imagery that is over 10 years old to ultimately finalise the decision. Also if any recommendations can be put forward to ourselves to help reach a mutual decision that would be great.

Kind regards,

Joshua Gray
Grayara Designs

Grayara Designs
Joshua Gray
95 Main Street
Thornton
KY1 4AQ

Planning Services

Andrew Cumming
development.central@fife.gov.uk

Your Ref:
Our Ref: 22/01602/FULL

Date 25th July 2022

Dear Sir/Madam

Application No: 22/01602/FULL
Proposal: Extension to domestic outbuilding to rear of dwellinghouse
Address: 46 Cameron Park Thornton Kirkcaldy Fife KY1 4BA

A copy of Fife Council's decision notice in relation to the above application made on behalf of **Mr Paul Carruthers** is now available to view online at www.planning.fife.gov.uk/online and by searching **22/01602/FULL**.

Section 27A (1) of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) Act 2006 requires that Fife Council as planning authority be notified before work commences on site in regard to any development for which **planning permission** has been granted by this Council.

Our **Commencement of Development** Form is available online at www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/get-in-touch-with-planning-team/why-do-you-want-to-get-in-touch/let-us-know-about-the-commencement-of-a-development

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

Yours faithfully,

Andrew Cumming, Planning Assistant, Development Management



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 100566007-001

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)

Extension to outbuilding (garage) to rear of dwellinghouse

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? 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:	Grayara Designs		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Joshua	Building Name:	
Last Name: *	Gray	Building Number:	95
Telephone Number: *	07984453584	Address 1 (Street): *	Main Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Thornton
Fax Number:		Country: *	United Kingdom
		Postcode: *	KY14AQ
Email Address: *	grayaradesigns@gmail.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Paul	Building Number:	46
Last Name: *	Carruthers	Address 1 (Street): *	Cameron Park
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Thornton
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	KY1 4BA
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Pre-Application Discussion

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

Site Area

Please state the site area:

Please state the measurement type used: Hectares (ha) Square Metres (sq.m)

Existing Use

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

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * Yes No

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

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

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

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

0

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)? *

0

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

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

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

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)

refuse/recycling storage already in place from residential property

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Joshua Gray

On behalf of: Mr Paul Carruthers

Date: 21/05/2022

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

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

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

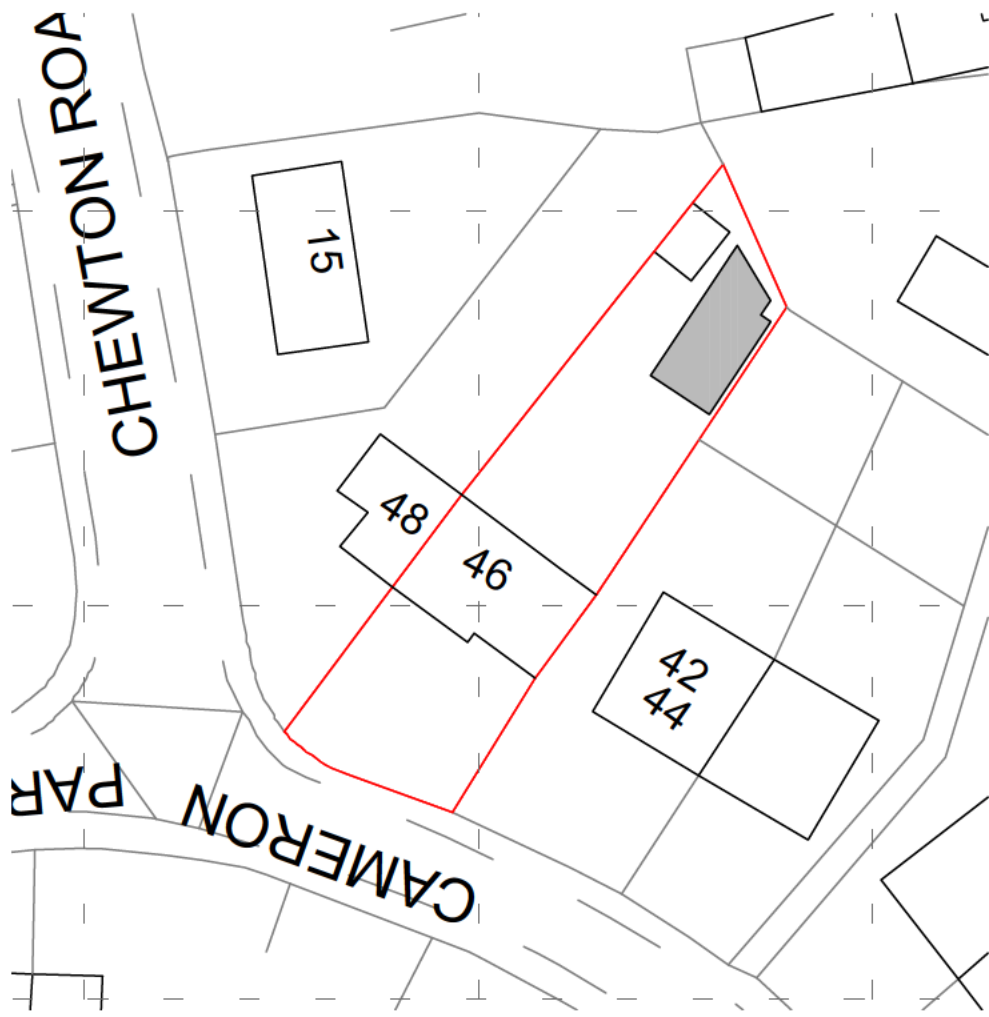
Declaration Name: Mr Joshua Gray

Declaration Date: 21/05/2022

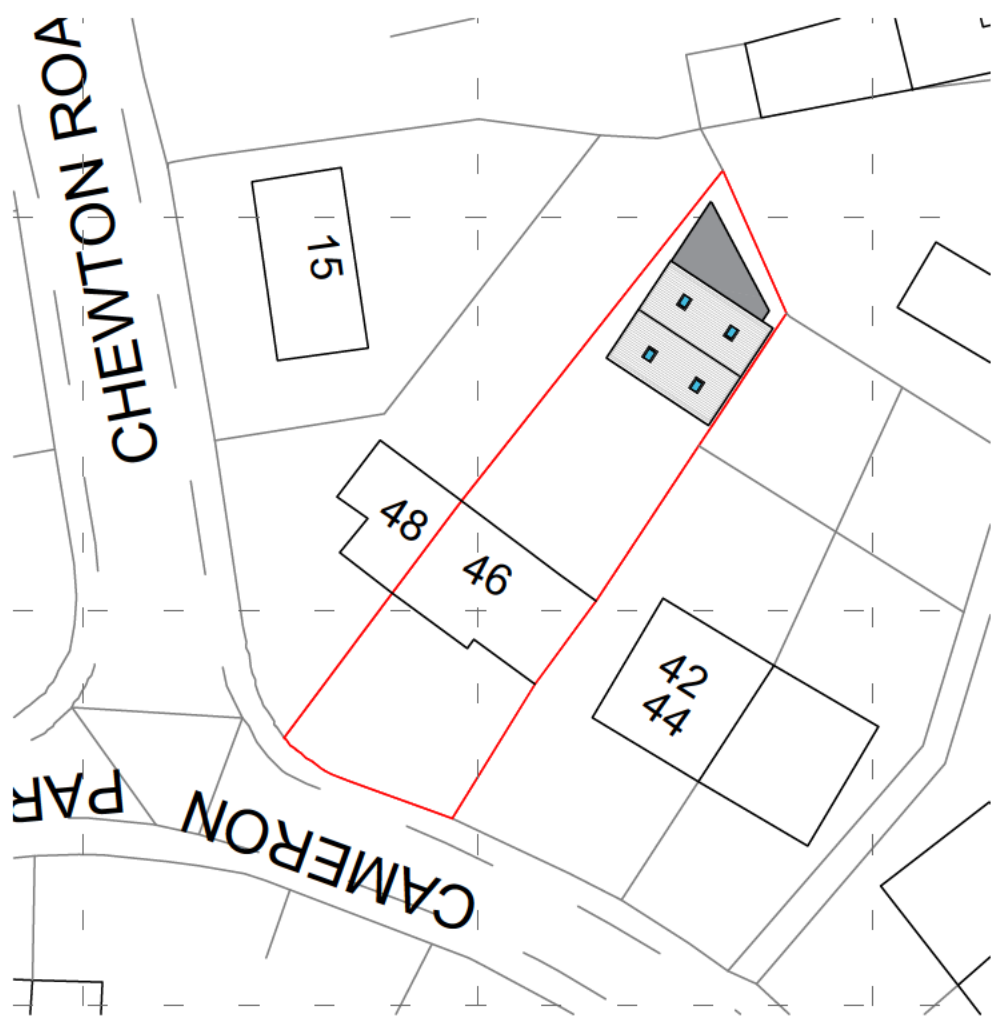
Payment Details

Pay Direct

Created: 24/05/2022 09:54



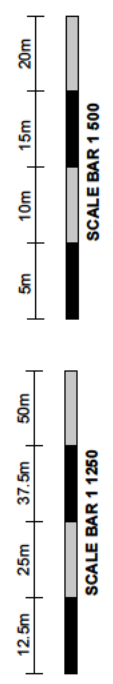
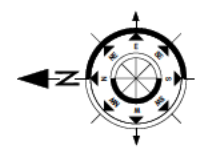
EXISTING BLOCK PLAN
SCALE 1:500



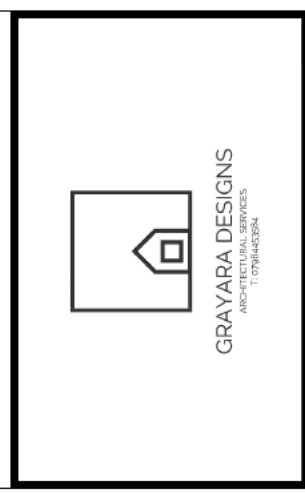
PROPOSED BLOCK PLAN
SCALE 1:500



LOCATION PLAN
SCALE 1:1250



THIS DRAWING HAS BEEN PREPARED TO OBTAIN STATUTORY LOCAL AUTHORITY CONSENT. ALL SIZES TO BE CONFIRMED ON SITE PRIOR TO COMMENCING WORK. DO NOT SCALE FROM THESE DRAWINGS.
E: GRAYARADESIGNS@GMAIL.COM T: 07984453584 A: 95 MAIN STREET, THORNTON, KY1 4AQ

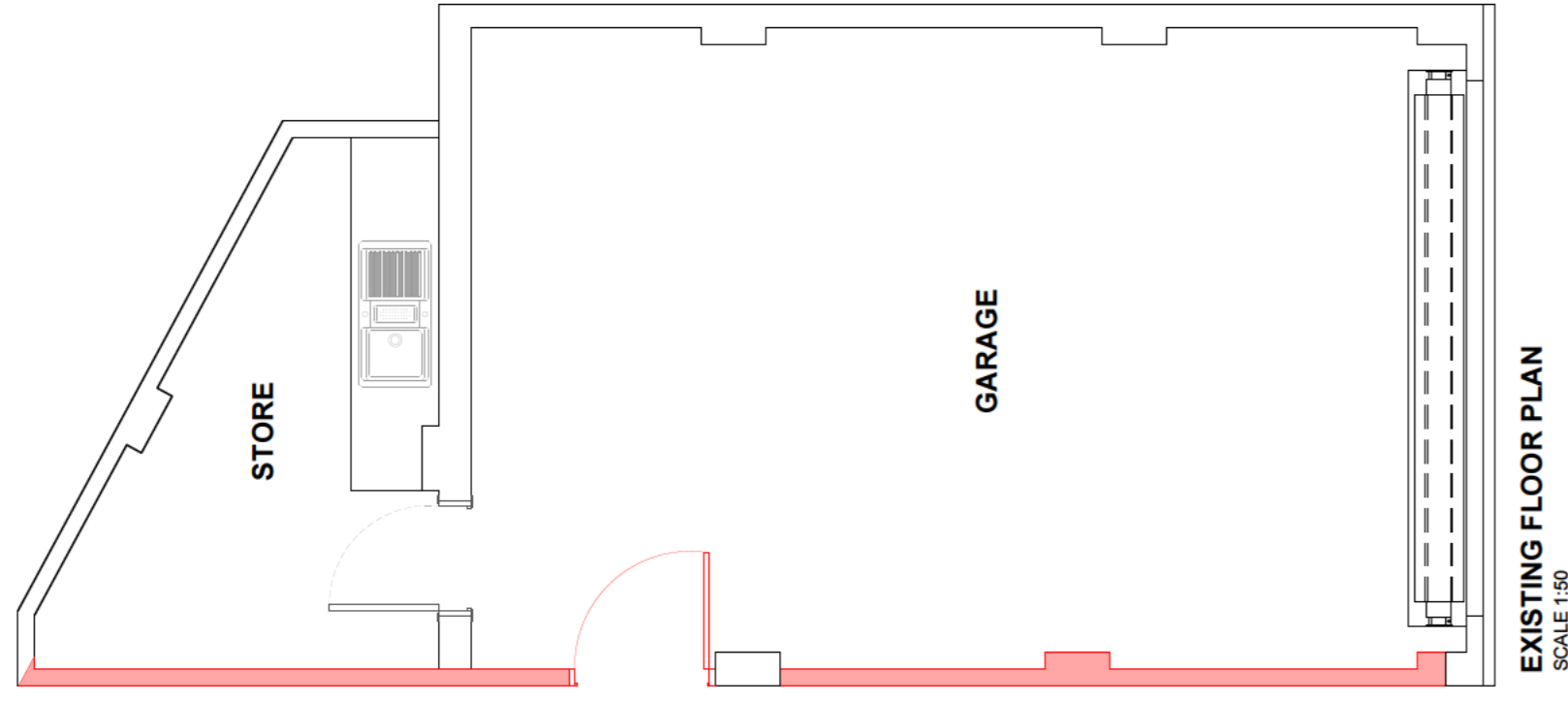


PROJECT:
Mr Camuthers, 46 Cameron Park, Thornton, KY1 4BA
Extension to Outbuilding

