

Fife Planning Review Body

Committee Room 2, 5th Floor, Fife House, North Street,
Glenrothes / Blended Meeting



Monday, 2 September 2024 - 2.00 pm

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 the Fife Planning Review Body of 17 June 2024. 5 - 6
5. **APPLICATION FOR REVIEW - 7 HOLLYTREE ROAD, GLENROTHES (APPLICATION NO. 23/01822/FULL)** – Change of use of public open space to form vehicular access and driveway to front of dwellinghouse.
 1. Decision Notice 7 - 11
 2. Report of Handling 12 - 16
 3. Notice of Review 17 - 33
 4. Representations 34 - 37
 5. Consultee Comments 38 - 44
6. **APPLICATION FOR REVIEW - BOGSIDE FARM, BOGSIDE, BLAIRHALL, ALLOA (APPLICATION NO. 23/03279/FULL)** – Erection of two dwellinghouses and outbuildings with associated infrastructure
 1. Decision Notice 45 - 49
 2. Report of Handling 50 - 66
 3. Notice of Review 67 - 178
 4. Representations 179 - 182
 5. Consultee Comments 183 - 199
 6. Further Representations 200 - 205
 7. Response to Further Representations 206 - 249

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

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

26 August 2024

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

BLENDED MEETING NOTICE

This is a formal meeting of the Committee and the required standards of behaviour and discussion are the same as in a face to face meeting. Unless otherwise agreed, Standing Orders will apply to the proceedings and the terms of the Councillors' Code of Conduct will apply in the normal way

For those members who have joined the meeting remotely, if they need to leave the meeting for any reason, they should use the Meeting Chat to advise of this. If a member loses their connection during the meeting, they should make every effort to rejoin the meeting but, if this is not possible, the Committee Officer will note their absence for the remainder of the meeting. If a member must leave the meeting due to a declaration of interest, they should remain out of the meeting until invited back in by the Committee Officer.

If a member wishes to ask a question, speak on any item or move a motion or amendment, they should indicate this by raising their hand at the appropriate time and will then be invited to speak. Those joining remotely should use the "Raise hand" function in Teams.

All decisions taken during this meeting, will be done so by means of a Roll Call vote.

Where items are for noting or where there has been no dissent or contrary view expressed during any debate, either verbally or by the member indicating they wish to speak, the Convener will assume the matter has been agreed.

There will be a short break in proceedings after approximately 90 minutes.

Members joining remotely are reminded to have cameras switched on during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

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 – BLENDED MEETING

Committee Room 2, Fife House, North Street, Glenrothes

17 June 2024

2.00 pm – 3.25 pm

PRESENT: Councillors David Barratt (Convener), Fiona Corps, Altany Craik, Alycia Hayes and Jane Ann Liston.

ATTENDING: William Shand, Strategic Development Infrastructure Manager, Katherine Pollock, Lead Professional and Bryan Reid, Lead Professional, Planning Service; Mary McLean, Legal Services Manager and Michelle McDermott, Committee Officer, Legal and Democratic Services.

62. DECLARATIONS OF INTEREST

No declarations of interest were made in terms of Standing Order No. 22.

63. MINUTE

The minute of the Fife Planning Review Body of 29 April 2024 was submitted.

Decision

The Review Body approved the minute.

64. APPLICATION FOR REVIEW - LAND EAST OF KEBRONI COTTAGE, BRAINTOWN, LEVEN (APPLICATION NO. 23/02345/PPP)

The Review Body considered the Application for Review submitted by Anthony Robertson Design Limited, on behalf of Mr. Alistair McGowan, in respect of the decision to refuse planning permission in principle for the erection of an eco-demonstrating testing dwellinghouse and garage including business use (Class 4) and associated access and landscaping works (Application No. 23/02345/PPP).

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.

65. APPLICATION FOR REVIEW - CADHAM SERVICE STATION, CADHAM ROAD, GLENROTHES (APPLICATION NO. 23/02396/FULL)

The Review Body considered the Application for Review submitted by Padrino Design, on behalf of Mr. Nihad Azizi, in respect of the decision to refuse planning permission for the erection of a tyre fitting facility (Class 5) (Application No. 23/02396/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 4(1)

**7 Hollytree Road, Glenrothes, KY7 5DZ
Application No. 23/01822/FULL**

Planning Decision Notice

Architectural Design
Douglas Carrie
East Mirimar
Marketgate South
Crail
KY10 3TJ

Planning Services

Andrew Cumming

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/01822/FULL

Date 5th March 2024

Dear Sir/Madam

Application No: 23/01822/FULL

Proposal: Change of use of public open space to form vehicular access and driveway to front of dwellinghouse

Address: 7 Hollytree Road Glenrothes Fife KY7 5DZ

Please find enclosed a copy of Fife Council's decision notice indicating refusal of your application. Reasons for this decision are given, and the accompanying notes explain how to begin the appeal or local review procedure should you wish to follow that course.

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

Yours faithfully,

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: 23/01822/FULL
Proposal: Change of use of public open space to form vehicular access and driveway to front of dwellinghouse
Address: 7 Hollytree Road Glenrothes Fife KY7 5DZ

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/01822/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interests of preserving visual amenity, natural heritage and biodiversity ; the loss of the public open space and 3 cherry trees would have an adverse impact on the visual amenity, natural heritage and biodiversity of the open space and the surrounding area, contrary to adopted NP4 Policies 1, 3, 4, 6, 14 and 20, and adopted LDP Policies 1, 3, 10 and 13.

Dated:5th March 2024

Derek Simpson

For Head of Planning Services

Decision Notice (Page 1 of 2) Fife Council

PLANS

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

Reference	Plan Description
01	Location Plan
02	Site Plan
03	Proposed Site Plan

Dated:5th March 2024

Derek Simpson

For Head of Planning Services

Decision Notice (Page 2 of 2) Fife Council

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

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

LAND NOT CAPABLE OF BENEFICIAL USE

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

Agenda Item 4(2)

**7 Hollytree Road, Glenrothes, KY7 5DZ
Application No. 23/01822/FULL**

Report of Handling

REPORT OF HANDLING
APPLICATION DETAILS

ADDRESS	7 Hollytree Road, Glenrothes, Fife		
PROPOSAL	Change of use of public open space to form vehicular access and driveway to front of dwellinghouse		
DATE VALID	30/10/2023	PUBLICITY EXPIRY DATE	11/12/2023
CASE OFFICER	Andrew Cumming	SITE VISIT	13/12/2023
WARD	Glenrothes Central And Thornton	REPORT DATE	05/03/2024

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.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan Local Development Plan (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 BACKGROUND

1.1 The site relates to a 4-sided area of Fife Council owned, grassed, public open space, with 3 well-established cherry trees on it. There's a recently installed low-level timber rail along its north and west and partly down its east sides to address previous ad-hoc vehicular access over it and protect its integrity, and there are public footways around its west, (roadside), east and south sides. It is some 72m² in area, set to the front of 2 sets of L-shaped semi-detached, two storey dwellinghouses, 1 of which being the applicant's property with a front garden area entirely converted to a mono-blocked hardstanding area, and generally set within an established principally residential area of mixed style properties.

1.2 This application is for a change of use from public open space to form a vehicular access and driveway to the front garden hardstanding area of No. 7.

1.3 From a site visit it has been established that the location of the 3 trees within the public open space area would all be set against or within the proposed tarmac hardstanding area, contrary to the locations detailed on the application's existing and proposed site plans, thus the adverse impact on all 3 trees would require their removal, albeit their removal is not detailed in the proposals for the application.

1.4 There have been no recent previous planning applications received for this area of public open space or associated property.

2.0 ASSESSMENT

2.1 The key issues in the assessment of this application are Principle of Development, Natural Heritage, Biodiversity, Amenity Impact, Consultations, and Representations.

2.2 PRINCIPLE OF DEVELOPMENT/NATURAL HERIATGE/BIODIVERSITY

2.2.1 NPF4 Policy 1 on nature positive places, Policy 3 on protecting biodiversity, Policy 4 on protecting natural places and assets, Policy 6 on protecting trees, Policy 14 on design quality and place, supporting attractive natural spaces, and Policy 20 on protecting green infrastructure apply; and FIFEplan LDP Policy 1 on development principles, Policy 3 on green infrastructures and the loss of existing open space, Policy 10 on amenity, visual impact and loss of open space, and Policy 13 on natural environment, protecting trees, biodiversity, landscape character and views, and greenspaces also apply.

2.2.2 The site is located within the settlement boundary for Glenrothes, with a similar such area of grassed public open space with 3 trees on it some 40 metres further south on Hollytree Road, suggesting an element of original design character for the vicinity. However, it is also recognised that the north end of what would have been the originally triangular public open space for this application would appear to have been removed some time ago to provide vehicular accesses for No.s 3 and 5, albeit no planning permission can be found for such works.

2.2.3 The proposed hardstanding area of some 29m² would result in the loss of some 40% of the existing grassed public open space, with the 2 remaining grassed areas either side of some 17m² and 25m² unable to accommodate the 3 for 1 replacement trees that would be required for the loss of the 3 well-established cherry trees.

2.2.4 The creation of the large area of hardstanding through the middle of the public open space and resultant loss of the 3 well-established cherry trees cannot be regarded as creating a nature positive place, protecting biodiversity, protecting natural places and assets, protecting trees, supporting attractive natural spaces, protecting green infrastructure, and would constitute a loss of open space, all contrary to the terms of the above national and local development plan policies.

2.3 AMENITY IMPACT

2.3.1 NPF4 Policy 14 on design, quality and place, supporting attractive natural spaces, and FIFEplan Policy 10: Amenity, and the visual impact of the development apply.

2.3.2 The removal of some 29m², 40% of the grass from the middle of the public open space along with the 3 well-established cherry trees, and the potential for the created hardstanding area to be used for the parking of vehicles would be considered significantly detrimental to the visual amenity of the public open space in particular and the wider surrounding area in general, contrary to the terms of the above national and local development plan policies.

2.4 PEDESTRIAN AND ROAD SAFETY

2.4.1 Adopted Local Plan Policy 10, and Fife Council's Approved Transportation Development Guidelines apply.

2.4.2 From a consultation with the Transportation Development Management part of our Service, 2 concerns have been raised. The loss of an on-street parking space to accommodate the proposed 4m wide vehicular access, albeit this would be mitigated by No. 7's existing hardstanding area providing 2 off-street parking spaces, with the proposed hardstanding area on the public open space potentially providing an additional off-street parking space. The second concern is regarding the requirement for reversing vehicles over 2 public footpaths with additional potential for conflict with pedestrians. Whilst it can be recognised that the reversing over 2 public footpaths could already be taking place at No.s 3 and 5, it is also recognised that this is a historic arrangement pre-dating current guidelines, has essentially resulted in a creation of a single wider footway at this point, and that 1 of the properties has the provision of sufficient in-curtilage hardstanding to allow access and egress in a forward gear, unlike the application property. However, with the footway nearest No. 7 set well back from the main roadside footway of Hollytree Road only likely to have low usage, the potential conflict is likely to be so minimal not to merit refusal of the application for this reason in this instance. It is therefore considered on balance that the proposals can be considered acceptable in pedestrian and road safety terms.