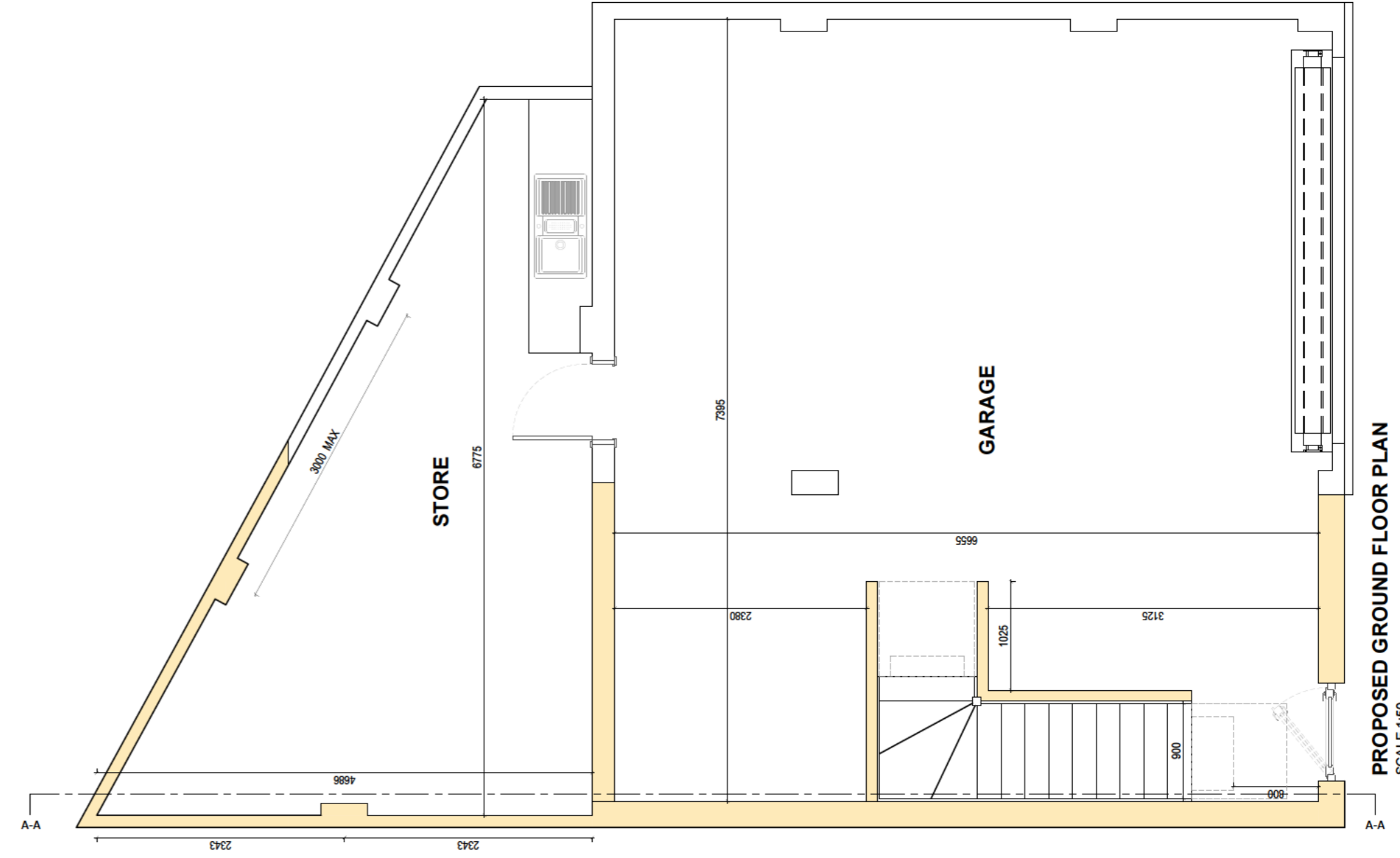
TITLE:
Location & Block Plans

TECHNICIAN:
JG
SCALE(S):
As Shown @A3

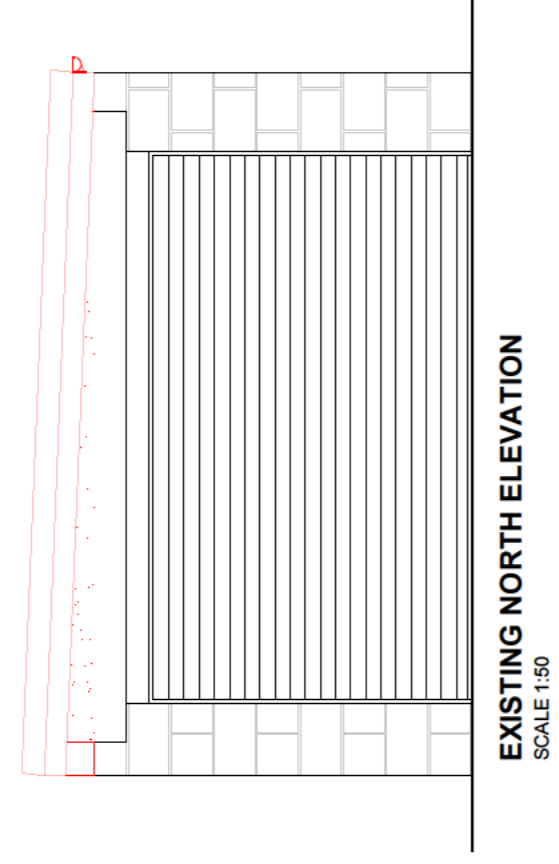
DATE:
May 2022
PROJECT NO:
22007 - PP - 000
REV:



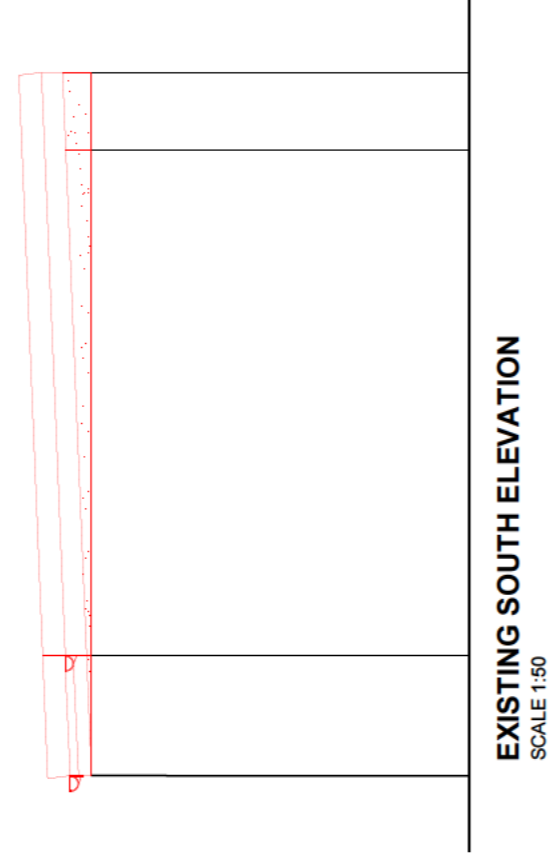
EXISTING FLOOR PLAN
SCALE 1:50



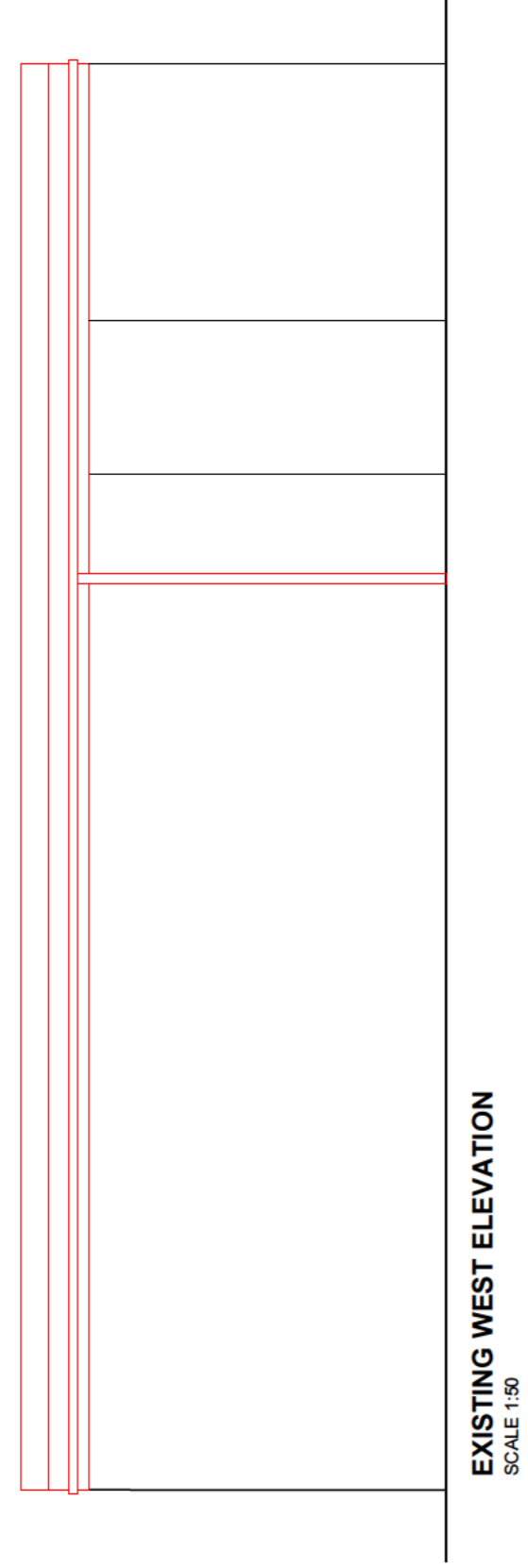
PROPOSED GROUND FLOOR PLAN
SCALE 1:50



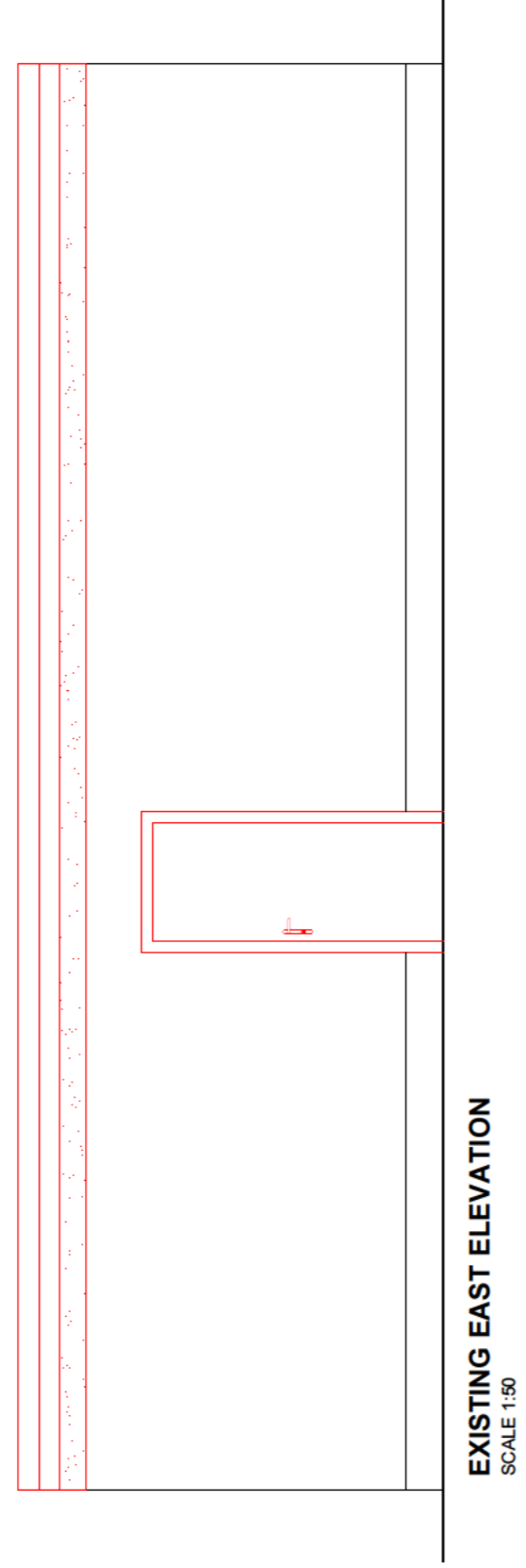
EXISTING NORTH ELEVATION
SCALE 1:50



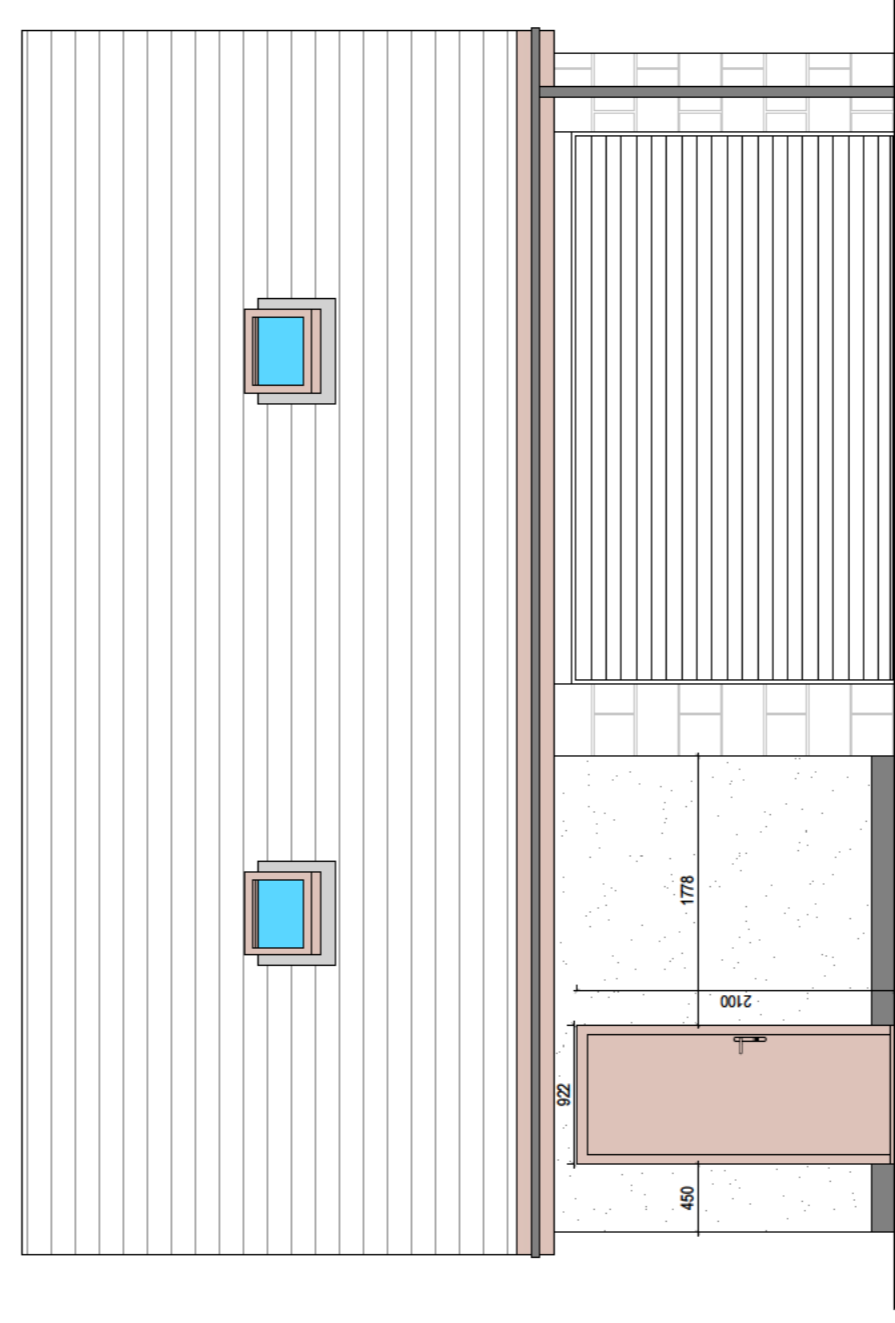
EXISTING SOUTH ELEVATION
SCALE 1:50



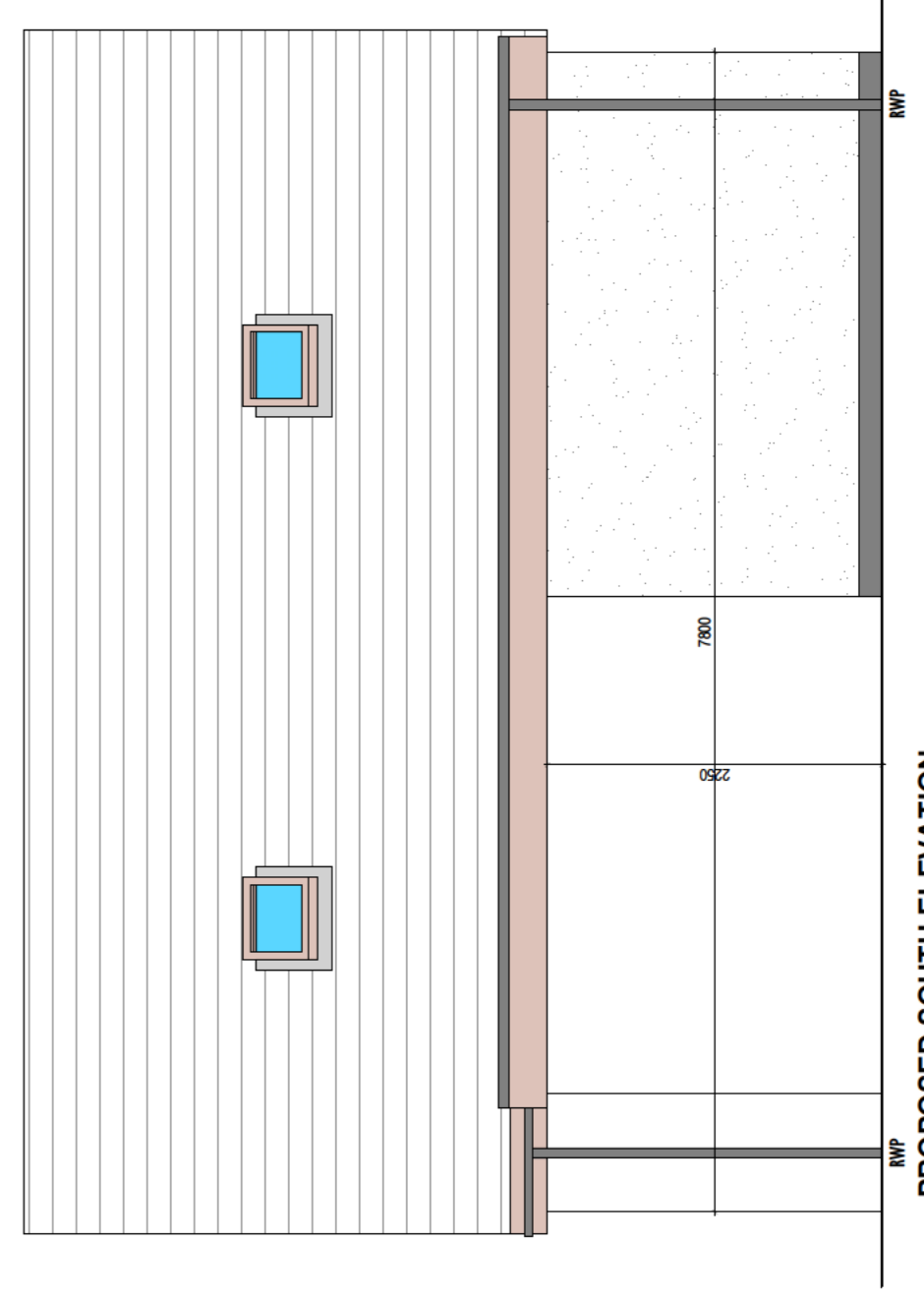
EXISTING WEST ELEVATION
SCALE 1:50



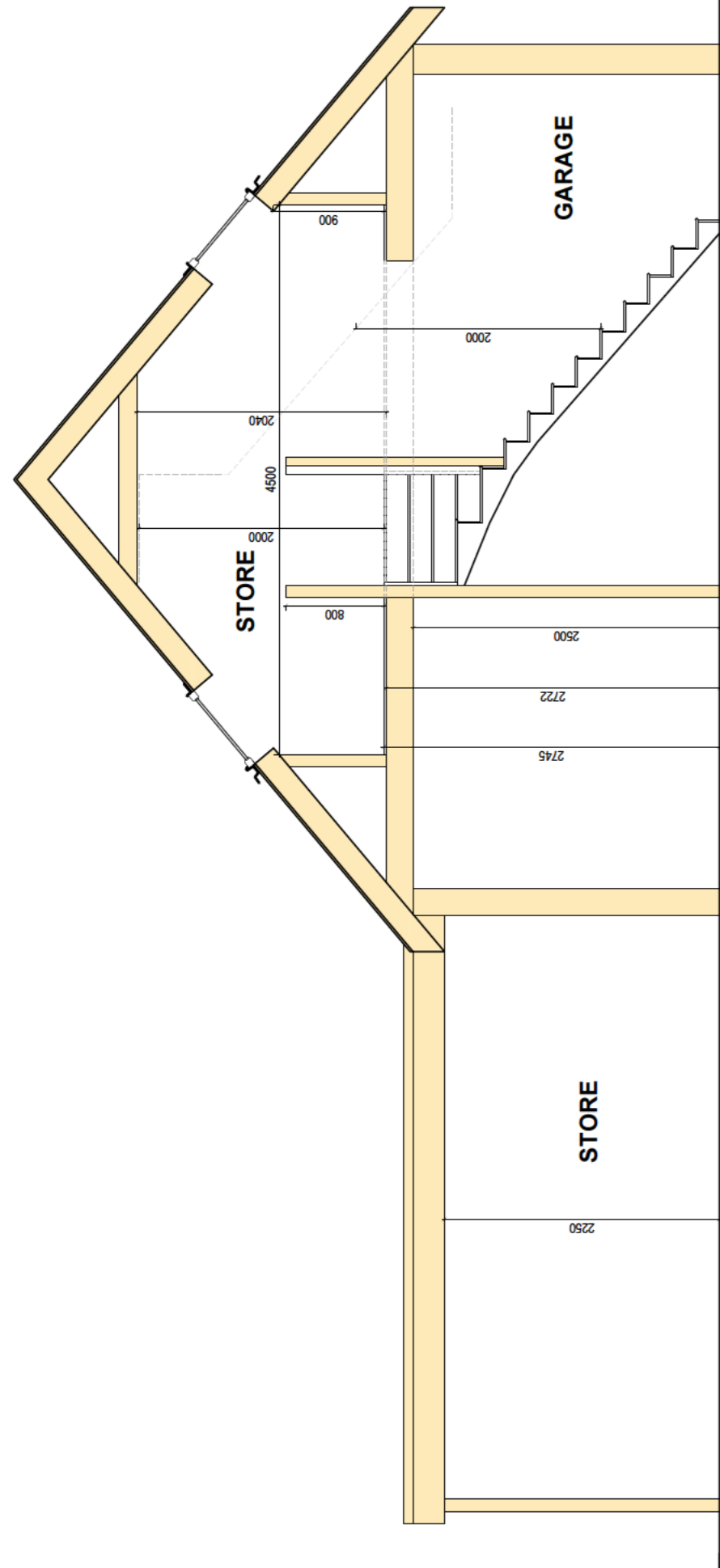
EXISTING EAST ELEVATION
SCALE 1:50



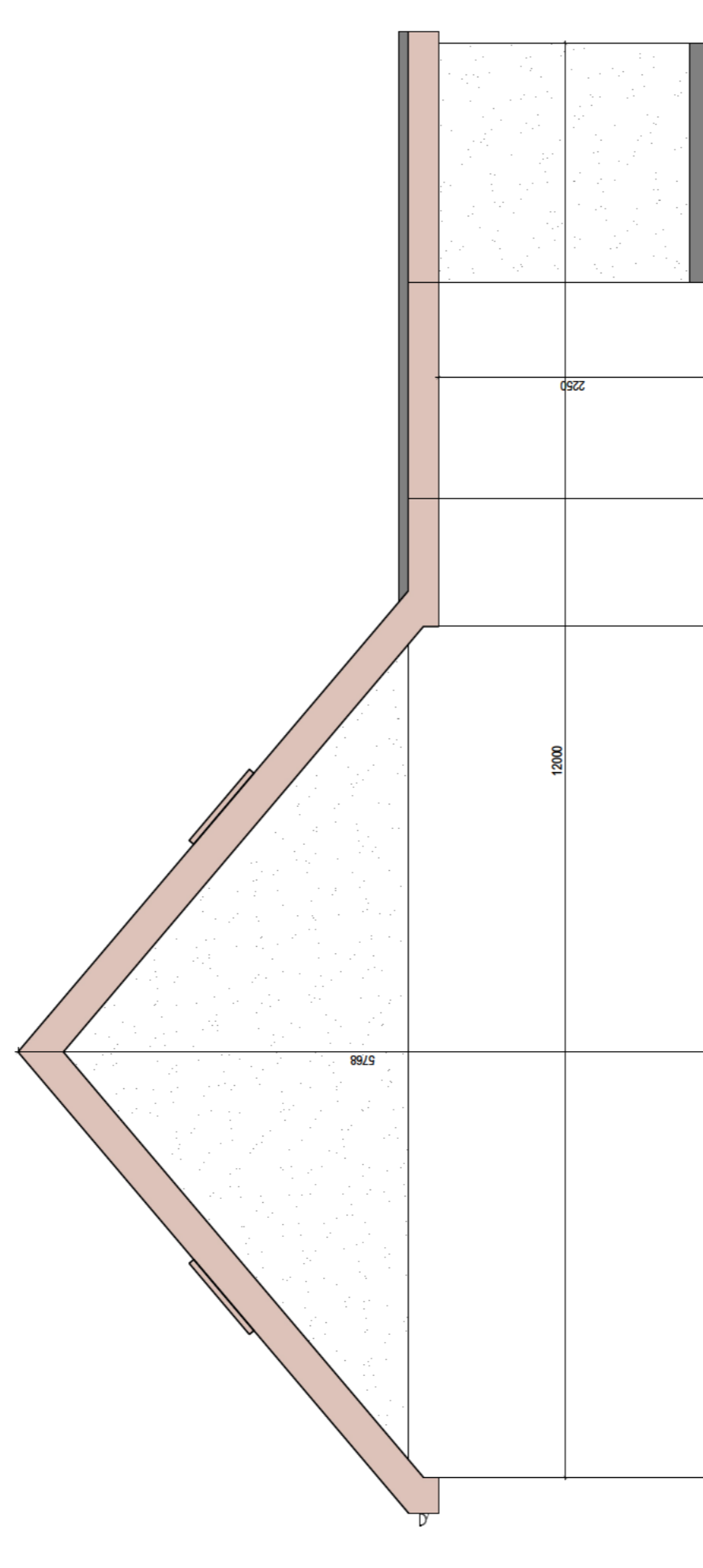
PROPOSED NORTH ELEVATION
SCALE 1:50



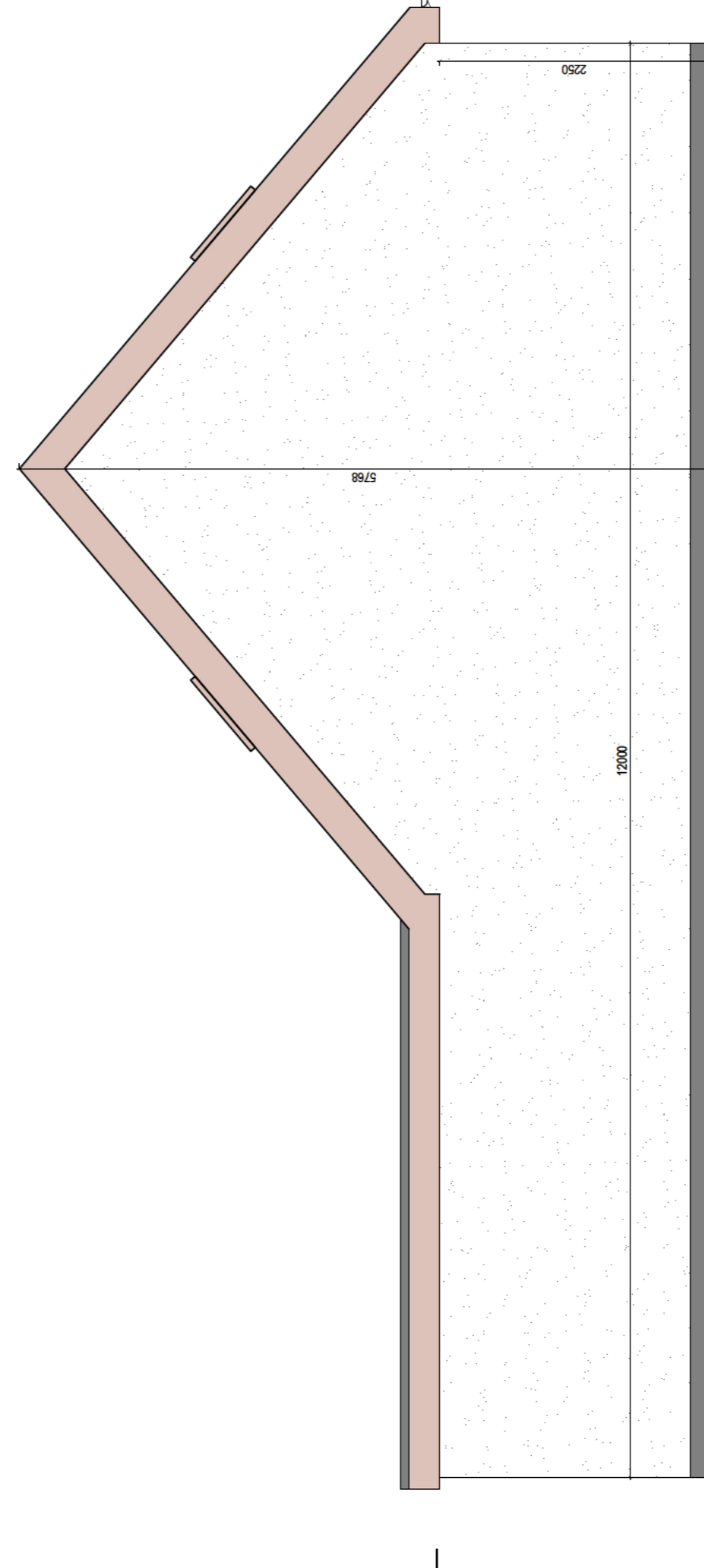
PROPOSED SOUTH ELEVATION
SCALE 1:50



PROPOSED INDICATIVE SECTION A-A
SCALE 1:50



PROPOSED WEST ELEVATION
SCALE 1:50



PROPOSED EAST ELEVATION
SCALE 1:50

FINISHES SCHEDULE

- WALLS -**
- BLOCKWORK BASECOURSE
- RENDER FINISH TO MATCH EXISTING
- ROOF -**
- TILE TO MATCH EXISTING HOUSE
- GREY SINGLE PLY MEMBRANE TO FLAT ROOF
- LIGHT OAK UPVC FASCIA/SOFFIT
- GREY RAINWATER GOODS TO MATCH EXISTING
- DOOR -**
- LIGHT OAK TO MATCH EXISTING

THE DRAWING HAS BEEN PREPARED TO OBTAIN THE BEST POSSIBLE RESULTS AND IT IS NOT TO BE CONSIDERED AS A CONTRACT DOCUMENT. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN PERMISSION OF GRAYBARA DESIGNS.

PROJECT: **EXISTING HOUSE EXTENSION**
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

APPLICATION DETAILS

ADDRESS	46 Cameron Park, Thornton, Kirkcaldy		
PROPOSAL	Extension to domestic outbuilding to rear of dwellinghouse		
DATE VALID	24/05/2022	PUBLICITY EXPIRY DATE	24/06/2022
CASE OFFICER	Andrew Cumming	SITE VISIT	None
WARD	Glenrothes Central And Thornton	REPORT DATE	22/07/2022

ASSESSMENT

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

1.0 BACKGROUND

1.1 The application property is a modern style, semi-detached, two storey dwellinghouse, set in an established principally residential area of mixed style properties.

1.2 This application is for an extension to the side and a pitch-roofed extension to the detached domestic garage/workshop/store to the rear of the previously extended house.

1.3 Recent, previous planning applications received for this property are, the recent refusal for a similar proposal, 20/02808/FULL, extension to domestic outbuilding to rear of dwellinghouse, refused 23/6/21, and 10/02117/FULL, two storey extension to dwellinghouse, permitted with conditions 23/8/10.

1.4 A physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery),

- GIS mapping software, and
- Current photographs of the site provided by the agent.

Therefore, given the scale and nature of the proposal it is considered that the evidence and information available to the case officer is sufficient to determine the proposal.

2.0 PLANNING ASSESSMENT

2.1 The key issues in the assessment of this application are Design/Visual Amenity, Residential Amenity and Representations.

2.2 DESIGN/VISUAL AMENITY

2.2.1 Adopted Local Plan Policies 1 and 10 apply and state amongst other things that development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual impacts. New development is required to be implemented in a manner that ensures the existing uses and the quality of life of those in the local area are not adversely affected. Visual amenity was raised as a concern in the representations received.

2.2.2 This revised application essentially replicates the previous refusal, albeit the previous application's original proposal detailed a 7.1m high ridge line, with an amendment to reduce to some 5.7m having been proposed but not provided on scaled drawings. The refusal referred to the unacceptability of the amended 5.7m high ridge line, and the current proposal details a ridge line of some 5.8m high.

2.2.3 Distant views of the extended building will be publicly available from Cameron Park to the front and Chewton Road to the north side of the site. Domestic outbuildings would usually take the form of garden sheds, garages, stores, or maybe as large as a double garage. The existing outbuilding at some 41m² is recognised as already large, albeit, it is considered that the proposed significant increase in its floor area to some 77m² could be accepted in this instance, it's the increase in the existing 2.7 - 3m sloping roof height to a 5.8m ridge height that would appear incongruous for a domestic outbuilding, having an overbearing visual impact on the neighbouring residential properties, especially with single storey cottages set to the south and north of the site.

2.2.4 The proposed extended domestic garage/workshop/store is therefore considered unacceptable in terms of its size, scale, massing and siting, would have an overbearing visual impact and would detract from the character and setting of the neighbouring properties, to the detriment of the character of the application site and the surrounding area, and therefore does not comply with the design and visual amenity terms of these policies.

2.3 RESIDENTIAL AMENITY

2.3.1 Adopted Local Plan Policies 1 and 10, and Fife Council's Approved Planning Customer Guidelines on Home Extensions (including garages and conservatories), Daylight and Sunlight and Garden Ground apply.

2.3.2 Overshadowing was raised as a concern in the representations received. With the extended building to be set sufficiently back from the rear elevation windows of the neighbouring residential properties, the orientation of the pitched roof, and the sufficient set back from the centre points of the rear garden areas set to the north of the site in accordance with the daylight

and sunlight guidelines, the proposals will not have a significantly increased detrimental impact on the daylight and sunlight of any neighbouring residential properties.

2.3.3 Whilst it is recognised that the increased floor area of the outbuilding will constitute some 33% of the original rear garden ground, there will remain an acceptable level of some 155m² of rear garden ground provision for the property. It is therefore considered on balance that the proposal complies with the residential amenity terms of these policies and guidelines.

CONSULTATION RESPONSES

None

REPRESENTATIONS

Three representations have been received raising concerns about, visual amenity, overshadowing, business/non-domestic use, noise, fumes, air pollution, on-street loading/unloading.

This is a householder planning application made for extensions to a domestic garage/store within a domestic curtilage and is considered, assessed and determined as such. Any business or non-domestic use, excessive noise, fumes, air pollution, on-street loading/unloading would be separate issues to be addressed by planning enforcement complaints or raised with other appropriate authorities for example Environmental Health or the police.

Visual amenity and overshadowing have already been addressed at paragraphs 2.2 and 2.3.2 respectively earlier in this report.

CONCLUSION