CONSULTATION RESPONSES

TDM, Planning Services
Trees, Planning Services
Community Council

Concerns raised.
Concerns raised.
No response received.

REPRESENTATIONS

Two representations have been received, 1 in support as it would take cars off the street, the other raised concerns about, loss of open space, visual amenity, the impact on the trees, road and pedestrian safety, and the services manhole cover.

These issues have been addressed earlier in this report other than the condition and future protection of the services manhole cover which is not a material planning consideration in the consideration and determination of this planning application.

CONCLUSION

It is considered that the proposed change of use from public open space combined with the formation of a vehicular access and a driveway to be set between two public footways would create an incongruous development which would reduce the visual amenity of the open space and would result in the detrimental loss of the 3 well-established cherry trees thereon, all of which contrary to the relevant adopted NPF4 and FIFEplan policies.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of preserving visual amenity, natural heritage and biodiversity ; the loss of the public open space and 3 cherry trees would have an adverse impact on the visual amenity, natural heritage and biodiversity of the open space and the surrounding area, contrary to adopted NP4 Policies 1, 3, 4, 6, 14 and 20, and adopted LDP Policies 1, 3, 10 and 13.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Adopted National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Fife Council's Approved Transportation Development Guidelines

Agenda Item 4(3)

**7 Hollytree Road, Glenrothes, KY7 5DZ
Application No. 23/01822/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 100634289-004

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:	Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	East Mirimar
Last Name: *	Carrie	Building Number:	
Telephone Number: *	07918121029	Address 1 (Street): *	Marketgate South
Extension Number:		Address 2:	Marketgate South
Mobile Number:		Town/City: *	Crail
Fax Number:		Country: *	UK
		Postcode: *	KY10 3tj
Email Address: *	dcarrie51@hotmail.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="Sharlene"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Swain"/>	Address 1 (Street): *	<input type="text" value="Hollyrtree Road"/>
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="uk"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KY7 5DZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="7 HOLLYTREE ROAD"/>
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 5DZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="700597"/>	Easting	<input type="text" value="328628"/>
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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)

Change of use of open space to form vehicular access and driveway to front of dwelling house

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

we feel that not enough consideration was given to possible alternative designs of the hard standing and potential mitigating planting alternatives that could enhance the biodiversity and greatly enhance and improve the visual amenity. No correspondence was forthcoming regarding the possibility of altering the design to allow the concerns to be looked at and addressed. We feel the positive impact on the community well being was not considered or the use of electric power points in the future.

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)

Report from client Report form Agent Dcarrie Revised sketch design layout Photos of similar dive ways

Application Details

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

23/01822/full

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

20/11/2023

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

05/03/2024

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)

Visiting the site and viewing the potential sketch plan design and envisaging the impact of the potentially extensive new planting of hedging and shrubs and its consequent biodiversity and seeing the current problems congestion parking and associated problems

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 Douglas Carrie

Declaration Date: 04/06/2024

Request for Local review from Fife Council's Local Review Body.

Application Ref 23/01822Full

Fife councils grassed open space with 3 well established cherry trees on it and low-level timber rail fence along its north west and partly down its east sides

Proposal is for the formation of an access driveway to the mono blocked drive of no7 Holly tree Park

The Planning departments decision states that the proposal would result in an incongruous development which would reduce the visual amenity of the open space and would result in the loss of 3 well established cherry trees contrary to policy NPF4 and FIFE Plan policies

We appreciate the concerns raised regarding the *potential* loss of visual amenity of the open space However we respectfully contest these conclusions.

Mitigating measures for this proposal

Principle of development /Natural Heritage /Biodiversity

It is worth noting that the parcel of land in question is not used as public open space it is fenced off.

The design of the drive need not be as stated, and alternative solutions do need to be considered

The drive need not be tarmac which seems to be an issue but carefully laid paving slabs that allow for the protection of the tree roots and avoid them being damaged and the trees having to be removed , My Client has documented a photographic example of this in her notes of appeal attached in supporting documents

Additionally the planting of new hedges and shrubs of different varieties replacing the timber fencing (that will eventually decay) and planting new trees greatly increases the biodiversity , particularly hedging which will enhance priority habitat for endangered species like hedgehogs .This has been accomplished in many other sites where biodiversity has been enhanced and visual amenity improved It can be done on this site too

It is worth noting that a number of the examples of drives over green space that are attached to this review submission while maintain the trees in some example don't have such biodiversity. So, our potential proposal which will have planting of hedges and new flowers shrubs and trees creates biodiversity superior to the examples which are attached this is a positive enhancement of biodiversity of the area

Visual Amenity

The planting of new hedges and shrubs of different varieties replacing the timber fencing (that will eventually decay) will mitigate the use of paving slabs/Tarmac shrubs and the new flowers shrubs

hedging and trees will have superior visual amenity than before and superior to many similar examples

Pedestrian and road Safety

The Decision report states that it recognises that the north of what would have been the original triangular public open space for this application would appear to have been removed some time ago to provide similar vehicular accesses for no 3 and no 5 , no planning permission is in existence for these .

So It would appear there has been In the past as there is now a need for off street parking to reduce parking congestion on the street , It's clear that had this development to no's 3 and 5 not taken place that even more congestion would exist as less on street parking would be available .

We would point out that the concern for reversing in and out of my clients property at no 7 could be mitigated as has been done elsewhere in Fife with a turning platform within the drive that turns the car allowing for forward entrance and forward exit from the drive .

However, it was accepted on balance by the planning department that the reversing over the paths can be considered acceptable

The proposed 4m wide vehicular access while reducing on street parking by one space, the existing mono block drive area already provides two off-street parking spaces also the proposed new hardstanding with paving slab/tarmac can provide an additional off-street parking space. Thus, mitigating any loss of on street parking ensuring there is no net loss of parking space for the residents or visitors to the area

Community benefits

We would also point another urgent out that the off-street parking is urgently required for safety and protection against car vandalism targeted at parked cars on the street, which greatly impacts on the communities well being

And in the light on government policies on electric cars having the car within the curtilage of the house allows for more practical use of electric vehicles i.e. not having dangerous electric cables laid over two public footpaths , a very good example of applying green environmental principles in planning decisions

With the above concerns it its critical that consideration is given to the community benefits of the development against the perceived potential drawbacks

We request a revaluation of the conclusions reached and a reassessment of the clear potential benefits to the community now and in the future

Representations

The two representations relating to the application, one supporting the proposal pointing out the need for getting cars off the street which this proposal achieves as stated earlier

The Other raising issues of visual amenity impact on trees and pedestrian safety these issues have been addressed with the suggested mitigating proposals previously stated

Conclusion

In assessing the proposed vehicular access development and addressing the planning concerns raised, it has become clear that it requires to be tackled in a carefully balanced approach with equal consideration for both the potential highlighted issues raised and the significant benefits to the community if implemented correctly.

The preservation of the well-established cherry trees is the key consideration along with maintaining the visual amenity of the space, it's clear that alternative solutions to their removal need to be sought and indeed this can be achieved. The fact that neighbouring properties and the wider area of Glenrothes and elsewhere in Fife have successfully integrated driveways without compromising the landscape clearly shows this is perfectly feasible.

It is important to note that the designated parcel of land remains neglected and is not used as accessible open space.

The possibility as we have outlined of changing the use of a portion of this parcel of land from unused neglected space to a residential use while enhancing its biodiversity and visual impact would address the highlighted planning concerns and address the pressing community issues of inadequate off-street parking and vandalism while positively contributing to the very important issue of overall community well-being.

We have stated that our intended landscaping with additional hedging, shrubs, flowers and trees and the new off-street parking proposed with the existing hardstand and new paving slabs of the new drive access will mitigate any anticipated loss of street parking.

The highlighted safety concerns of conflict between reversing vehicles and the pedestrian pathways was accepted as small; however, to make it even safer, the inclusion of a car turntable could be implemented to allow turning of cars and remove the need to reverse.

Also, it is noted that neighbouring properties don't have this mechanism and still operate within safety standards of pedestrian paths.

So, any potential issues with this aspect can be managed with good design.

The increasing government legislative use of electric vehicles with the need for safe charging points within the curtilage of properties is also to be considered and the development would help contribute to this increasing requirement while helping in a small way with climate change.

To sum up, the proposed development does present a very good opportunity to alleviate community concerns and needs while enhancing the area's biodiversity and visual amenity, this can be done by reflecting on similar past developments implementing creative enhancing biodiversity and visual amenity solutions described. And so by prioritising the community well-being, there is a great opportunity to enhance positively the neighbourhood's infrastructure and enhance its biodiversity and visual amenity.

Thank you for your considerations and we look forward to a constructive dialogue.

Doug Carrie

Sharlene Swain

7 Hollytree Road

Glenrothes, Fife, KY7 5DZ



19/04/2024

Subject: Appeal against Conclusion of Proposed Change of Use and Development

Dear Andrew Cumming,

I am writing to formally appeal the conclusion reached regarding the proposed change of use and development at 7 Hollytree Road Glenrothes Fife KY7 5DZ. The decision stated that the proposed change from public open space, including the removal of well-established cherry trees, would result in an incongruous development and reduce the visual amenity of the area, contravening relevant adopted policies such as NPF4 and FIFEplan.

While I appreciate the concerns regarding the visual amenity and potential loss of green space, I respectfully contest the conclusion for the following reasons:

1. Preservation of Cherry Trees: The removal of the well-established cherry trees would indeed alter the landscape. However, it's crucial to consider alternative solutions that allow for the development without sacrificing these trees. I propose exploring options such as redesigning the layout or integrating the trees into the development plan. Which proof of this being done before will be provided in this document.

2. Mitigation Measures: Any development plan should include adequate mitigation measures to minimize the impact on visual amenity and open space. This could involve

landscaping efforts, such as replanting trees or creating green spaces elsewhere within the development.

Furthermore, it's important to note that similar developments have been approved in the past without issue. Specifically, at number 3 and 5 Hollytree Road, the same layout was approved and implemented approximately 20-25 years ago, including the installation of driveways. This precedent suggests that the proposed change is not unprecedented and can be managed effectively within the existing landscape.

Moreover, it's crucial to recognize that the land in question is not utilized as public open space; it remains largely unused and neglected. No individual or organization claims ownership. Given the pressing issues of inadequate parking on the street and incidents of vandalism targeting parked vehicles, it is evident that there is a need for thoughtful development and utilization of this land. Repurposing it for residential use, while still incorporating green spaces and preserving existing trees where feasible, would not only address these pressing concerns but also contribute positively to the community's well-being.

In light of these considerations, I urge a reevaluation of the conclusion reached and a reassessment of the proposed development in the context of its potential benefits to the community and the pragmatic use of the available land.

3. Community Benefit: It's important to weigh the potential benefits of the proposed development against the perceived drawbacks. This might include improvements to infrastructure, increased accessibility, or amenities that enhance the overall community well-being.

4. Parking Space Loss Mitigation: The proposed 4m wide vehicular access may lead to the loss of an on-street parking space. However, it's important to note that the existing hardstanding area at No. 7 already provides two off-street parking spaces. Additionally, the proposed hardstanding area on the public open space could potentially provide an additional off-street parking space. Thus, any loss of on-street parking can be mitigated by providing sufficient off-street parking facilities, ensuring that there is no net loss of parking spaces for residents or visitors in the area.

5. Pedestrian Safety: The concern regarding reversing vehicles over two public footpaths is duly noted. However, it's worth mentioning that similar arrangements exist at neighboring properties, namely No.s 3 and 5. While these arrangements may pre-date current guidelines, they have effectively resulted in the creation of a wider footway

at those points. Furthermore, it's important to highlight that one of these properties has sufficient in-curtilage hardstanding to allow access and egress in a forward gear, unlike the application property. Additionally, the successful implementation of such arrangements at neighboring properties demonstrates their viability and compatibility with pedestrian safety standards. Therefore, considering these precedents, we believe that the potential conflict with pedestrians at the proposed development site can be effectively managed.

Consideration of Representations

Two representations have been received regarding the proposed development. One representation expresses support for the project, citing its potential to alleviate on-street parking issues by providing off-street parking. Conversely, the other representation raises concerns about various aspects, including the loss of open space, visual amenity, impact on trees, road and pedestrian safety, and the condition of the services manhole cover.

The concerns raised have been thoroughly addressed earlier in this report. Measures to mitigate the impact on open space, visual amenity, and tree preservation have been proposed, along with strategies to ensure road and pedestrian safety. Additionally, the potential impact on the services manhole cover has been acknowledged.

However, it's essential to emphasize that the condition and future protection of the services manhole cover do not constitute material planning considerations in the determination of this planning application. While the concerns raised are duly noted, they fall outside the scope of the planning authority's remit in assessing the proposed development.

In conclusion, while all representations are appreciated and taken into account, the focus of the planning decision must remain on material planning considerations relevant to the proposed development's impact on the local area and compliance with planning policies and regulations.

Conclusion

In evaluating the proposed development and addressing the concerns raised, it becomes evident that a balanced approach must be taken, considering both the potential drawbacks and the significant benefits to the community. The preservation of well-established cherry trees stands as a pivotal consideration, and alternatives to their removal, such as redesigning the layout or integrating them into the development plan, should be explored diligently. Past precedents, particularly at neighboring properties, demonstrate the feasibility of similar developments and the successful integration of driveways without compromising the surrounding landscape.

Moreover, it's crucial to recognize the underutilization of the land in question, which remains neglected and unused as public open space. Repurposing this land for residential use, while incorporating green spaces and preserving existing trees where feasible, would address pressing concerns such as inadequate parking and vandalism while contributing positively to the community's well-being.

Mitigation measures, including landscaping efforts and the provision of sufficient off-street parking facilities, should be integral components of any development plan. While the loss of on-street parking space may occur, existing hardstanding areas and potential additional off-street parking spaces can effectively mitigate this impact.

Concerns regarding pedestrian safety, particularly the potential conflict with pedestrians due to reversing vehicles over public footpaths, have been duly noted. However, similar arrangements at neighboring properties, along with successful implementations, demonstrate the viability and compatibility of such measures with pedestrian safety standards. It is thus reasonable to conclude that the potential conflict can be managed effectively at the proposed development site.

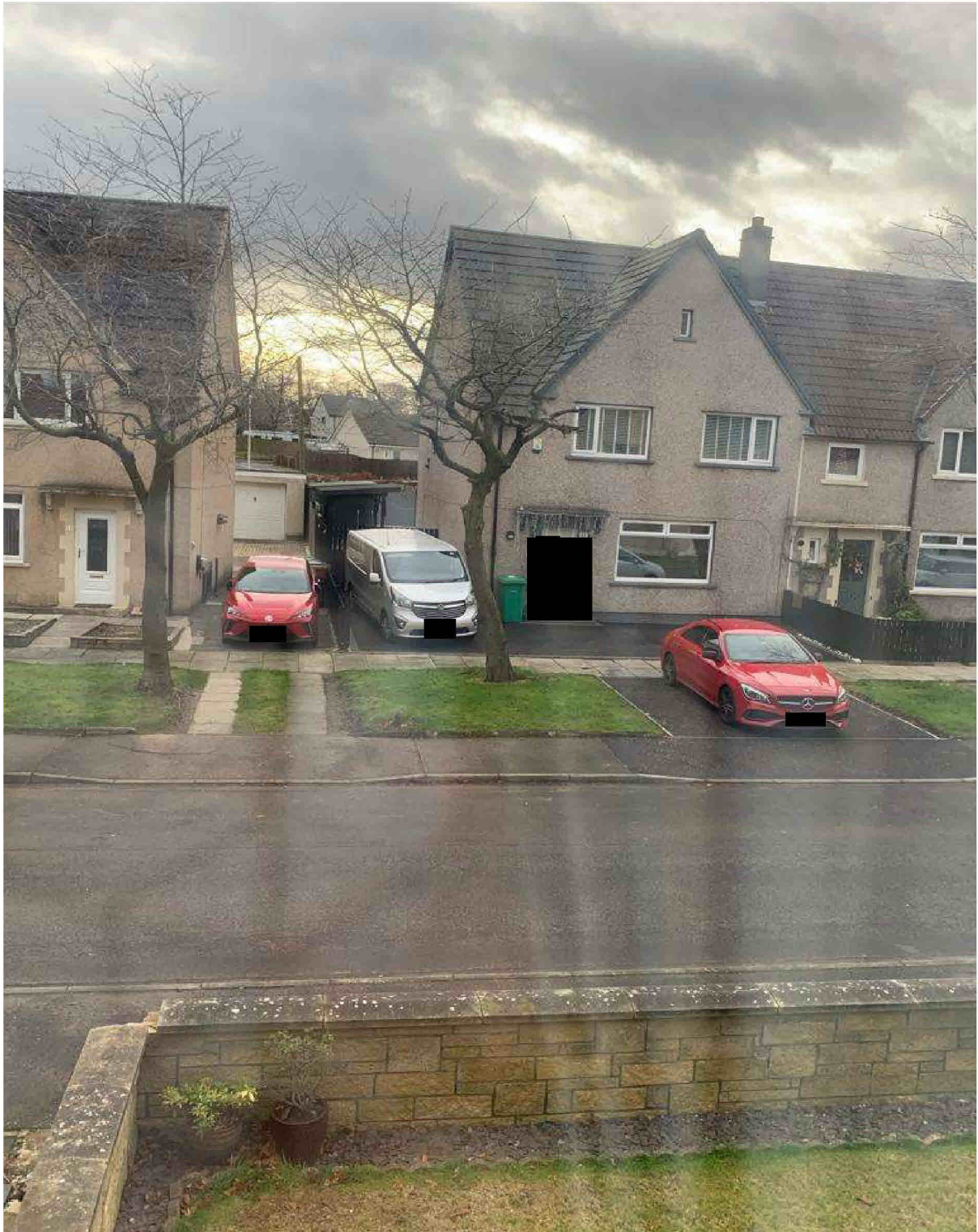
In summary, the proposed development presents an opportunity to address pressing community needs while ensuring the preservation of key environmental elements. By carefully considering past precedents, implementing adequate mitigation measures, and prioritizing community well-being, the proposed development can contribute positively to the neighborhood's infrastructure and livability.

Thank you for your attention to this matter. I look forward to a constructive dialogue and a fair resolution.