In the interests of visual amenity; the proposal is contrary to Policies 1 and 10 of the Adopted FIFEplan 2017, in that the proposed extended domestic garage/store in terms of its size, scale, massing and siting, would have an overbearing impact on neighbouring residential properties to the detriment of the character of the surrounding area.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of visual amenity; the proposal is contrary to Policies 1 and 10 of the Adopted FIFEplan 2017, in that the proposed extended domestic outbuilding in terms of its size, scale, massing and siting, would have an overbearing impact on neighbouring residential properties to the detriment of the character of the surrounding area.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Adopted FIFEplan (2017)

Fife Council's Approved Planning Customer Guidelines on Daylight and Sunlight and Garden Ground

Proposal Details

Proposal Name	100566007
Proposal Description	Extension to outbuilding to rear of dwellinghouse
Address	46 CAMERON PARK, THORNTON, KIRKCALDY, KY1 4BA
Local Authority	Fife Council
Application Online Reference	100566007-004

Application Status

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

Attachment Details

Notice of Review	System	A4
Location and Block Plans	Attached	A1
Existing-Proposed Floor Plans and Elevations	Attached	A1
Report of Handling	Attached	Not Applicable
Application Form	Attached	Not Applicable
Decision Notice	Attached	Not Applicable
Statement of Appeal	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

Agenda Item 6(2)

**46 Cameron Park, Thornton, Kirkcaldy, KY1 4BA
Application No. 22/01602/FULL**

Planning Decision Notice

Report of Handling

Grayara Designs
Joshua Gray
95 Main Street
Thornton
KY1 4AQ

Planning Services

Andrew Cumming
development.central@fife.gov.uk

Your Ref:
Our Ref: 22/01602/FULL

Date 25th July 2022

Dear Sir/Madam

Application No: 22/01602/FULL
Proposal: Extension to domestic outbuilding to rear of dwellinghouse
Address: 46 Cameron Park Thornton Kirkcaldy Fife KY1 4BA

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,

Andrew Cumming, Planning Assistant, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

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

Application No: 22/01602/FULL
Proposal: Extension to domestic outbuilding to rear of dwellinghouse
Address: 46 Cameron Park Thornton Kirkcaldy Fife KY1 4BA

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 22/01602/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of visual amenity; the proposal is contrary to Policies 1 and 10 of the Adopted FIFEplan 2017, in that the proposed extended domestic outbuilding in terms of its size, scale, massing and siting, would have an overbearing impact on neighbouring residential properties to the detriment of the character of the surrounding area.

PLANS

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

Reference	Plan Description
01	Location Plan/Block Plan
02	Various existing and proposed
03	Design and/or Access Statement
04	Photographs

Dated:25th July 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.

APPLICATION DETAILS

ADDRESS	46 Cameron Park, Thornton, Kirkcaldy		
PROPOSAL	Extension to domestic outbuilding to rear of dwellinghouse		
DATE VALID	24/05/2022	PUBLICITY EXPIRY DATE	24/06/2022
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DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of visual amenity; the proposal is contrary to Policies 1 and 10 of the Adopted FIFEplan 2017, in that the proposed extended domestic outbuilding in terms of its size, scale, massing and siting, would have an overbearing impact on neighbouring residential properties to the detriment of the character of the surrounding area.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Adopted FIFEplan (2017)

Fife Council's Approved Planning Customer Guidelines on Daylight and Sunlight and Garden Ground

Agenda Item 6(3)

**46 Cameron Park, Thornton, Kirkcaldy, KY1 4BA
Application No. 22/01602/FULL**

Representation(s)

Dawn Batchelor

From: margaret dryburgh [REDACTED]
Sent: 10 June 2022 17:25
To: Development Central
Subject: Planning permission 46, Cameron Park Thornton Fife. / 22/01602/FULL

Categories: In Progress

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

Re application by Mr Paul Carruthers of the above address, for alterations to an outbuilding. This building reaches to the end of his property which adjoins my garden. It comes 20ft from both my living room and kitchen windows. This gentleman seems to think he is living in an industrial estate as he carries out work on cars from the present building on that sight. The noise of revving engines and grinding machines and all equipment used on repairing stock cars can go on all day and often to 11 pm. It is impossible to stay out and enjoy the garden as I have to keep all my windows shut to try and get some peace. I wholeheartedly object too him getting permission for this project. I am a 73 year old widow and live alone this makes life intolerable.

Yours sincerely,
Margaret Dryburgh
[REDACTED] Roadmans Cottage
Cameron Park
Thornton
Ky14ba

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Mrs Rosemary Black
■ Cameron Park,
Thornton,
Fife,
KY14BA

21/06/2022

Application No 22/01602/FULL

Dear Sir/Madam, I strongly object to the proposed alterations to the outbuilding including raising of ridge height. It states in the application that the intended use and need for these alterations is for storing stock cars. Mr Carruthers has repaired & stored his stock cars in this garage since he purchased the house many years ago. He also repairs and stores his stock cars in the garage at the gable end of his house which was only meant for access to rear of premises.

At present the stock cars are sitting in back garden along with a metal storage unit that is used for storing materials for his joinery business. Mr Carruthers is using his garage at the rear and gable end for cutting and preparing materials prior to starting a job for customers. The level of noise myself and neighbours are subjected to is unacceptable in a residential Council Estate. Mr Carruthers has shown no consideration to neighbours regarding the level of noise he creates often working in garage late into the evening. The noise from industrial tools echo's and vibrates through my house. When I am in my back garden I am subjected to car fumes, paint fumes and fumes from welding.

The proposed height of the pitched roof will not only have a visual impact to myself but will also cast further shadow over my rear lawn and back garden. The applicant refers to a wooded area at the bottom of my garden, there is a large fir tree at the bottom of my garden not a wooded area as suggested in plans. This is a natural environment for birds and wildlife and height of tree can be altered unlike a concrete outbuilding.

The information on plans states the neighbouring properties of 42/44 Cameron Park look out to a small industrial unit. This is not the case we look out to a working farm that has been there before any houses were built. Number 42/44 Cameron Park are Fife Council houses used as scatter flats therefore these Tennant's will not be raising any objections to the proposed plans as they are only there temporarily.