Sincerely,

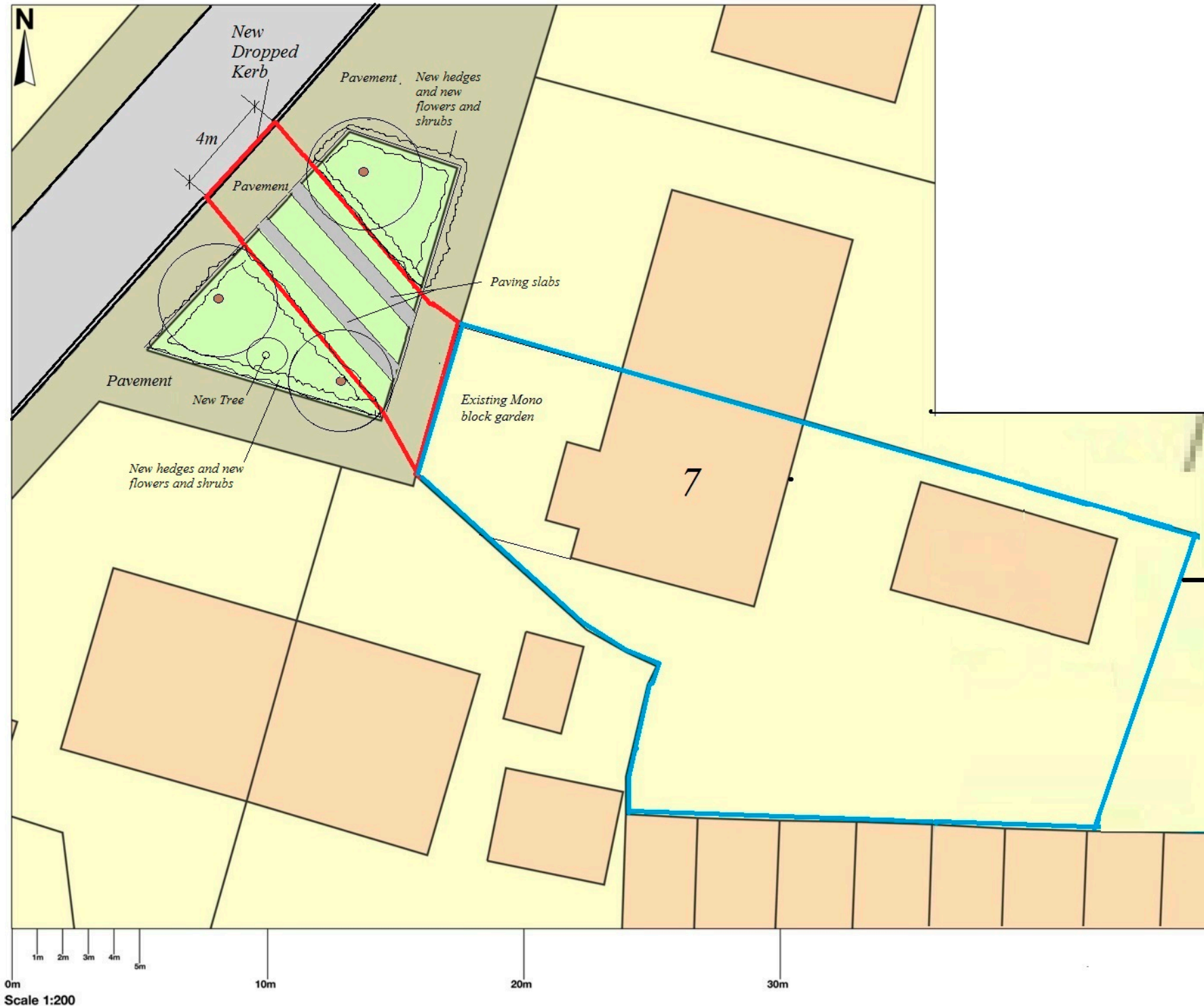
Sharlene Swain

Attached Image for proof of concept which is located on Carseggie Crescent and within woodside & fife council planning permission.



*New Dropped Kerb and drive to
Existing Monoblock garden
New Plan 1:200 Sketch plan*

7 Hollytree Road, Glenrothes, KY7 5DZ



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Proposal Details

Proposal Name	100634289
Proposal Description	NEW DROPPED KERB AND DRIVE
Address	7 HOLLYTREE ROAD, GLENROTHES, KY7 5DZ
Local Authority	Fife Council
Application Online Reference	100634289-004

Application Status

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

Attachment Details

Notice of Review	System	A4
Clients report notice of review	Attached	A4
Architectural report	Attached	A4
sketch plan of possible revised design	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-004.xml	Attached	A0

Agenda Item 4(4)

**7 Hollytree Road, Glenrothes, KY7 5DZ
Application No. 23/01822/FULL**

Representation(s)

Comments for Planning Application 23/01822/FULL

Application Summary

Application Number: 23/01822/FULL

Address: 7 Hollytree Road Glenrothes Fife KY7 5DZ

Proposal: Change of use of public open space to form vehicular access and driveway to front of dwellinghouse

Case Officer: Andrew Cumming

Customer Details

Name: Miss Ann Trotter

Address: 5 Hollytree Road Glenrothes Fife KY7 5DZ

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We have no objection to proposed application it takes cars off the street

Comments for Planning Application 23/01822/FULL

Application Summary

Application Number: 23/01822/FULL

Address: 7 Hollytree Road Glenrothes Fife KY7 5DZ

Proposal: Change of use of public open space to form vehicular access and driveway to front of dwellinghouse

Case Officer: Andrew Cumming

Customer Details

Name: Mr MATHEW GREER

Address: 9 Hollytree Road Glenrothes Fife KY7 5DZ

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Consideration must be made for the manhole cover for continued telecommunications and TV access and maintenance. The current manhole cover is damaged and the TV services are currently not working. Ongoing ownership of maintenance in relation to the location and design of the manhole cover would require consideration. The current manhole cover requires to be fixed and be made safe for potential weight bearing of cars.

Access / egress to our property would require some form of safety / speed restriction as visibility to the road is obscured by the trees.

The length of the driveway across two pedestrian paths with potential speed must be considered in the design. Therefore the safety risk for access egress requires to be considered for speed & visibility.

It should also be clear whether cars are allowed to park on the access egress area or only on the property. Parking on the access egress would potentially block pedestrian pathways and also be aesthetically bad.

The height of the three trees with low hanging branches requires to be considered to prevent damage to the trees with high sided vehicular access.

The three trees are still growing and the root structure has a high profile to the ground. How does the design of the driveway consider the sub base without damaging the root system, potentially weakening the tree.

Consideration to the ongoing maintenance of the driveway if the root system breaks through the driveway.

Consideration must be given for the removal of green space. Further up in Hollytree road exhibits a example of green space that would be lost.

There is limited road parking for the quantity of vehicles belonging to all properties in Hollytree Road and would alleviate the pressure of car parking spaces.

Agenda Item 4(5)

**7 Hollytree Road, Glenrothes, KY7 5DZ
Application No. 23/01822/FULL**

Consultee Comments

Consultation Request Notification

Please use updated template attached for your response

Planning Authority Name	Fife Council
Response Date	29th November 2023
Planning Authority Reference	23/01822/FULL
Nature of Proposal (Description)	Change of use of open space to form vehicular access and driveway to front of dwellinghouse
Site	7 Hollytree Road Glenrothes Fife KY7 5DZ
Site Postcode	N/A
Site Gazetteer UPRN	000320043306
Proposal Location Easting	328628
Proposal Location Northing	700597
Area of application site (Ha)	
Clarification of Specific Reasons for Consultation	
Development Hierarchy Level	N/A
Supporting Documentation URL	http://planning.fife.gov.uk/online/applicationDetails.do?activeTab=documents&keyVal=RX7KTIHFFII00
List of Available Supporting Documentation	As above URL
Date of Validation by Planning Authority	30th October 2023 Development Type: Local - Other Development
Date of Consultation	15th November 2023
Governing Legislation	Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006
Consultation Type	Full Planning Permission
PA Office	Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LY
Case Officer	Andrew Cumming
Case Officer Phone number	03451 55 11 22

Planning Portfolio Internal Assessment Sheet

EPPS Team	Trees, Planning Services
Application Ref Number:	23/01822/FULL
Application Description:	Change of use of open space to form vehicular access and driveway to front of dwellinghouse
Date:	24/11/2023

Important Note

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

Assessment Summary

1 POLICIES:

1.0 Adopted FIFEPlan (2017) Spatial Strategy: Section 26: Fife’s rich natural, built and cultural heritage assets attract tourism to the area and encourage investment. These assets are protected by policies in the Plan. Preserving the local character of settlements and landscapes across Fife, (particularly where these are considered to have distinct and special qualities), and avoiding the loss or degradation of natural resources are fundamental principles of the Plan.

1.1 Adopted FIFEplan Policy 1 (Part B (7)); Policy 10 (7 and 8); and Policy 13: Proposals should safeguard the character and qualities of the local and natural environment and wider landscape, proposals should not lead to the loss of amongst others protected trees and woodland. Further guidance on how these qualities will be interpreted and addressed are provided in Fife Council's Making Fife's Places Supplementary Guidance document. Policy 13 of FIFEplan also reiterates that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance including in this amongst others listed woodlands and trees and hedgerows that have a landscape, amenity or natural conservation value.

1.2 Scottish Government Policy Statement Creating Places: An emphasis should be placed on creating a 'sense of place' and taking cognisance of the context of the

surrounding area and wider environment. Local Development Plans should have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live, and ensure proposals have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

1.3 NPF4, Policy 6: A) Development proposals that enhance, expand and improve woodland and tree cover will be supported. B) Development proposals will not be supported where they will result in: iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy. C) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

1.4 Scottish Government's Policy on Control of Woodland Removal: Woodland removal, without a requirement for compensatory planting, is most likely to be appropriate where it would contribute significantly to: • enhancing priority habitats and their connectivity; • enhancing populations of priority species; • enhancing nationally important landscapes, designated historic environments and geological Sites of Special Scientific Interest (SSSI); • improving conservation of water or soil resources; or • public safety.

Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to: • helping Scotland mitigate and adapt to climate change; • enhancing sustainable economic growth or rural/community development; • supporting Scotland as a tourist destination; • encouraging recreational activities and public enjoyment of the outdoor environment; • reducing natural threats to forests or other land; or • increasing the social, economic or environmental quality of Scotland's woodland cover.

2.0 CONTEXT

2.1 The site "7 Hollytree Road Glenrothes Fife KY7 5DZ" is not affected by any legal protections of trees such as Tree Preservation Orders, Conservation Areas, and is unaffected by any designation of trees such as ancient woodland or plantation on ancient woodland site.

3.0 OVERALL ASSESSMENT

3.1 Currently, very little information regarding extant trees is available. It is therefore hard to accurately assess the situation; further information is required pertaining to tree species, height, diameter at breast height, and condition.

3.2 From google street view images from May 2023 it looks as if the trees are all Cherries of reasonable visibility and amenity, with the southmost tree being the most valuable in this regard.

3.3 The tree to the west (the largest of the three): The RPA formula is 12x diameter at breast height, which from google maps would suggest could take up a significant percentage of this green space.

3.3.1 Ostensibly from provided plans this tree is entirely outside any areas of proposed development but there is still significant potential for root compaction and mechanical damage to the tree, as well as reducing rooting zone significantly and potential for introducing pollutants through the construction process. Additionally, appropriately protecting this tree with HERAS fencing would make further development very difficult due to spatial constraints.

3.4 The tree to the south will very likely be significantly damaged by the current plans currently and so would need to be removed and appropriately replanted.

3.5 For any trees removed it will be expected that trees will be replanted in at least a 2:1 ratio since mature extant trees lost will not have the same environmental value as newly planted whips may for 30+ years. This ratio will also be expected to be higher if high quality tree removals are proposed (for example, 5:1 for A category trees, 4:1 for B category). This proposal should not create a net loss in tree life or biodiversity – rather environmental improvements should be created in order to demonstrate that this development is sustainable.

3.6 Tree to the north: it is likely this tree will also need to be removed as potential for damage from development is high.

3.7 If digging is required for a new field drain this will further damage the roots and could encourage pollutants to be concentrated within the tree RPAs, which could also kill the trees; more likely the trees to the north and south than west, but this too is possible.

3.8 Typically where there is potential for development to damage extant trees, an arboricultural impact assessment and tree protection are required. Due to the small scale of this development a full arboricultural impact assessment is not possible, but further information on the trees is required as is a tree protection plan for retained trees. This should include the information detailed in point 3.1. This should also include a map of existing tree root protection areas in relation to proposed development and where protective fencing will be erected, in line with BS5837: 2012 Trees in relation to design, demolition and construction.

4.0 CONCLUSION

4.1 Further information is required pertaining to extant trees.

4.2 A tree protection plan will be required.

4.3 If tree removals are required then replanting plans will be necessary.

Important note

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

Signed by J Treadwell, Tree Protection Officer, Policy & Place Team
Date: 24/11/2023 E-mail: james.treadwell@fife.gov.uk

Planning Portfolio Internal Assessment Sheet

EPPS Team	Transportation Development Management
Application Ref Numbers:	23/01822/FULL
Application Description:	Change of use of open space to form driveway - 7 Hollytree Road, Glenrothes, KY7 5DZ
Date:	12th December 2023
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input type="checkbox"/> Non-statutory
Consultation Summary	

Important Note

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

Assessment Summary

1.0 OVERALL ASSESSMENT

- 1.1 This report is in response to the proposed change of use from open space to form a driveway at the above location.
- 1.2 The area in question is listed as General Open Space and appears on the Housing account for maintenance responsibility. As such further consultation would be required on permission/transfer of title.
- 1.3 If the proposal is granted permission, then a footway crossing permit would be required from Roads Network Management to form vehicular crossings on both footways. This would require the excavation and reconstruction to suitable standard of the footways crossed to allow vehicular traffic.

- 1.4 Transportation Development Management (TDM) have visited the site and noted that the creation of a vehicular crossing at this location, whilst introducing a private off-street parking space, would reduce current on-street parking which is in much demand.
- 1.5 Although not part of the application there is no indication of the depth of the driveway to accommodate the parked vehicle(s). For the avoidance of doubt the minimum recommended dimensions for an off-street parking space such as this would be 2.5m x 6m.
- 1.6 Due to the area where it is proposed to park the vehicle not having a suitable turning area, TDM have concerns over reversing vehicles over two public footpaths, with potential for conflict with vulnerable pedestrians.

2.0 CONCLUSIONS

- 2.1 Transportation Development Management have objections in principle to the proposed development on the grounds of road safety and loss of parking.

Important note

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

Signed by Stuart Goodfellow, Transportation Development Management Coordinator

Date: 12th December 2023

E-mail: stuart.goodfellow@fife.gov.uk

Number: 03451 555555 extension 450442

Agenda Item 5(1)

**Bogside Farm, Bogside, Blairhall, Alloa
Application No. 23/03279/FULL**

Planning Decision Notice

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

Planning Services

Emma Baxter

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/03279/FULL

Date 1st April 2024

Dear Sir/Madam

Application No: 23/03279/FULL
Proposal: Erection of two dwellinghouses and outbuildings with associated infrastructure
Address: Bogside Farm Bogside Blairhall Alloa 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 or local review procedure should you wish to follow that course.

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

Yours faithfully,

Emma Baxter, Graduate Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

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

Application No: 23/03279/FULL
Proposal: Erection of two dwellinghouses and outbuildings with associated infrastructure
Address: Bogside Farm Bogside Blairhall Alloa Fife

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/03279/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policies 16 and 17 of NPF4 and Policies 1, 7 and 8 of the Adopted FIFEplan (2017).
2. In the interests of road safety; the development would result in the intensification of use of an existing access on an unrestricted distributor road outwith established built-up areas and with substandard visibility splays, to the detriment of road safety. As such, the development is contrary to Policy 13 of NPF4 and Policy 1 and 3 of the adopted FIFEplan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards in this regard.
3. In the interests of visual amenity; the proposed development due to its suburban design and appearance would appear incongruous in its rural setting to the detriment of the landscape character and views of the area and having a significant detrimental impact on the visual amenity of the area generally. As such, the proposal would be contrary to Policy 14 and 17 of NPF4 and Policies 1, 8 and 10 of the Adopted FIFEplan Local Development Plan (2017).
4. In the interest of protecting the setting of the listed building; the proposed development by virtue of its close proximity and built form would have an adverse impact on the setting of the listed building to the north. As such, the proposal would be contrary to Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017).
5. In the interests of natural heritage/biodiversity; insufficient information has been submitted to demonstrate that the proposed development would conserve, restore and enhance the biodiversity of the site. The proposal is therefore considered contrary to Policy 3 of NPF4 and Policies 1 and 13 of the adopted FIFEplan (2017).

Dated: 1st April 2024

Derek Simpson

For Head of Planning Services

PLANS

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

Reference	Plan Description
01	Location Plan
02	Site Plan
03	Aerial Photos
04	Topographic Site Plan
05A	Site Plan
06A	Site Plan
07A	Proposed various - elevation, floor etc
08A	Proposed various - elevation, floor etc
09A	Proposed various - elevation, floor etc
18A	Design and/or Access Statement
19	Low Carbon Sustainability Checklist
20A	Sustainable Drainage Certificates
21	Statement
22	Drainage Plan
23	Drainage Details
24	Calculations

Dated: 1st April 2024

Derek Simpson

For Head of Planning Services

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

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

LAND NOT CAPABLE OF BENEFICIAL USE

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

Agenda Item 5(2)

**Bogside Farm, Bogside, Blairhall, Alloa
Application No. 23/03279/FULL**

Report of Handling

REPORT OF HANDLING
APPLICATION DETAILS

ADDRESS	Bogside Farm, Bogside, Blairhall		
PROPOSAL	Erection of two dwellinghouses and outbuildings with associated infrastructure		
DATE VALID	10/01/2024	PUBLICITY EXPIRY DATE	15/02/2024
CASE OFFICER	Emma Baxter	SITE VISIT	None
WARD	West Fife And Coastal Villages	REPORT DATE	29/03/2024

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.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 Background

1.1 Description

1.1.1. The application relates to an area of agricultural land (approximately 6,100m²) situated within the countryside as defined by the Adopted FIFEplan. The site is located approximately 3km northwest of the settlement boundary of Blairhall and 5km southwest of the settlement boundary of Saline. The site is accessed from a private road which runs along the eastern boundary, leading from the A907. To the north of the site is three residential properties, including the B-listed West Bath House. Devilla Quarry is also further to the north. To the south of the site is a further three dwellings and to the west is agricultural land.

1.2 The Proposal

1.2.2. This application seeks planning permission for the erection of two dwellinghouses, outbuildings and associated works. The two proposed dwellinghouses would each have a footprint of approximately 220m², as well as 52m² garages linking via a car port and outbuildings. The properties would be finished in a white render with stone basecourse, slate roofs and grey aluminium windows and doors.

1.3 Planning History

1.3.1. The relevant planning history for the site and surrounding area is as follows:

Planning permission in principle for erection of two dwellinghouses with associated vehicular access and landscaping (10/02081/PPP) was refused September 2010. This decision was overturned & the application approved by the Fife Planning Review Body in April 2011.

Erection of two dwellinghouses and change of use from agricultural land to form domestic curtilages (14/00571/FULL) was withdrawn May 2014

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, and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. 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
- Site photos

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 on the Countryside & Setting of Listed Building
- Residential Amenity
- Road Safety / Transportation
- Natural Heritage/Biodiversity
- Land Stability
- Drainage / Flooding
- Low Carbon

2.2 Principle of Development

2.2.1. Policy 9 of NPF4 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Moreover, Policy 16(f) of NPF4 states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

the proposal is supported by an agreed timescale for build-out; and

the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20minute neighbourhoods; and amongst other criteria

the proposal is consistent with policy on rural homes.

2.2.2. Policy 15 states that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;

- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity

Moreover, Policy 17a applies and states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

is on a site allocated for housing within the LDP;

reuses brownfield land where a return to a natural state has not or will not happen without intervention;

reuses a redundant or unused building;

is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;

is for a single home for the retirement succession of a viable farm holding;

is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or

reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.3. It is acknowledged that consent was previously granted in principle for the erection of two dwellinghouses on the site. This consent was granted under a different legislative and policy framework and has since lapsed and therefore carries no significant weight in the consideration and assessment of this application.

2.2.4. As outlined above, the nearest settlement to the application site is Blairhall at approximately 3km away via the A907. This is also where the nearest bus stop is located. Given the proximity of the site to the nearest settlement it would not be possible to access general amenities via sustainable transport or in line with the 20 minute neighbour policy as set out within NPF4 policy 15. As such, the proposal would be considered to fail to comply with Policy 15 and 16(f)(ii) of NPF4. The proposed development would also fail to satisfy any of the justification criteria listed within Policy 17 as noted above. The proposal is therefore also considered to be contrary to Policy 17 & 9 of NPF4.

2.2.5. While the proposal is not considered to be supported in terms of the broad policy position set out in Policies 9, 15, 16 and 17 of the NPF4. The Chief Planner's letter confirms that NPF4 needs to be assessed in the round and in full context of the Adopted Development Plan. The Adopted Development Plan includes the Adopted FIFEplan which provides more detailed policy context in relation to the assessment of this development. Policy 7 of the Adopted FIFEplan LDP relates to development in the countryside and Policy 8 more specifically relates to new housing in the countryside.

2.2.6. Policy 1 of the Adopted FIFEplan (2017) sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that developments in the countryside will only be supported where, among other circumstances, it is for housing in line with Policy 8. Policy 8 sets out that houses in the countryside will only be supported where

1. It is essential to support an existing rural business
2. It is for a site within an established and clearly defined cluster of five houses or more
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes)
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes)
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes) or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 below

2.2.7. In all cases, developments must be:

Of a scale and nature compatible with surrounding uses;

Well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and

Located and designed to protect the overall landscape and environmental quality of the area.

2.2.8. The applicant has submitted a supporting statement with this application which argues that the proposed development would constitute justified development within the countryside under Criterion 2 of FIFEplan Policy 8 "It is for a site within an established and clearly defined cluster of five houses or more." Policy 8 states that specific housing groups that would make up a cluster are not identified in the Local Development Plan; however, a housing cluster should be made up of a clearly defined grouping of 5 or more houses (up to a maximum of 24). The buildings will be located in very close proximity to one another and outwith the settlement boundaries identified in this Plan. The cluster should be contained by a well-established boundary, such as roads, trees or other landscaping features, and should be visually connected through the form or the pattern of development. Furthermore, Policy 8 states for housing proposed in a cluster to be acceptable, it must address the following requirements:

- It will require to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping. Housing proposed clearly outwith or on the edge of the group will not be permitted.
- The new houses should not result in ribbon development (that is, building houses alongside a transport route) or coalescence (joining up) of the group with a nearby settlement/another housing cluster.