Dawn Batchelor

From: edie gledhill [REDACTED]
Sent: 22 June 2022 19:37
To: Development Central
Subject: Objection to Planning application 22/01602/FULL

Categories: In Progress

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

It is my opinion that this application is essentially the same as the rejected application 20/02808 Full (Extension to domestic outbuilding to rear of dwelling house) made 2 years ago.

My objections are the same, namely

Excessive noise from grinding and other machinery including ark welding
Pollution from uncontained paint spraying
Noise and pollution from testing racing engines and alternative fuels (nitrox)
Inappropriate use of a domestic property by constructing and maintaining stock cars
Loading and unloading of vehicles by way of large trailers on the public highway.

I am 78 years old and it is unreasonable for me to be subjected to this disturbance.

Yours

Mrs Edith Gledhill.
[Sent from Yahoo Mail on Android](#)

This email was scanned using Forcepoint Email filter

Agenda Item 7(1)

**Land to North of Burgh Road, Cowdenbeath
Application No. 21/02717/PPP**

Notice of Review



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100603794-001

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="Angela"/>	Building Number:	<input type="text" value="10"/>
Last Name: *	<input type="text" value="Harris"/>	Address 1 (Street): *	<input type="text" value="Highgrove Park"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Highgrove Park"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Crossgates"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY4 8AU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="joe.fitzpatrick390@gmail.com"/>		

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="Burgh Road Cowdenbeath"/>

Northing	<input type="text" value="692011"/>	Easting	<input type="text" value="316527"/>
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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 Two Dwellinghouses

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 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)

1. Grounds for Review 2. Fife Council Decision Notice 21/02717/PPP 3. Council Report of Handling 21/02717/PPP

Application Details

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

21/02717/PPP

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

25/08/2021

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

25/07/2022

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: 18/10/2022

REPORT OF HANDLING
APPLICATION DETAILS

ADDRESS	Land To North Of, Burgh Road, Cowdenbeath		
PROPOSAL	Planning permission in principle for the erection of two dwellinghouses and associated development (Class 9)		
DATE VALID	24/10/2021	PUBLICITY EXPIRY DATE	05/07/2022
CASE OFFICER	Brian Forsyth	SITE VISIT	08/11/2021
WARD	Cowdenbeath	REPORT DATE	20/07/2022

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. 0.18 hectare lock-up garage site to the rear and east of 95-121 High Street, Cowdenbeath, incorporating seven lock-up garages, the remains of four other lock-up garages, and parking spaces for flats 95A, 95B, 101, 103 & 105 High Street. Vehicular access is from Burgh Road to the south via an unmade private track within the site along the frontage of Myrtle Cottage to the east. The town house car park to the west of the private track and to the south of the main part of the site separates the latter from Burgh Road. A bingo hall and its car park adjoins the site to the north.

1.2 Planning permission in principle is sought for the erection of two dwellinghouses.

1.3 Planning permission in principle for the erection of four flatted dwellings (18/03012/PPP) was refused on 9 July 2019; in the interests of road safety, as the proposed flatted development would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway, the existing access track between Burgh Road and the site also being substandard in terms of its width, construction and lack of footway; and in the interests of flooding and the water environment, it being considered that there was insufficient information, by way of the lack of a Flood Risk Assessment and SuDs information, to determine the flooding and drainage impact on the proposal or how the proposal would impact on the surrounding area with regards to the water environment; all contrary to Policies 1, 3, 10 and 12 of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018). The decision was upheld by Fife Planning Review Body in its notice dated 13 December 2019.

1.4 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. Online imagery is considered sufficient in this instance.

2.0 ASSESSMENT

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

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Road Safety/Transportation
- Ground Conditions
- Flooding and Surface Water Drainage
- Sustainable Buildings

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 The site lies within the defined settlement boundary for Cowdenbeath in terms of FIFEplan, within a secondary shopping area identified therein. Policy 1: Development Principles states that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the plan. Policy 1 further states that the individual and cumulative impacts of development proposals must be addressed by, amongst other things, according with town centre frameworks and complying with Policy 6: Town Centres First. Policy 6 states that development proposals will be supported where they comply with the respective uses and roles of the defined network of centres shown in Figure 6.2 and the Spatial Frameworks referenced in Figure 6.5. Figure 6.5 states that in the secondary shopping area of Cowdenbeath, Use Classes 1, 2, 3, 7, 8, 9, 10, 11 and sui generis will be supported.

2.2.3 As the proposed use for this site is Class 9, the proposal accords with the above provisions of policy relating to the principle of development, subject to compliance with the below policies.

2.3 Design/Visual Impact

2.3.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed, 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 proposals must not lead to a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of the development on the surrounding area. Policy 14: Built and Historic Environment states that the Council will apply the six qualities of successful places when considering development proposals, new development requiring to demonstrate how it has taken account of and meets each of six qualities. Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.3.2 As this is an application for planning permission in principle, detailed design aspects do not form a key part of the current application assessment. However, the applicant has submitted an indicative layout to demonstrate how the site could be developed. The acceptability of this layout and its assessment against the principles within Making Fife's Places, etc. would depend largely on the final building design, proposed materials, and layout - i.e. how the buildings would relate to the immediate environment and its setting, the use of landscaping and other internal features such as trees, and the wider site's context. Subject to these aspects being considered satisfactory through the approval of matters specified in conditions process, the proposal stands to be considered to accord with the above provisions of policy and guidance in relation to design/visual impact. However, this is not a determining issue in this case.

2.4 Residential Amenity

2.4.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses; it must be demonstrated that development proposals will not lead to a significant detrimental impact on amenity in relation to, amongst other things, noise and loss of privacy and natural light. Fife Council's non-statutory Garden Ground, Minimum Distance Between Windows and Daylight and Sunlight customer guidelines are also relevant here.

2.4.2 The indicative drawings indicate that the targets and expectations in respect of plot ratio, garden ground, window to window distances and natural light in the above guidance can comfortably be met. In relation to noise, the Council's Environmental Health (Public Protection) team seeks submission of a noise report to demonstrate that the development would be protected from noise. Subject to these aspects being considered satisfactory through the approval of matters specified in conditions process, the proposal stands to be considered to accord with the above provisions of policy and guidance in relation to residential amenity. However, this is not a determining issue in this case.

2.5 Road Safety/Transportation

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

2.5.2 Planning Services' Transportation Development Management team (TDM) states that Burgh Road is sub-standard in terms of its width and lack of adequate footway and is therefore unsuitable to serve any further residential development; in addition, it is noted that there is no scope to widen the rough track between the site and Burgh Road along the frontage of Myrtle Cottage, etc. TDM recommends refusal of planning permission in principle as the proposal would result in an increase in traffic movements on Burgh Road, to the detriment of road safety

2.5.3 Two objectors have raised concerns in relation to road safety.

2.5.4 Taking the views of TDM into particular account, it is considered that the proposal is contrary to the above provisions of policy and guidance in relation to road safety/transportation.

2.6 Ground Conditions

2.6.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their individual and cumulative impacts, protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10: Amenity states that development proposals must not lead to a significant detrimental impact on amenity in relation to, amongst other things, ground conditions.

2.6.2 The Council's Land and Air Quality team (L&Q) recommends that any approval of planning permission in principle should be made subject to standard planning condition LQC in relation to encountering previously unidentified contamination.

2.6.3 Taking the views of L&Q into particular account, and subject to the standard condition recommended by them, it is considered that the development proposal accords with the above provisions of policy and guidance in relation to ground conditions. However, this is not a determining issue in this instance.

2.7 Flooding and Surface Water Management

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

Systems (SuDS). Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) is also relevant here.

2.7.2 Two objectors have raised concerns in relation to flooding and surface water management.

2.7.3 The site lies within an area shown in the Scottish Environment Protection Agency's flood maps as having a medium likelihood of flooding, i.e. each year the area has a 0.5% chance of flooding.

2.7.4 A flood risk assessment (FRA) and surface water management plan, etc. were submitted with this application. The flood risk assessment concludes that subject to certain technological requirements in relation to surface water and to a minimum finished floor level of 124.1 AOD, the proposal accords with the relevant provisions of policy and guidance in relation to flooding. The Council's Flooding, Shoreline and Harbours team (FSH) were consulted and raise no objection in relation to flooding or surface water drainage. Taking the views of FSH into particular account, and subject to appropriate conditions and these aspects being considered satisfactory at the approval of matters specified in conditions stage, the proposal stands to be considered to accord with the above provisions of policy and guidance in relation to flooding and surface water drainage.

2.8 Sustainable Buildings

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

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

2.8.3 A Low Carbon Sustainability Checklist has been submitted but does not propose incorporation of low and zero carbon generating technology. However, this can be addressed by condition and the approval of matters specified in conditions process. As such, and subject to such a condition, it is considered that the development accords with the above provisions of policy and guidance in relation to sustainable buildings.

CONSULTATION RESPONSES

Structural Services - Flooding, Shoreline And No objection.

Harbours	
Land And Air Quality, Protective Services	No objection subject to standard condition LQC3.
Environmental Health (Public Protection)	No objection subject to satisfactory noise report.
Transportation, Planning Services	Objects on grounds of road safety.
Transportation And Environmental Services - Operations Team	No response and none required.
Scottish Water	No objection.
The Coal Authority	No objection.

REPRESENTATIONS

Three objections have been received in respect of the following:

Believe that the access lane at North Burgh Road belongs to Wee Jimmies Bar and seeking legal advice on this.

Officer response: The development is not dependant on any such access lane.

Entrance to these proposed developments is only a single-track dirt road with no room for pedestrians to safely walk.

Officer response: Road safety is addressed in the main body of the report above.

The owners of the property have closed the original access from the High Street and are now using this dirt road for access to the flats even though they do not own this ground.

Officer response: Noted.

This proposed entrance is not a road, it is waste ground, there is a wall which separates the ground from my property this is not a load bearing wall and I cannot comprehend how building and construction vehicles will be able to safely access the property without endangering my property. The burn that runs under the planned access is piped under the surface by at most 12 inches, meaning any heavy traffic could cause this old pipe to collapse.

Officer response: This is a civil matter and not a material planning consideration.

The burn struggles to take the surface water when there is heavy rain at present. My property floods when there is heavy rain due to the sewer that runs through the property not having the capacity to take the water, this is not a new problem this has been ongoing for a long time and is getting worse as more new builds are added to the antiquated drainage system being unable to cope with all the added sewage and rainwater.

Officer response: Flooding and surface water drainage is addressed in the main body of the report above.

The sewage system and drainage system are not fit for the purpose to take all the water and sewage to these places without leading to flooding.

Officer response: Flooding and surface water drainage is addressed in the main body of the report above.

Plans are inaccurate and discrepancies within as the site boundary shown on the location plan and block plan (as shown in red) are different.

Officer response: The agent has submitted amended plans to correctly reflect the situation.

The applicant does not own the access track as shown in red on the submitted block plan

Officer response: The agent has certified that his client owns the site shown in red,

The proposed houses would increase traffic movement on Burgh rod to the detriment of pedestrian and road safety (the applicant cannot improve this as he doesn't own all of the land). Burgh Rd is substandard with no passing places or footpaths which the applicant cannot improve, which will result in further road/pedestrian safety if the application was approved.

Officer response: Road safety is addressed in the main body of the report above.

The application does not comply with FIFEplan.

Officer response: Compliance is dealt with in the main body of the report above.

Part of the site is on a flood risk area which the houses will have an impact on

Officer response: Flooding is dealt with in the main body of the report above.

An application was previously refused on the site for 4 flats on road safety grounds in 2019. There has been no change in the current application and the 2 houses should therefore be refused.

Officer response: Noted.

CONCLUSION

The development is contrary to the relevant provisions of Policy 1: Development Principles and Policy 3: Infrastructure & Services of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) as it would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway and the existing access track between Burgh Road and the site also being substandard in terms of its width, construction and lack of footway. Overall, the development is contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of road safety; the development would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway. The existing access track between Burgh Road and the site is also substandard in terms of its width, construction and lack of footway. The proposal is therefore contrary to Policies 1 and 3 of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)
Making Fife's Places Supplementary Guidance (2018)
Low Carbon Fife Supplementary Guidance (2019)

National

Scottish Planning Policy (2014)
Planning Advice Note PAN 33: Development of Contaminated Land

Other

Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022)
Fife Council Garden Ground customer guidelines (2016)
Fife Council Minimum Distances Between Window Openings customer guidelines
Fife Council Daylight and Sunlight customer guidelines

JJF Planning
Joe Fitzpatrick
35 Aytoun Crescent
Burntisland
United Kingdom
KY3 9HS

Planning Services

Brian Forsyth
03451 55 11 22
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/02717/PPP

Date 25th July 2022

Dear Sir/Madam

Application No: 21/02717/PPP
Proposal: Planning permission in principle for the erection of two dwellinghouses and associated development (Class 9)
Address: Land To North Of Burgh Road Cowdenbeath 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 PLANNING PERMISSION IN PRINCIPLE

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

Application No: 21/02717/PPP
Proposal: Planning permission in principle for the erection of two dwellinghouses and associated development (Class 9)
Address: Land To North Of Burgh Road Cowdenbeath Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/02717/PPP on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of road safety; the development would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway. The existing access track between Burgh Road and the site is also substandard in terms of its width, construction and lack of footway. The proposal is therefore contrary to Policies 1 and 3 of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

PLANS

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

Reference	Plan Description
01A	Location Plan
02	Existing/Proposed Block Plan
03	Mine Risk Assessment
04B	Flood Risk Information
05	Low Carbon Sustainability Checklist
06	Statement
07A	Drainage Plan
08A	SUDs and Flood Risk Assessment Certs

Dated:25th July 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.

Joe Fitzpatrick
Planning Consultant

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01592874360

GROUNDS FOR REVIEW

Application for Planning Permission in Principle 21/02717/PPP Planning permission in principle for the erection of two dwellinghouses on Land To North Of Burgh Road Cowdenbeath

18th October 2022

1.0 INTRODUCTION

- 1.1 An application for planning permission in principle (Ref: 21/02717/PPP) for residential development of 2 Dwellinghouses was registered by Fife Council on 24th October 2021. On the 25th July 2022 the application was refused under delegated powers for the following reasons:

1. In the interests of road safety; the development would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway. The existing access track between Burgh Road and the site is also substandard in terms of its width, construction and lack of footway. The proposal is therefore contrary to Policies 1, 3 and 10 of the Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018).