2.2.9. There are 6 houses within an approximate 150 metre radius of the development site. 8 and 9 Bogside Cottages are two single storey semi-detached dwellings situated immediately to the south of the site, followed by 1.5 storey Bath Fore Wood House further to the south. To the north of the site is the B-listed Bath Castle and Bath Farm Cottage which are two and 1.5 storeys respectively. Further to the north is Bathmill house, a 1.5 storey horseshoe shaped property. There is also a further three dwellinghouses further south, approximately 70 meters from Bath Fore Wood House beyond a woodland area. Whilst the application site is in relatively close proximity to the dwellinghouses to the north and south and would follow the building line of said houses, it is considered that the proposal would not satisfy the requirements as set down in paragraph 8. It is considered that the properties to the north of the site are entirely separate from the dwellings to the south. These two groups of houses are not "contained by a well-established boundary, such as roads, trees or other landscaping features" as required per paragraph 7 of Policy 8 and therefore the proposed development would not be located within an existing cluster of dwellinghouses, as defined by the Development Plan policy. Rather, the proposed development would contribute towards the coalescence of the two separate groups of houses, which is explicitly advised against within Policy 8. The proposal therefore does not satisfy Criterion 2.

2.2.10. In light of above, the principle of proposed development does not meet the terms of any of the criteria listed above and therefore is considered contrary to Policies 9, 16 & 17 of NPF4 and Policies 1, 7 and 8 of the adopted FIFEplan (2017). The proposal would therefore result in unjustified residential development within the countryside and is therefore not supported.

2.3 Design / Visual Impact on the Countryside & Setting of Listed Building

2.3.1. Policy 14 of NPF4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, Policy 17(a) states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. Policy 7 of NPF4 advises that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

2.3.2. Policies 1 and 10 of the adopted FIFEplan (2017) states that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Furthermore, Policy 8 states that developments must be designed to protect the overall landscape and environmental quality of the area. Policy 14 states that proposals will not be supported where it is considered they will harm or damage listed buildings or their setting.

2.3.3. Letters of representation received for this application concern with the visual impact of the proposed development. In particular the size of northern outbuilding and the development's impact on the setting of a listed building were raised.

2.3.4. As outlined in paragraph 1.2.2. above, the two dwellinghouses would be two storeys in height (9 meters), each having a footprint of approximately 220m², as well as 52m² garages linking via a car port. The properties would be finished in a white render with stone basecourse, slate roofs and grey aluminium windows and doors. The two proposed outbuildings would be finished in grey metal cladding with pitched roofs and roller shutters. The southern outbuilding would be 4.2 meters high with a footprint of 80m². Furthermore, the existing post and wire fence to the west of the site shall be retained, as well as the erection of 1-meter-high timber fencing to the front of the dwellings and 1.8-meter-high fencing to the rear dividing the garden area. Hedge planting along the north, south and west boundaries is also proposed. It is acknowledged that the proposed dwellinghouses would be set reasonably far back from the road which would aid in reducing the impact of their large scale. Notwithstanding this, it is nonetheless considered that the proposal, principally through its tall two storey nature combined with the use of non-traditional finishing materials, imparts an incongruous character to the development within what is a rural setting. Overall, it is considered that the development proposals would be to the detriment of landscape character and views, failing to safeguard the character and qualities of the landscape, and having a significant detrimental impact on the visual amenity of the area generally. The northern outbuilding however was originally proposed to have a footprint of 282m² and a height 6.4 metres. Concerns were raised with the applicant with regard to the scale and massing of the proposed northern outbuilding which would appear industrial in nature and thereby incongruous to the countryside and residential surroundings. Moreover, the proposed northern outbuilding was considered to fail to protect the setting of the B-listed building. In light of the concerns raised, the proposed northern outbuilding has been amended and would now be 4.2 meters in height (the same as the southern outbuilding) with a footprint of 157m². It is acknowledged that the proposed reduction in the height of the northern outbuilding is an improvement. Notwithstanding this, with a footprint just shy of double that of the southern outbuilding, it is still considered that the proposed northern outbuilding (due to its large footprint & proposed finish) would appear industrial in nature thereby failing to read as a subservient domestic outbuilding. The outbuilding would be incongruous to its surroundings. It is therefore considered that the proposed development would also fail to comply with NPF4 Policy 14 and 17 and FIFEplan Policies 1, 8 and 10.

2.3.5. Moreover, it is considered that the proposed development would be harmful to the setting of the listed Bath Castle to the north. The setting of this listed building is characterised by its elevated position surrounded by open farmland, particularly when viewed from the south. The

proposed development would result in the loss of the open agricultural setting which is a key part of its character. It is therefore considered that the proposed development would also fail to comply with NPF4 Policy 7 and FIFEplan Policies 1 and 14.

2.3.6. In light of the above, the proposed development would result in a significant detrimental impact in terms of visual amenity and would harm the setting of a listed building. The proposal is therefore considered contrary to Policy 7, 14 & 17 of NPF4 and Policy 1, 8, 10 and 14 of FIFEplan (2017) and thus not supported.

2.4. Road Safety / Transportation

2.4.1. Policy 13 of NPF 4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;
- Integrate transport modes;
- Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- Adequately mitigate any impact on local public access routes

2.4.2. Policies 1 and 3 of the adopted FIFEplan 2017 state that development will only be supported where it has no road safety impacts. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.4.3. Fife Council's Transportation Development Management team were consulted on this application and advised that there is a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. The above policy can be relaxed if a proposed rural development has agricultural justification; promotes tourism or saves a building deemed worthy of retention by Planning Services. This relaxation is only possible when either the junction of the access to the site and the public road has

acceptable visibility splays or if the proposals include acceptable improvements being undertaken to existing sub-standard visibility splays. According to the current Fife Council Transportation Development Guidelines (TDG), visibility splays of 3m x 210m must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the quarry access and the A907 public road. Forward visibility of 210 metres must be available for drivers of vehicles turning right into the site from the public road. Additionally, other drivers travelling westbound on the A907 should have 210 metre forward visibility of any stationary vehicle waiting to turn right into the access from the public road. During a site visit, the visibility splays currently available at the junction of the quarry access with the public road were assessed. It was noted that an approximate oncoming visibility splay of 3m x 100m was available to the sharp left hand bend at the old railway bridge. There is no way to improve visibility in a westerly direction. A splay of approximately 3m x 170m is available in the other direction (east) and again there is no measures that could be undertaken to improve this splay further within land in the applicant's control. Forward visibility for right turning drivers into the access from the A907 is approximately 100 metres and this cannot be improved, due to the geometry of the public road. Forward visibility of stationary right turning vehicles for other westbound drivers on the A907 would be approximately 175 metres. In light of the above, TDM have concluded that the proposal would be unacceptable as it will result in an increase in vehicle turning manoeuvres at a junction with sub-standard visibility splays which is located on an unrestricted road outwith the established built-up area, all to the detriment of road safety. TDM have therefore recommended the application for refusal.

2.4.4. It is acknowledged that an additional two dwellinghouses is unlikely to result in a major increase in traffic. However, given the unacceptability of the proposal as outlined above within this report, it is considered that there is no reason to accept the intensification of use of an existing access on an unrestricted distributor road outwith established built-up areas and with substandard visibility splays.

2.4.5. In light of the above, it is considered that the proposed development would result in a significant detrimental impact on the existing levels of road safety and as such would not comply with Policy 13 of NPF4, Policies 1 and 3 of the Adopted FIFEplan 2017 and Fife Council Transportation Development Guidelines.

2.5. Natural Heritage/Biodiversity

2.5.1. Policy 3 of NPF4 advised that

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

(c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard

the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

2.5.2. Policies 1 and 13 of the adopted FIFEplan 2017 state that development proposals will only be supported where they protect or enhance natural heritage and access assets including (but not limited to) woodlands, trees and hedgerows that have a landscape, amenity or natural conservation value and landscape character and views. Furthermore, Policy 13 stated that development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets.

2.5.3. Letters of representation received raised concern with the impact the proposed development would have on the wildlife and biodiversity of the site and surrounding area.

2.5.4. The design statement submitted as part of the application submission outlines that the proposal is looking to achieve a large biodiversity net gain. The statement continues "to maximise biodiversity, native species of local or Scottish origin shall be specified for landscaping. Also used shall be native species rich hedgerows, trees, integrated bat roost boxes and integrated bird boxes." Moreover, the proposal "shall look to focus on creating a nature network to the west of the site (following the watercourse) linking to and strengthening habitat connectivity within and beyond the development. Further to this we shall look to enhance the remainder of the open site with planting to the north and south boundaries as well as the boundary to the east which is based on an understanding of the existing characteristics of the site and its local, ecological context following landscape characteristics of the dwellings either side of the application site". Fife Council's Natural Heritage Officer was consulted on this application and noted that an ecological study was not deemed necessary in this instance. However, further information through the submission of full landscaping design relating to the proposed trees and hedgerow planting as proposed was requested in order to ensure species choice, management etc were appropriate. Whilst the proposed measures outlined above are positive, it is considered that the level of information submitted is insufficient to demonstrate a biodiversity enhancement of this greenfield site. The applicant has advised that landscaping proposals "shall be delivered with an arboricultural consultation where we shall form a comprehensive planting and landscaping proposal plan via suspensive condition." Demonstrating biodiversity enhancement is an explicit requirement of the relevant policies of NPF4 and FIFEplan as set out above. Compliance with these policies therefore must be demonstrated as part of the submission of any planning application and this has not been done.

2.5.5. In light of the above, it is considered that insufficient information has been provided to demonstrate that the proposed development would conserve, restore and enhance the site in terms of biodiversity or protect/enhance the natural heritage assets of the site. The application is therefore considered contrary to Policy 3 of NPF4 and Policies 1 & 13 of FIFEPlan and is therefore not supported.

2.6. Residential Amenity

2.6.1. Policies 1 and 10 of the adopted FIFEplan (2017) state that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. Fife Council Planning Customer Guidelines on Minimum Distance Between Window Openings, and Daylight and Sunlight (2018) also apply.

2.6.2. In terms of the relationship between the proposed development and existing neighbouring properties, all windows would be at least 18 meters apart. Moreover, given the position of the proposed windows and the proposed boundary treatments, it is considered no significant detrimental impact would arise with regard to privacy nor daylight of the existing surrounding properties. Furthermore, whilst the site is situated south of Bath Farm Cottage and Bath Castle, due to the topography of the area and the southern downwards slope, it is considered that the proposed development would have no significant detrimental impact on the sunlight levels received by the properties to the north.

2.6.3. In terms of the amenity of the two dwellings in relation to each other, given that the elevations which would be only 5 metres apart do not contain any windows, there are no concerns in terms of daylight or privacy. Moreover, in terms of the proposed balconies, given that these would be secondary amenity area, there are no concerns with regard to privacy.

2.6.4. Fife Council's Planning Customer Guideline on Garden Ground advise that all new dwellinghouses should be served by a minimum of 100 square meters of private usable garden space and that a building footprint of 1:3 will be required. In this case, the proposed dwellinghouses would be able to achieve well over the necessary Fife Council guidelines and therefore would be considered acceptable in this regard.

2.6.5. In light of the above, the proposal would comply with the development plan and associated guidance in respect of amenity and therefore is considered acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.7. Land Stability

2.7.1. Policies 1 and 10 of the adopted FIFEplan (2017) states that Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Furthermore, development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.7.2. The application site is within an Explosives Safeguarding Zone. As such the Health & Safety Executive (Explosives Directorate) was consulted on this application & they advised they had no objections to the proposal subject to the development not constituting a 'vulnerable building'. "Vulnerable building" means a building or structure of vulnerable construction, that is to say—

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;

(b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;

(c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

The proposed development would not constitute a vulnerable building as per HES' definition and therefore would be considered acceptable in terms of land stability. This is however not considered to be a determining issue in this instance.

2.8 Drainage / Flooding

2.8.1. Policy 22 of NPF4 states that development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure.
- iii. seek to minimise the area of impermeable surface

2.8.2. Policies 1 and 3 of FIFEplan state 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. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Furthermore Policy 12 advises 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.

2.8.3. In this instance, it is proposed to soakaways to attenuate surface water within the site. These would be located to the west of each dwellinghouse and south of the northern outbuilding and north-west of the southern outbuilding. The site is not situated within a high flood risk area and Scottish Water have been consulted on this application and raised no objections. Moreover, the applicant has submitted the necessary SUDS and flood risk details and the relevant compliance certificates.

2.8.4. In light of the above, the proposed development is considered acceptable in terms of the above provisions of policy in relation to flooding and drainage. This is however not considered to be a determining issue in this instance.

2.9. Low Carbon

2.9.1. Policy 1 of NPF4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. In addition, Policy 2 states that

development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change.

2.9.2. Policy 1 and 11 of Fifeplan 2017 states 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 targets; construction materials come from local or sustainable sources; and water conservation measures are in place. Fife 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.

2.9.3. The applicant has submitted a low carbon sustainability checklist which states that the proposed development will be insulated to a high level and utilise solar technologies and ground or air source heat pumps. in order to meet the standards of Policy 11 with regard to energy performance.

2.9.4. In light of the above, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon. This is however not considered to be a determining issue in this instance.

CONSULTATION RESPONSES

Structural Services - Flooding, Shoreline And Harbours	No response
Transportation And Environmental Services - Operations Team	No response
TDM, Planning Services	Application not supported No objections
Health And Safety Executive	No objections
Scottish Water	No objections
Natural Heritage, Planning Services	Further details requested but no objections

REPRESENTATIONS

One letter of objections was received for this application as well as another which neither formally objected nor supported the application. The below concerns were raised within these representations;

- Design/visual impact - This was addressed in paragraph 2.3.5 above.
- Impact on biodiversity / wildlife - This has been addressed in paragraph 2.5.4. above
- Loss of view - This is not a material planning consideration

- Potential future use of the dwellinghouses as short-term lets - This is not a material planning consideration

- Impact on the water pressure of neighbouring properties - This would be a consideration for Scottish Water should an application be made to connect to the SW network. The application process for a water connection falls within the remit of Scottish Water and the granting of planning permission does not necessarily mean that a connection will be permitted.

A number of concerns were also raised in terms of the potential use of the northern outbuilding as a commercial premises (including noise and additional traffic). The applicant has confirmed that the intended use of the outbuildings would be purely personal/domestic. A condition would also have been recommended on any permission granted restricting the use of said outbuilding were the proposed development considered acceptable.

CONCLUSION

The development is contrary to the provisions of policy and guidance relating to the principle of development, road safety, trees/natural heritage, visual amenity and impact on the setting of a listed building but accords with those provisions relating to residential amenity, flooding/drainage, land stability and low carbon. Overall, it is considered that the proposed development is contrary to the development plan, with no relevant material considerations of sufficient weight to justify departing therefrom. The application is therefore recommended for refusal.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policies 16 and 17 of NPF4 and Policies 1, 7 and 8 of the Adopted FIFEplan (2017).
2. In the interests of road safety; the development would result in the intensification of use of an existing access on an unrestricted distributor road outwith established built-up areas and with substandard visibility splays, to the detriment of road safety. As such, the development is contrary to Policy 13 of NPF4 and Policy 1 and 3 of the adopted FIFEplan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards in this regard.
3. In the interests of visual amenity; the proposed development due to its suburban design and appearance would appear incongruous in its rural setting to the detriment of the landscape character and views of the area and having a significant detrimental impact on the visual

amenity of the area generally. As such, the proposal would be contrary to Policy 14 and 17 of NPF4 and Policies 1, 8 and 10 of the Adopted FIFEplan Local Development Plan (2017).

4. In the interest of protecting the setting of the listed building; the proposed development by virtue of its close proximity and built form would have an adverse impact on the setting of the listed building to the north. As such, the proposal would be contrary to Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017).

5. In the interests of natural heritage/biodiversity; insufficient information has been submitted to demonstrate that the proposed development would conserve, restore and enhance the biodiversity of the site. The proposal is therefore considered contrary to Policy 3 of NPF4 and Policies 1 and 13 of the adopted FIFEplan (2017).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

National Planning Framework 4 (2023)

Other Guidance:

Fife Council Customer Guidelines on Garden Ground (2018)

Agenda Item 5(3)

**Bogside Farm, Bogside, Blairhall, Alloa
Application No. 23/03279/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 100652412-006

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" 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="Ben"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="McNeice"/>	Address 1 (Street): *	<input type="text" value="Luscar Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Dunfermline"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="ky12 9rb"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Bogside Farm, Alloa"/>
--

Northing	<input type="text" value="690830"/>	Easting	<input type="text" value="297176"/>
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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 and outbuildings with associated infrastructure at Bogside Farm Bogside Blairhall Alloa Fife

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See review statement

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

Yes No

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

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

Decision notice/ report, planning application and submission documents and review statement.

Application Details

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

23/03279/FULL

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

21/11/2023

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

01/04/2024

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

To fully understand the application site in the context of the surrounding area.

Please select a further procedure *

Holding one or more hearing sessions on specific matters

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

To go through concisely why this application is acceptable to the LRB.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Andrew Megginson

Declaration Date: 17/05/2024



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 100652412-001

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)

Two new dwellings, two outbuildings and infrastructure to land.

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Ben	Building Number:	1
Last Name: *	McNeice	Address 1 (Street): *	Luscar Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Dunfermline
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	KY12 9RB
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Fife Council

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

Bogside Farm, Alloa

Northing

690830

Easting

297176

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

5954.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Vacant land

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

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

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

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

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

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)? *

5

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

Water Supply and Drainage Arrangements

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

Yes No

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

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

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

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

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

Treatment plant to soakaway.

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)

Bins kept to rear and wheeled kerbside on collection days.

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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: Andrew Megginson

On behalf of: Mr Ben McNeice

Date: 21/11/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Andrew Megginson

Declaration Date: 21/11/2023

Payment Details

Pay Direct

Created: 21/11/2023 10:06

Review Statement

Planning application for the Erection of two dwellinghouses and outbuildings with associated infrastructure

Date: April 2024



Executive Summary

-The principal of development is in compliance with policy and the aims/ objectives of NPF4 along with FIFEplan where the proposal is situated within a building group as validated by AMA, a former consented planning application and the Natural Heritage officer at Fife Council. To this we are explicitly in line with policy 8 of FIFEplan as a site within an established and clearly defined cluster of five houses or more. Our proposal delivers high quality and sustainable rural homes in the right location in line with NPF4. As per the main outcomes required by NPF4 the development proposals shall increase the population of a rural area in Scotland with dwellings that are designed with later living and disability in mind that shall improve the health and wellbeing of the occupants. The proposal shall utilise high levels of insulation and renewable technologies. The proposal shall also have a hugely positive effect on biodiversity.

-The additional two houses, which shall utilise an existing junction used by the rest of the houses in the building group and along the existing access road, shall not result in a major increase in traffic and considering the previous justification for the former consented application on the application site and consented permission for Bath Fore Wood House it should be agreed to set aside the concerns raised by Fife Council's Transportation Development Management Team. The quarry which also uses this road shall be closing soon reducing the volume of traffic on the road. Furthermore, these minor concerns should not hinder the delivery of rural homes in line with planning policy that shall deliver a large net gain in terms of biodiversity.

-The proposals are informed by the existing building pattern, forms and layout of the building group and surrounding area where the proposed houses are to be 1.5 storey high utilising materials seen elsewhere in the building group and surrounding area. The outbuildings are also subservient to the dwellings, low in height and are of a form and materiality seen elsewhere in the surrounding area. The proposals are rural in nature and appearance and are congruous to the overall countryside countryside resulting in no detrimental impact to the landscape setting.

-The B-listed property is not read in the context of the application site due to existing screening. The location of the proposed built form and existing/ proposed screening shall result in no impact on the setting of Bath Castle.

-The Natural Heritage officer did not object to the proposals in terms of biodiversity and natural environment. As is evident in our proposals the application offers proposals that shall largely enhance existing biodiversity and landscape attributes on the application site resulting in new network corridors linking several woodland areas along with new habitat for wildlife. As noted,



we shall be preparing a detailed landscape plan with an arboricultural consultant which will be provided to the full satisfaction of Fife Council.

-Our proposals have been informed by previous applications which are material in the justification of this proposed development.

Material Considerations

Contrary to the case officers decision report that there are "no relevant material considerations of sufficient weight to justify departing therefrom. (from the development plan)" it is considered that there are several material considerations which, when properly taken into account, may reasonably justify departing from the Development Plan in this specific case, namely :-

(1) Site visit;

-It is noted within the report of handling that no site visit was undertaken. We question how the case officer can make a fully informed decision on the application without visiting the site to which we feel they have misinterpreted many important aspects of the area and existing situation which has negatively obscured their conclusions of the proposals in the context of the site and surrounding environs.

(2) Planning History;

- 10/02081/PPP consent

-As can be seen in the approval papers of application 10/02081/PPP it was considered that the draft Dunfermline and West Fife Local Plan (2010) was a document that "carried significant weight as a material consideration" in the assessment of that application. The application was considered to comply with policy E16 and fall under "a site within an established and clearly defined cluster of dwellings of 5 houses or more". Under current policy there is a similar policy with almost the exact same wording and there have been no material changes to the site/context where this conclusion in application 10/02081/PPP should remain same as previously approved by Fife Council. Furthermore to this, we are proposing a nature network to the west and north of the site that shall link woodland areas as discussed by Fife Council in application 10/02081/PPP. In terms of road safety under application 10/02081/PPP Fife Council previously agreed that "the additional traffic generated by two houses would not exacerbate any road safety issues." and that "It was not considered that the road safety aspect of the application merited the refusal of planning permission."