A copy of the Decision Notice has been included as part of the Notice of Review submission.

- 1.2 This most recent application for redevelopment of the site follows the refusal of proposals for the development of 4 flats in July 2019. That application was refused on the grounds of flood risk and road safety associated with an increase in traffic. Under the current application, further information has been submitted in relation to flood risk and the Council has now accepted that there is no flood risk issue associated with the site.

2.0 GROUNDS FOR REVIEW

- 2.1 The justification for the refusal of this application on road safety grounds relates to the increase in traffic movements on Burgh Road, as stated at paragraph 2.5.2 of the Report of Handling. This states that:

TDM recommends refusal of planning permission in principle as the proposal would result in an increase in traffic movements on Burgh Road, to the detriment of road safety.

However, no account has been taken of the reduction in traffic that will occur due to the removal of 7 lock-up garages currently existing on the site. A previous decision relating to an application for 4 flats on the site did make reference to the removal of lock up garages but erroneously related this to only 3 lock-up units being removed. Given the much smaller scale of development now proposed with only two dwellinghouses as opposed to 4 flats, coupled with the reduction in traffic associated with the removal of 7 lock-up garages, as opposed to just 3, then it is likely that an overall reduction in traffic will result.

- 2.2 It should also be noted that the existing lock up garages are not currently let to occupiers of nearby properties but are used by tenants who reside remote from the site. Therefore, the removal of the lock-ups will not result in local displacement of demand for parking.
- 2.3 In addition, it will be noted that the site includes a number of car parking spaces relating to the existing flats fronting High Street. These spaces are to be retained and continued access permitted to residents.
- 2.4 However, even if the above argument was to be set aside, the overall assessment also fails to take account of the wider benefits associated with redevelopment of the site. In this regard, it is considered that the decision has been driven by technical factors alone without any weight being given to the wider benefits to be derived from redevelopment of the site in terms of securing the regeneration of a visually degraded backland site which is currently a focus for anti-social behavior.

- 2.5 In addition it is noted that the road safety issues do not relate to an acute hazard such as poor visibility for vehicles at the junction of Burgh Road and High Street. Instead, the safety issue is related to the roadway on Burgh Road not meeting the standard in terms of width with the consequence that the footpaths either side of Burgh Road are narrow.
- 2.6 However, the physical characteristics of Burgh Road are such that any road safety hazard can be adequately addressed. Given the limited length of Burgh Road and the physical characteristics, vehicles progressing along the route do so at a very slow speed.
- 2.7 In terms of the physical characteristics of the route, it is noted that the main pinch point is the small section of Burgh Road located between the former Council property and the building on the opposite side, as indicated in the photograph below. The section beyond this is wider and has sufficient points along its length to ensure that two vehicles can pass safely. In addition, Burgh Road has excellent inter-visibility between both ends and as a result any vehicle progressing westwards along Burgh Road towards High Street will have a clear line of sight of any vehicle turning in off High Street thereby allowing them to wait out-with the pinch point while the vehicle turns in and passes safely.



Junction of Burgh Rd and High St.

- 2.8 In addition to the above considerations, it could be argued that the risk to pedestrians associated with the very marginal, if any, increase in traffic is also significantly mitigated due to the good inter-visibility. Although the reason for refusal states that the footpaths are inadequate, at the crucial pinch point there are footpaths either side of the road which, although narrow, provide an area where the priority is for pedestrian movement. As well as this, vehicles progressing along Burgh Road will do so at a very slow speed due to the nature of the route.
- 2.9 It is also noted that comment is offered in the Report of Handling regarding the lack of scope to widen the private access at Myrtle Cottage. However, the small section of private access (approximately 25m) has direct intervisibility. In addition, the private access widens at the connection point with Burgh Road to the south and scope exists to form a wider section within the site at the point where the northern end of the private access connects to the site itself. Therefore, vehicles using the access will be able to wait at either end while a vehicle already on the route passes. As a further consideration, Fife Council Transportation Services would not normally seek the formation of a passing place on such a short length of track and the lack of opportunity to do so is therefore considered to be irrelevant.
- 2.10 Consideration also needs to be given to the actual significance of any traffic generation associated with the addition of two dwellinghouses, even setting aside the reduction due to the loss of the lock up garages, when compared to the existing situation. Burgh Road currently serves a fairly significant number of properties, including the 35 space car park associated the former Council property fronting High Street. Although, this property is currently vacant, the car parking requirement will remain as part of future proposals to reuse the building. The plan below has been highlighted in green to show all the properties currently served off Burgh Road. Given the fairly high level of traffic movement that is already associated with Burgh Road, the marginal, if any, increase in traffic relating to two dwellinghouses will be insignificant when considered against the wider benefits in securing the development of a degraded backland site.



Properties served off Burgh Road

- 2.11 In terms of the urban regeneration benefits of the proposals, the Review Body will be well aware that the Council has been making strenuous efforts to save Fife's town centers and in relation to Cowdenbeath Town Centre in particular, the Council has made significant progress. However, the northern portion of High Street continues to lack vitality and would benefit from further improvement. In this regard, the proposed development is directly related to the Council's overall objective of regenerating the town center. Such regeneration projects as that proposed under this application for planning permission are the very kind of initiative which the Council should be actively seeking to encourage rather than resisting on a matter primarily related to technical standards where the road safety issues, if any, are extremely marginal at best.
- 2.12 Direct development plan policy support for the proposed development is set out under FIFEplan Policy 6 Town Centres First which specifically encourages residential development on appropriate sites within town centers. Cowdenbeath Town Centre is identified within FIFEplan as a one of the key principal town centers in Fife and as such the terms of Policy 6 relating to the Council giving encouragement to residential development are directly relevant. In this regard Policy 6 states:

Homes and businesses are also encouraged in town centres to add to the mix of uses and activity throughout the day and evening. Development proposals including these uses will be supported where they:

1. comply with the sequential approach taking into account the catchment areas shown in Figure 6.1;

2. comply with the respective uses and roles of the defined network of centres as shown in Figure 6.2, and the Spatial Frameworks referenced in Figures 6.4 and 6.5 and shown on the settlement plans;

3. will have no significant adverse effect on the vitality and viability of town centres and the local economy; and

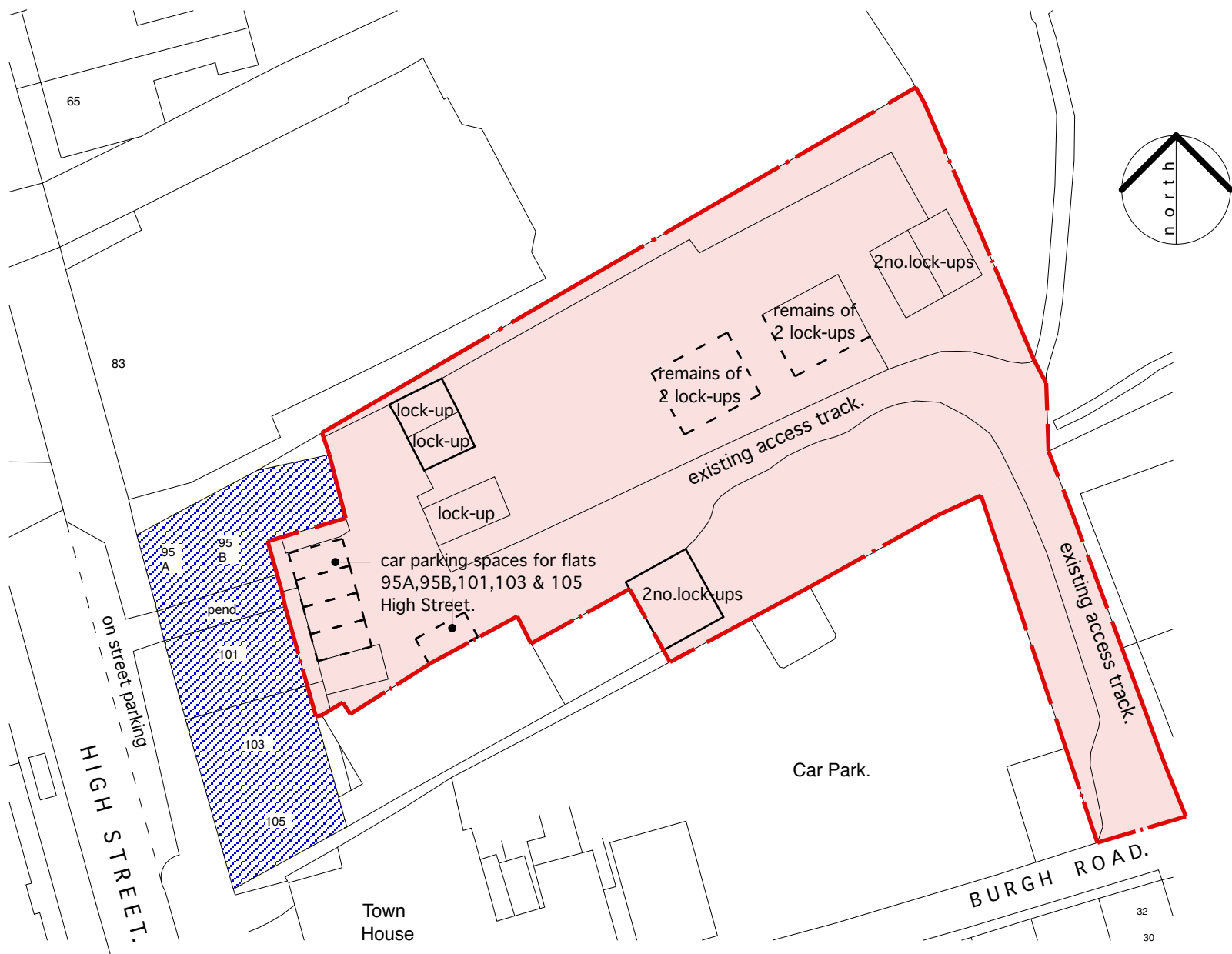
4. are appropriate for the location in scale and character and will not adversely impact on residential amenity or negatively impact on adjacent uses.

- 2.13 The development proposals under this application for planning permission are directly consistent with all four of the qualifying criteria set out under FIFEplan Policy 6 above. Therefore, it is considered that the proposed development is directly consistent with the development plan relating to the site and that a favourable determination in accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 is merited.

3.0 CONCLUSION

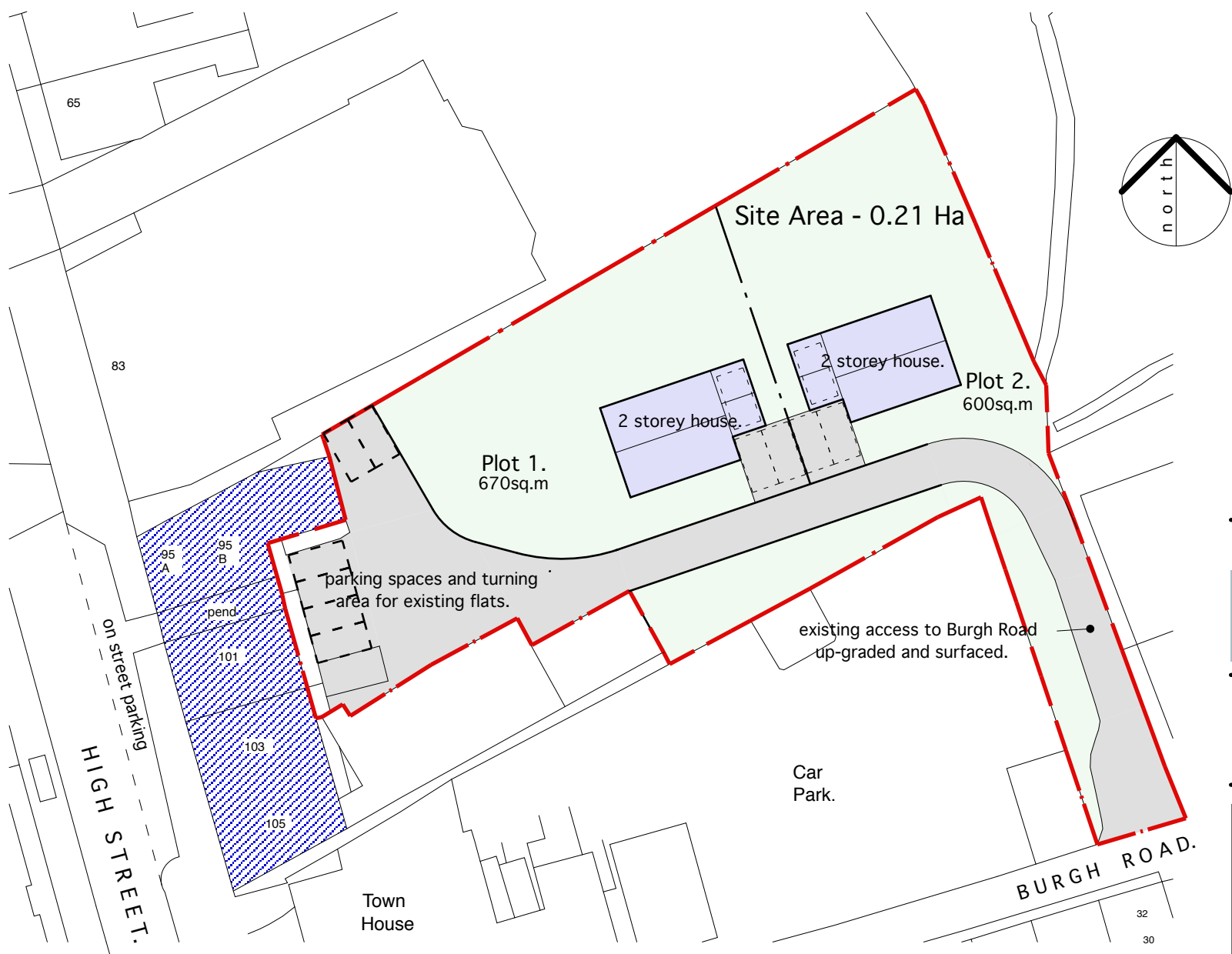
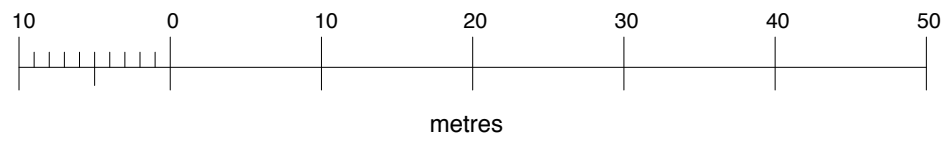
- 3.1 The reason for refusal of this application states an increase in traffic relating to the two dwellinghouses as the sole justification. However, no account has been taken of the reduction in traffic that will occur due to the removal of 7 lock-up garages currently existing on the site. A previous decision relating to an application for 4 flats on the site did make reference to the removal of lock up garages but erroneously related this to only 3 lock-up units being removed. Given the much smaller scale of development now proposed with only two dwellinghouses as opposed to 4 flats, coupled with the reduction in traffic associated with the removal of 7 lock-up garages, as opposed to just 3, then it is likely that an overall reduction in traffic will result.
- 3.2 However, even if the above argument was to be set aside, the increase in traffic associated with just two dwellinghouses would at worst be very marginal compared to the volume of traffic currently using Burgh Road, as indicated in the plan at paragraph 2.10 above which shows the properties currently using Burgh Road highlighted green, including a 35 space car park. Given the significant benefits to be derived from redevelopment of the site in terms of securing the regeneration of a visually degraded backland site which is currently a focus for anti-social behavior, then the above argument is considered to provide strong support for approval of this application.

- 3.3 In addition, the physical characteristics of Burgh Road are such that vehicles using the route travel very slowly. The road also has good intervisibility along its length thereby giving drivers and pedestrians ample opportunity to pass safely. Crucially, it is noted that the excellent visibility exists for drivers and pedestrians at the junction of Burgh Road and High Street. The lack of opportunity to widen the track at Myrtle Cottage is also fully addressed by the good inter-visibility and scope for vehicles to wait at either end. In addition, a passing place would not normally be required for such a short length of track and the lack of space to provide one is therefore considered to be irrelevant.
- 3.4 As a further consideration, the proposed development is the very type of initiative which the Council is actively seeking to promote within town center areas under FIFEplan Policy 6 – Town Centers First, which seeks to increased vitality through regeneration of town center sites.
- 3.5 In view of the above, the proposed development is considered to be entirely consistent with FIFEplan. Therefore a favourable determination under Section 25 of the Town and Country Planning (Scotland) Act 1997 is considered to be merited. For this reason it is requested that this application for planning permission in principle be approved.



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EXISTING LAYOUT.



E.Dalton

Design
&
Construction Services.

2 Montague Mews, Leet Haugh,
Coldstream, TD12 4FE
Tel: 01890 883622

Project
Proposed Residential Development,
Burgh Road/High Street,
Cowdenbeath.

PROPOSED LAYOUT.

Drawn By ED	Date Mar'20	Scale 1:500	Drawing No. 1716. C.02
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Proposal Details

Proposal Name	100603794
Proposal Description	Notice of Review - Two Dwellinghouses
Address	
Local Authority	Fife Council
Application Online Reference	100603794-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Decision Notice	Attached	A4
Report of Handling	Attached	A4
Site Plan	Attached	A3
Grounds for Review	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Agenda Item 7(2)

**Land to North of Burgh Road, Cowdenbeath
Application No. 21/02717/PPP**

Planning Decision Notice

Report of Handling

JJF Planning
Joe Fitzpatrick
35 Aytoun Crescent
Burntisland
United Kingdom
KY3 9HS

Planning Services

Brian Forsyth
03451 55 11 22
development.central@fife.gov.uk

Your Ref:
Our Ref: 21/02717/PPP

Date 25th July 2022

Dear Sir/Madam

Application No: 21/02717/PPP
Proposal: Planning permission in principle for the erection of two dwellinghouses and associated development (Class 9)
Address: Land To North Of Burgh Road Cowdenbeath 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 PLANNING PERMISSION IN PRINCIPLE

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

Application No: 21/02717/PPP
Proposal: Planning permission in principle for the erection of two dwellinghouses and associated development (Class 9)
Address: Land To North Of Burgh Road Cowdenbeath Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 21/02717/PPP on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of road safety; the development would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway. The existing access track between Burgh Road and the site is also substandard in terms of its width, construction and lack of footway. The proposal is therefore contrary to Policies 1 and 3 of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

PLANS

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

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04B	Flood Risk Information
05	Low Carbon Sustainability Checklist
06	Statement
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08A	SUDs and Flood Risk Assessment Certs

Dated:25th July 2022

Derek Simpson

For Head of Planning Services
Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

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REPORT OF HANDLING
APPLICATION DETAILS

ADDRESS	Land To North Of, Burgh Road, Cowdenbeath		
PROPOSAL	Planning permission in principle for the erection of two dwellinghouses and associated development (Class 9)		
DATE VALID	24/10/2021	PUBLICITY EXPIRY DATE	05/07/2022
CASE OFFICER	Brian Forsyth	SITE VISIT	08/11/2021
WARD	Cowdenbeath	REPORT DATE	20/07/2022

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. 0.18 hectare lock-up garage site to the rear and east of 95-121 High Street, Cowdenbeath, incorporating seven lock-up garages, the remains of four other lock-up garages, and parking spaces for flats 95A, 95B, 101, 103 & 105 High Street. Vehicular access is from Burgh Road to the south via an unmade private track within the site along the frontage of Myrtle Cottage to the east. The town house car park to the west of the private track and to the south of the main part of the site separates the latter from Burgh Road. A bingo hall and its car park adjoins the site to the north.

1.2 Planning permission in principle is sought for the erection of two dwellinghouses.

1.3 Planning permission in principle for the erection of four flatted dwellings (18/03012/PPP) was refused on 9 July 2019; in the interests of road safety, as the proposed flatted development would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway, the existing access track between Burgh Road and the site also being substandard in terms of its width, construction and lack of footway; and in the interests of flooding and the water environment, it being considered that there was insufficient information, by way of the lack of a Flood Risk Assessment and SuDs information, to determine the flooding and drainage impact on the proposal or how the proposal would impact on the surrounding area with regards to the water environment; all contrary to Policies 1, 3, 10 and 12 of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018). The decision was upheld by Fife Planning Review Body in its notice dated 13 December 2019.

1.4 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. Online imagery is considered sufficient in this instance.

2.0 ASSESSMENT

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

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Road Safety/Transportation
- Ground Conditions
- Flooding and Surface Water Drainage
- Sustainable Buildings

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 The site lies within the defined settlement boundary for Cowdenbeath in terms of FIFEplan, within a secondary shopping area identified therein. Policy 1: Development Principles states that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the plan. Policy 1 further states that the individual and cumulative impacts of development proposals must be addressed by, amongst other things, according with town centre frameworks and complying with Policy 6: Town Centres First. Policy 6 states that development proposals will be supported where they comply with the respective uses and roles of the defined network of centres shown in Figure 6.2 and the Spatial Frameworks referenced in Figure 6.5. Figure 6.5 states that in the secondary shopping area of Cowdenbeath, Use Classes 1, 2, 3, 7, 8, 9, 10, 11 and sui generis will be supported.

2.2.3 As the proposed use for this site is Class 9, the proposal accords with the above provisions of policy relating to the principle of development, subject to compliance with the below policies.

2.3 Design/Visual Impact

2.3.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed, 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 proposals must not lead to a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of the development on the surrounding area. Policy 14: Built and Historic Environment states that the Council will apply the six qualities of successful places when considering development proposals, new development requiring to demonstrate how it has taken account of and meets each of six qualities. Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.3.2 As this is an application for planning permission in principle, detailed design aspects do not form a key part of the current application assessment. However, the applicant has submitted an indicative layout to demonstrate how the site could be developed. The acceptability of this layout and its assessment against the principles within Making Fife's Places, etc. would depend largely on the final building design, proposed materials, and layout - i.e. how the buildings would relate to the immediate environment and its setting, the use of landscaping and other internal features such as trees, and the wider site's context. Subject to these aspects being considered satisfactory through the approval of matters specified in conditions process, the proposal stands to be considered to accord with the above provisions of policy and guidance in relation to design/visual impact. However, this is not a determining issue in this case.

2.4 Residential Amenity

2.4.1 Policy 1: Development Principles of FIFEplan states that the individual and cumulative impacts of development proposals must be addressed by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses; it must be demonstrated that development proposals will not lead to a significant detrimental impact on amenity in relation to, amongst other things, noise and loss of privacy and natural light. Fife Council's non-statutory Garden Ground, Minimum Distance Between Windows and Daylight and Sunlight customer guidelines are also relevant here.

2.4.2 The indicative drawings indicate that the targets and expectations in respect of plot ratio, garden ground, window to window distances and natural light in the above guidance can comfortably be met. In relation to noise, the Council's Environmental Health (Public Protection) team seeks submission of a noise report to demonstrate that the development would be protected from noise. Subject to these aspects being considered satisfactory through the approval of matters specified in conditions process, the proposal stands to be considered to accord with the above provisions of policy and guidance in relation to residential amenity. However, this is not a determining issue in this case.

2.5 Road Safety/Transportation

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

2.5.2 Planning Services' Transportation Development Management team (TDM) states that Burgh Road is sub-standard in terms of its width and lack of adequate footway and is therefore unsuitable to serve any further residential development; in addition, it is noted that there is no scope to widen the rough track between the site and Burgh Road along the frontage of Myrtle Cottage, etc. TDM recommends refusal of planning permission in principle as the proposal would result in an increase in traffic movements on Burgh Road, to the detriment of road safety

2.5.3 Two objectors have raised concerns in relation to road safety.

2.5.4 Taking the views of TDM into particular account, it is considered that the proposal is contrary to the above provisions of policy and guidance in relation to road safety/transportation.

2.6 Ground Conditions

2.6.1 Policy 1: Development Principles of FIFEplan states that development proposals must address their individual and cumulative impacts, protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10: Amenity states that development proposals must not lead to a significant detrimental impact on amenity in relation to, amongst other things, ground conditions.

2.6.2 The Council's Land and Air Quality team (L&Q) recommends that any approval of planning permission in principle should be made subject to standard planning condition LQC in relation to encountering previously unidentified contamination.

2.6.3 Taking the views of L&Q into particular account, and subject to the standard condition recommended by them, it is considered that the development proposal accords with the above provisions of policy and guidance in relation to ground conditions. However, this is not a determining issue in this instance.

2.7 Flooding and Surface Water Management

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

Systems (SuDS). Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) is also relevant here.

2.7.2 Two objectors have raised concerns in relation to flooding and surface water management.

2.7.3 The site lies within an area shown in the Scottish Environment Protection Agency's flood maps as having a medium likelihood of flooding, i.e. each year the area has a 0.5% chance of flooding.

2.7.4 A flood risk assessment (FRA) and surface water management plan, etc. were submitted with this application. The flood risk assessment concludes that subject to certain technological requirements in relation to surface water and to a minimum finished floor level of 124.1 AOD, the proposal accords with the relevant provisions of policy and guidance in relation to flooding. The Council's Flooding, Shoreline and Harbours team (FSH) were consulted and raise no objection in relation to flooding or surface water drainage. Taking the views of FSH into particular account, and subject to appropriate conditions and these aspects being considered satisfactory at the approval of matters specified in conditions stage, the proposal stands to be considered to accord with the above provisions of policy and guidance in relation to flooding and surface water drainage.

2.8 Sustainable Buildings

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

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

2.8.3 A Low Carbon Sustainability Checklist has been submitted but does not propose incorporation of low and zero carbon generating technology. However, this can be addressed by condition and the approval of matters specified in conditions process. As such, and subject to such a condition, it is considered that the development accords with the above provisions of policy and guidance in relation to sustainable buildings.

CONSULTATION RESPONSES

Structural Services - Flooding, Shoreline And No objection.

Harbours	
Land And Air Quality, Protective Services	No objection subject to standard condition LQC3.
Environmental Health (Public Protection)	No objection subject to satisfactory noise report.
Transportation, Planning Services	Objects on grounds of road safety.
Transportation And Environmental Services - Operations Team	No response and none required.
Scottish Water	No objection.
The Coal Authority	No objection.

REPRESENTATIONS

Three objections have been received in respect of the following:

Believe that the access lane at North Burgh Road belongs to Wee Jimmies Bar and seeking legal advice on this.

Officer response: The development is not dependant on any such access lane.

Entrance to these proposed developments is only a single-track dirt road with no room for pedestrians to safely walk.

Officer response: Road safety is addressed in the main body of the report above.

The owners of the property have closed the original access from the High Street and are now using this dirt road for access to the flats even though they do not own this ground.

Officer response: Noted.

This proposed entrance is not a road, it is waste ground, there is a wall which separates the ground from my property this is not a load bearing wall and I cannot comprehend how building and construction vehicles will be able to safely access the property without endangering my property. The burn that runs under the planned access is piped under the surface by at most 12 inches, meaning any heavy traffic could cause this old pipe to collapse.

Officer response: This is a civil matter and not a material planning consideration.

The burn struggles to take the surface water when there is heavy rain at present. My property floods when there is heavy rain due to the sewer that runs through the property not having the capacity to take the water, this is not a new problem this has been ongoing for a long time and is getting worse as more new builds are added to the antiquated drainage system being unable to cope with all the added sewage and rainwater.

Officer response: Flooding and surface water drainage is addressed in the main body of the report above.

The sewage system and drainage system are not fit for the purpose to take all the water and sewage to these places without leading to flooding.

Officer response: Flooding and surface water drainage is addressed in the main body of the report above.

Plans are inaccurate and discrepancies within as the site boundary shown on the location plan and block plan (as shown in red) are different.

Officer response: The agent has submitted amended plans to correctly reflect the situation.

The applicant does not own the access track as shown in red on the submitted block plan

Officer response: The agent has certified that his client owns the site shown in red,

The proposed houses would increase traffic movement on Burgh rod to the detriment of pedestrian and road safety (the applicant cannot improve this as he doesn't own all of the land). Burgh Rd is substandard with no passing places or footpaths which the applicant cannot improve, which will result in further road/pedestrian safety if the application was approved.

Officer response: Road safety is addressed in the main body of the report above.

The application does not comply with FIFEplan.

Officer response: Compliance is dealt with in the main body of the report above.

Part of the site is on a flood risk area which the houses will have an impact on

Officer response: Flooding is dealt with in the main body of the report above.

An application was previously refused on the site for 4 flats on road safety grounds in 2019. There has been no change in the current application and the 2 houses should therefore be refused.

Officer response: Noted.

CONCLUSION

The development is contrary to the relevant provisions of Policy 1: Development Principles and Policy 3: Infrastructure & Services of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) as it would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway and the existing access track between Burgh Road and the site also being substandard in terms of its width, construction and lack of footway. Overall, the development is contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of road safety; the development would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety due to Burgh Road being sub-standard in terms of its width and having a lack of adequate footway. The existing access track between Burgh Road and the site is also substandard in terms of its width, construction and lack of footway. The proposal is therefore contrary to Policies 1 and 3 of the adopted FIFEplan Fife Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan

Adopted FIFEplan Fife Local Development Plan (2017)
Making Fife's Places Supplementary Guidance (2018)
Low Carbon Fife Supplementary Guidance (2019)

National

Scottish Planning Policy (2014)
Planning Advice Note PAN 33: Development of Contaminated Land

Other

Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022)
Fife Council Garden Ground customer guidelines (2016)
Fife Council Minimum Distances Between Window Openings customer guidelines
Fife Council Daylight and Sunlight customer guidelines

Agenda Item 7(3)

**Land to North of Burgh Road, Cowdenbeath
Application No. 21/02717/PPP**

Representation(s)

Dawn Batchelor

From: Gary Roy <gary_roy@hotmail.co.uk>
Sent: 19 November 2021 12:55
To: Development Central
Subject: Planning 21/02717/PPP

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.

Re planning at above ref at north of Burgh Road Cowdenbeath

I would like to put an objection to the building of houses in this area as I believe that the access lane at North Burgh Rd belongs to Wee jimmies Bar formerly Foulford Arms High street Cowdenbeath and we are seeking legal advice on this.

The access to these flats are through a close on the high street next to candy man which has now been fenced over
Please acknowledge receipt of this email Gary Roy Wee Jimmies
07912549232

Sent from my iPhone

Comments for Planning Application 21/02717/PPP

Application Summary

Application Number: 21/02717/PPP

Address: Land To North Of Burgh Road Cowdenbeath Fife

Proposal: Planning permission in principle for the erection of two dwellinghouses

Case Officer: Brian Forsyth

Customer Details

Name: Mrs Celia Jarrett

Address: 5 Myrtle Cottages, Burgh Road, Cowdenbeath, Fife KY4 9QD

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this planning in principle for a number of reasons

Health and safety- the entrance to these proposed developments is only a single track dirt road with no room for pedestrians to safely walk.

The owners of the property have closed the original access from the High Street and are now using this dirt road for access to the flats even though they do not own this ground.

This proposed entrance is not a road it is waste ground, there is a wall which separates the ground from my property this is not a load bearing wall and I cannot comprehend how building and construction vehicles will be able to safely access the property without endangering my property.

The burn that runs under the planned access is piped under the surface by at most 12 inches., meaning any heavy traffic could cause this old pipe to collapse. The burn struggles to take the surface water when there is heavy rain at present

My property floods when there is heavy rain due to the sewer that runs through the property not having the capacity to take the water, this is not a new problem this has been ongoing for a long time and is getting worse as more new builds are added to the antiquated drainage system being unable to cope with all the added sewage and rainwater.

I note that Scottish Water advise there is sufficient capacity at Levenmouth waste and Glendevon but the issue here is not the capacity of the plants but the sewage system and drainage system not being fit for the purpose to take all the water and sewage to these places without leading to flooding.

Also note that there is no mention in Scottish Water's letter about the complaints I have made to them in the past regarding the flooding I have had to endure on a regular basis. Is this not taken into account when they say they have no objections.

So I must object to the proposed developments.

Regards

Celia Jarrett

Comments for Planning Application 21/02717/PPP

Application Summary

Application Number: 21/02717/PPP

Address: Land To North Of Burgh Road Cowdenbeath Fife

Proposal: Planning permission in principle for the erection of two dwellinghouses

Case Officer: Brian Forsyth

Customer Details

Name: Mrs ANNE ROY

Address: 9 Perth Road, Cowdenbeath, Fife KY4 9BD

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1

Plans are inaccurate and discrepancies within as the site boundary shown on the location plan and block plan (as shown in red) are different

2

The applicant does not own the access track as shown in red on the submitted block plan

3

The proposed houses would increase traffic movement on Burgh rod to the detriment of pedestrian and road safety (the applicant cannot improve this as he doesn't own all of the land)

4

Burgh Rd is substandard with no passing places or footpaths which the applicant cannot improve, which will result in further road/pedestrian safety if the application was approved

5

The applicant does not comply with Fifeplan for the reason as shown above

6

Part of the site is on a flood risk area which the houses will have an impact on

7

An application was previously refused on the site for 4 flats on road safety grounds in 2019. There has been no change in the current application and the 2 houses should therefore be refused

Agenda Item 7(4)

**Land to North of Burgh Road, Cowdenbeath
Application No. 21/02717/PPP**

Consultee Comments



Economy, Planning and Employability Services

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

Response from Environmental Health (Public Protection)

PPT Reference No:	21/21002/CONPLA		
Name of Planning Officer dealing with the matter:	Not Yet Allocated		
Application Number:	21/02717/PPP		
Proposed Development:	Planning permission in principle for the erection of two dwellinghouses		
Location:	Land To North Of Burgh Road Cowdenbeath Fife		
Date Required By Planning:		Decision Notice Required?	-----

COMMENTS

After reviewing the above application, I have the following comments.

Before development commences a report specifying the measures to be taken to protect the development from noise shall be submitted to and approved in writing by the LPA

The report shall

- (i) Determine the existing noise climate
- (ii) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- (iii) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).
- (iv) Aim to achieve the following maximum levels :
 - a. 35dB_{16hr LAeq} between 0700 and 2300 hours in any noise sensitive rooms in the development.
 - b. 30dB_{8hr LAeq} between 2300 and 0700 hours inside any bedroom in the development.

- c. $45_{L_{A_{Max}}}$ dB between 2300 and 0700hrs inside any bedroom in the development.
- d. $50_{dB_{16hr L_{Aeq}}}$ between 0700 and 2300 hours in any external amenity space.

Unless otherwise agreed in writing with the LPA the development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Note

A competent person should undertake any noise survey and developers may wish to contact the Association of Noise Consultants <http://www.association-of-noise-consultants.co.uk/Pages/Links.htm> (01736 852958) or the Institute of Acoustics <http://www.ioa.org.uk> (01727 848195) for a list of members.

The REHIS Briefing Note 017 Noise Guidance for New Developments advises that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided.

Predictions of internal noise levels within noise sensitive premises must be calculated based on an open window scenario. The degree of sound reduction afforded by a partially open window should be taken as 13dB. For the purposes of this guidance exceptional circumstances are considered to be proposals which aim to promote sustainable development and transport within the local authority area and which would provide benefits such as:

- (a) reducing urban sprawl
- (b) reducing uptake of greenfield sites
- (c) promoting higher levels of density near transport hubs, town and local centres
- (d) meeting specific needs identified in the local development plan

Exceptional circumstances will, therefore, generally apply only to sites, which are small to medium in scale, within urban areas. This may include sites in established residential areas; brownfield sites; town and village centres, and sites near public transport hubs.

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

Date:	28/10/21	Officer	Brian Hill Environmental Health Officer Public Protection Team
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MEMORANDUM

TO: Development Management

FROM: Donald Payne, Technical Officer, Land & Air Quality

DATE: 10 November 2021

OUR REF: PC180095C5 **YOUR REF:** 21/02717/PPP

SUBJECT: Erection of two dwellinghouses at Land to North of Burgh Road, Cowdenbeath

Thank you for your consultation on the above application.

A suspensive planning condition or advice note for contaminated land is recommended.

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, Development Management should be notified. This might necessitate undertaking a suitable site-specific risk assessment for contaminated land, refer to www.fife.gov.uk/contaminatedland. Due to the age of the buildings currently or 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. Further details and a list of companies licensed by the Asbestos Licensing Unit are available at www.hse.gov.uk.

Should Development Management approve an 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.

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: Planner, Development Management
FROM: Denise Richmond, Structural Services, Flooding, Shoreline & Harbours
DATE: 11 November 2021
OUR REF: DR/21/02717/PPP
YOUR REF: 21/02717/PPP
CONTACT: Denise Richmond Ext 477003
SUBJECT: **Planning permission in principle for erection of two dwelling houses. Land to north of Burgh Road, Cowdenbeath.**

I refer to your memo dated 28 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.

It should be noted that there is a presumption against development within a site where flooding occurs during a 1 in 200 year event (plus current allowances for climate change). This is in line with Fife Council's FIFEPlan (adopted on 21 September 2017) Policy No 12 "Flooding and Water Environment".

The FRA should be carried out with reference to CIRIA 624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by SEPA.

The extent of a 1 in 200 year flood event must be a minimum of 300mm below the lowest garden ground level and 600mm below the lowest finished floor level (FFL).

Dry pedestrian access must be maintained at all times during events up to the 1 in 200 year return period plus climate change (**40%**).

Where flooding is predicted on the road this must be no greater than 300mm depth of ponding to permit access by emergency vehicles

Please provide an outline drainage plan showing **the proposed drainage network** and the location of the discharge to the watercourse.

Our current guidance on Flooding and Surface Water Management is available to download.

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: Brian Forsyth, Planner, Development Management
FROM: Denise Richmond, Structural Services, Flooding, Shoreline & Harbours
DATE: 29 November 2021
OUR REF: DR/21/02717/PPP
YOUR REF: 21/02717/PPP
CONTACT: Denise Richmond Ext 477003
SUBJECT: **Planning permission in principle for erection of two dwelling houses. Land to north of Burgh Road, Cowdenbeath.**

I refer to your memo dated 23 November 2021 requesting observations on the application forms and associated plans for the above proposed development and comment only on matters relating to flooding and surface water management.

It should be noted that there is a presumption against development within a site where flooding occurs during a 1 in 200year event (plus current allowances for climate change). This is in line with Fife Council's FIFEPlan (adopted on 21 September 2017) Policy No 12 "Flooding and Water Environment".

The FRA should be carried out with reference to CIRIA 624 and in accordance with the Reporting Requirements for Flood Risk Assessments issued by SEPA.

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Our current guidance on Flooding and Surface Water Management is available to download.

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FIFE COUNCIL

ASSETS, TRANSPORTATION AND ENVIRONMENT

TO: Brian Forsyth, Planner, Development Management
FROM: Denise Richmond, Structural Services, Flooding, Shoreline & Harbours
DATE: 08 March 2022
OUR REF: DR/21/02717/PPP
YOUR REF: 21/02717/PPP
CONTACT: Denise Richmond Ext 477003
SUBJECT: **Planning permission in principle for erection of two dwelling houses. Land to north of Burgh Road, Cowdenbeath.**

I refer to your memo dated 17 February 2022 requesting observations on the application forms and associated plans for the above proposed development and comment only on matters relating to flooding and surface water management.

We have no further comments to make regarding this application

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	21/02717/PPP
	Planning Permission in Principle for the Erection of Two Dwellinghouses at Land to North of Burgh Road, Cowdenbeath
Date:	25th November 2021
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input checked="" type="checkbox"/> Non-statutory
Consultation Summary	FILE:

Important Note

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

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 This PPP application is for the erection of 2 dwellinghouses within vacant land to the rear of 95 – 105 High Street.
- 1.2 Vehicular access to the site is currently from the High Street via Burgh Road and then a rough unmade track along the frontage of Myrtle Cottage. The area of land to the rear of the flats provides parking for High Street residents and also contains lock-ups.

1.3 Burgh Road is sub-standard in terms of its width and lack of adequate footway and is therefore unsuitable to serve any further residential development. In addition, there is no scope to widen the rough track between the site and Burgh Road along the frontage of Myrtle Cottage etc.

2.0 CONCLUSIONS

2.1 Transportation Development Management are against the proposed two residential dwellings as they would result in an increase in traffic movements on Burgh Road to the detriment of road and pedestrian safety.

3.0 RECOMMENDATIONS

3.1 Refusal for the road safety reasons detailed above.

Important note

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

Author: Andy Forrester, Technician Engineer, Transportation Development Management

Date: 25/11/2021

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

Number: 03451 555555 extension 480211

Friday, 29 October 2021



Local Planner
Fife House
North Street
Glenrothes
KY7 5LT

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

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



Dear Customer,

Land To North Of Burgh Road, Cowdenbeath, KY4 9QD
Planning Ref: 21/02717/PPP
Our Ref: DSCAS-0051803-4JY
Proposal: Planning permission in principle for the erection of two dwellinghouses

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced 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 Levenmouth 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.

Asset Impact Assessment

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

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
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

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

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

10 November 2021

Dear Mr Forsyth

PLANNING APPLICATION: 21/02717/PPP

Planning permission in principle for the erection of two dwellinghouses at Land North of Burgh Road, Cowdenbeath, Fife

Thank you for your consultation letter of 28 October 2021 seeking the views of the Coal Authority on the above planning application.

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

The Coal Authority Response: Material Consideration

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

More specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken

place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Mining Risk Assessment (10 January 2019, prepared by W. Simpson). We note that this report was prepared to support a previous scheme of residential development proposed at the site, which was considered by the LPA under planning application 18/03012/PPP. However, the report assesses mineral stability across the site as a whole.

Based on a review of coal mining and geological information, the submitted report acknowledges the presence of shallow coal seams and deeper worked seams, but is able to conclude that *"The site is stable from a mining view point."* On this basis, the report author is satisfied that no special precautions are required in the design of the foundations of the development in respect of past coal mining activity.

Mine Gas

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

SuDS

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

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the Mining Risk Assessment report are broadly sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the

proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building warrant application.

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

Yours sincerely

James Smith

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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.