(3) Householder circumstances;



- the proposals are for the applicant and his elderly parents [REDACTED] to live beside one another where the houses have been designed with later living and disability in mind.

(4) Disability;

- proposals make appropriate provision for inclusive design.

(5) Biodiversity/ Green Network Enhancement;

- As part of the overall development proposals we are looking to achieve a large net biodiversity gain which we feel carries significant weight in terms of the acceptability of the application. We shall look to focus on creating a nature network to the west of the site (following the watercourse) which shall return to run along the northern boundary, linking to and strengthening habitat connectivity within and beyond the development.

- Reason for Refusal 5 is not considered fair and reasonable on this basis.

(6) Public Interest;

- it is considered material that there has been no local opposition, including that from the community council, to the proposal.

(7) Discussions with the case officer during the application process;

- We discussed the application with the case officer when it was live where only three concerns were raised at that time;

- Principle of development (reason for refusal 1).
- Road safety (reason for refusal 2).
- Visual impact (reason for refusal 3) where only the northern outbuilding was raised to be of issue in terms of visual impact. To this we reduced the footprint along with the height of the outbuilding to what it is now where the case officer noted that "I am willing to accept that the reduced height means the outbuilding would be unlikely to harm the setting of the listed building."

-We are raising this as we feel that the other two reasons for refusal (4 & 5) have simply been added to the decision notice where the case officer is trying all that they can to justify their unsubstantiated position with regards to the reasons for refusal.

(8) Additional Information / Planning Conditions;

- the applicant is more than willing to submit additional information where we have noted within our application papers and information that we would engage an arboricultural/ ecological consultant following any permission granted for the application to prepare a full



landscape design, including the proposed western and northern green network, similarly to the condition applied to the 10/02081/PPP consent in this regard.

- the applicant is also willing to have an external report prepared by a transport planning consultant to mitigate any issues foreseen with road safety if required however based on the nature of the development, fact that Devilla Quarry shall be closing down shortly (reducing the volume of traffic on the road significantly) and with the 10/02081/PPP and 13/01966/FULL consents in mind we feel the road safety aspect can be dismissed without any further information.

- It is contended that such matters can adequately be dealt with, in the standard process, as suspensive planning conditions.



This review Statement has been prepared by Andrew Megginson Architecture, on behalf of Ben McNeice, for a planning application for two new dwellings, outbuildings and associated infrastructure at Bogside.

The application site is within a building group located approximately 3km west of the settlement boundary of Blairhall and 5km east of the settlement boundary of Clackmannan, the application site measures circa 6,000sqm and comprises a collection of residential and agricultural land uses. The site is within a clearly defined gap within the cluster of houses with residential development/ plots bounding the site to two sides at the north and south. At the rear (west), the site follows the existing boundary lines of the bounding residential development/ plots which also follows a watercourse at this side of the site. A road to the east bounds the application site along with the other houses within the building group. There are several different house types in the building group.



Figure 1 – Site aerial.





Figure 2 – Site plan of the proposals.

The reasons for refusal of the planning application are stated below;



1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policies 16 and 17 of NPF4 and Policies 1, 7 and 8 of the Adopted FIFEplan (2017).
2. In the interests of road safety; the development would result in the intensification of use of an existing access on an unrestricted distributor road outwith established built-up areas and with substandard visibility splays, to the detriment of road safety. As such, the development is contrary to Policy 13 of NPF4 and Policy 1 and 3 of the adopted FIFEplan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards in this regard.
3. In the interests of visual amenity; the proposed development due to its suburban design and appearance would appear incongruous in its rural setting to the detriment of the landscape character and views of the area and having a significant detrimental impact on the visual amenity of the area generally. As such, the proposal would be contrary to Policy 14 and 17 of NPF4 and Policies 1, 8 and 10 of the Adopted FIFEplan Local Development Plan (2017).
4. In the interest of protecting the setting of the listed building; the proposed development by virtue of its close proximity and built form would have an adverse impact on the setting of the listed building to the north. As such, the proposal would be contrary to Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017).
5. In the interests of natural heritage/biodiversity; insufficient information has been submitted to demonstrate that the proposed development would conserve, restore and enhance the biodiversity of the site. The proposal is therefore considered contrary to Policy 3 of NPF4 and Policies 1 and 13 of the adopted FIFEplan (2017).

Reason for refusal 1

Policy 9 of NPF4 states that “Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.” To this we are directed to policy 8 within the current FIFEplan which states that “Development of houses in the countryside will only be supported where: It is for a site within an established and clearly defined cluster of five houses or more”. The Chief Planner's letter confirms that NPF4 needs to be assessed in the round and in full context of the Adopted Development Plan. The Adopted Development Plan includes the Adopted FIFEplan which



states the above policy 8 within it which carries significant weight in relation to the acceptability of the housing proposals to the application site.

As can be seen in the approval papers of application 10/02081/PPP it was considered that the draft Dunfermline and West Fife Local Plan (2010) was a document that “carried significant weight as a material consideration” in the assessment of that application. The application was considered to comply with policy E16 and fall under “a site within an established and clearly defined cluster of dwellings of 5 houses or more” (see figure 3 below). Under current policy there is a similar policy (see figure 4) with almost the exact same wording and there have been no material changes to the site/ context where this conclusion in application 10/02081/PPP should remain same as previously approved by Fife Council. Furthermore to this, we are proposing the same number of houses and are proposing a nature network to the west and north of the site that shall link woodland areas as discussed by Fife Council in application 10/02081/PPP. As we have shown in the design statement the proposal is for an infill of an area within a building group that has potential for large biodiversity gains. The building group is clearly defined by woodland (see figure 7), the two plots created within the infill are very comparable in size and frontage to other house plots in the building group, the application site respects and follows the existing boundary lines of the houses to the north and south and the proposed houses shall be of a similar scale and orientation to other dwellings in the group. In terms of NPF4 the policy (policy 17) intent is “To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.” It further states that “LDPs should set out tailored approaches to rural housing” and “Plans should reflect locally appropriate delivery approaches.”. As above we are strictly in line with FIFEplan so we are delivering high quality homes in the right location. We follow point i in this policy in that although the site is not allocated for housing within the LDP, it is in line with policy for housing in the countryside within the LDP which directs housing on appropriate sites such as the application site and the development is suitably scaled, sited and designed to be in keeping with the character of the area. NPF4 is required by law to contribute to the following 6 outcomes where we have justified our proposal against these;

- *Meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people.* As noted within our design statement one of the dwellings is for an older person where the houses have been designed with later living and disability in mind.
- *Improving the health and wellbeing of people living in Scotland.* The development will provide two families with houses in a beautiful area of countryside with large amenity areas and access to core paths which shall improve their health and wellbeing.



- *Increasing the population of rural areas of Scotland.* The development is within a rural area so complies with this outcome.
- *Improving equality and eliminating discrimination.* As above the houses have been designed with disability in mind eliminating discrimination to this regard.
- *Meeting any targets relating to the reduction of emissions of greenhouse gases.* The development will be insulated to a high level and will use renewable technologies for energy.
- *Securing positive effects for biodiversity.* As shown in our plans and information, the development will have a hugely positive effect on biodiversity connecting several woodland areas.

POLICY E16: HOUSING DEVELOPMENT IN THE COUNTRYSIDE

The development of housing in the countryside will only be permitted where it:

- (a) is required for the operational needs of an agricultural, horticultural, woodland, forestry or other business supported by Policy E15 and will be located as an integral part of the business; or
- (b) is for affordable housing of modest, limited scale which meets an identified need; or
- (c) is for a site within an established and clearly defined cluster of dwellings of 5 houses or more; or
- (d) is for the renovation of a substantially complete building (i.e. external walls are complete and sound to wallhead level) last used as a house; or
- (e) provides for the rehabilitation and/or conversion of complete or substantially complete existing buildings of traditional long life construction (but excluding proposals involving substantial demolition/rebuilding); or
- (f) is for the demolition and replacement of a house: -
 - (i) which cannot otherwise be brought up to modern standards at a reasonable cost; or
 - (ii) where the replacement would be of exemplary siting and design resulting in an overall enhancement to the landscape and environmental quality of the area; or
- (g) secures the development of a derelict site with ruinous buildings where this would result in an overriding benefit in terms of visual and environmental improvement.

Note: this policy does not apply in land designated as green belt.

Figure 3 – Housing in the countryside policy within the Adopted Dunfermline and West Fife Local Plan (2012)



Policy 8: Houses in the Countryside

Development of houses in the countryside will only be supported where:

1. It is essential to support an existing rural business
2. **It is for a site within an established and clearly defined cluster of five houses or more**
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes)
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes)
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes) or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 below

In all cases, development must be:

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

Figure 4 – Current housing in the countryside policy within the FIFEplan (2017)

As per policy 16(f) of NPF4 our proposal is consistent with other policies within NPF4, namely policy 17 (Rural Homes) and FIFEplan, namely policy 8. With regard to the mention of 20 minute neighbourhoods the existing building group situation and pattern should be taken into account as a large material consideration. At present the housing group and wider area have a reliance on the private car where it is understood there are no bus routes that go past the housing group along the A907 however walking and cycling in the area are options where there is a core path (a former railway line, see figures 8-10) which runs between Clackmannan and Blairhall connecting the site to these two settlements. The proposals shall match the existing level and quality of interconnectivity to that of existing situation of the surrounding area. As is part of the building warrant process, each house shall be fitted with an electric car charging point.





Figure 5 – OS extract showing the application site outlined in red (left) with no outline to the right. Residential plots are shown in yellow where there is clear definition that the application site lies between these and thus is part of the existing housing cluster. The rear boundary of the application site also follows the existing watercourse which allows it to align with existing rear boundaries of the existing houses again reinforcing that this site is part of an overall cluster.

Policy 1 of the Adopted FIFEplan (2017) sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that developments in the countryside will only be supported where, among other circumstances, it is for housing in line with Policy 8. As above we have demonstrated that the proposals are to a site within an established and clearly defined cluster of five houses or more. The application site is located in a clearly defined gap within the building group and is contained by well established boundaries (built/ residential development to the north and south, the road to the east and the watercourse and existing rear boundary, which follows the line of the existing residential boundaries, to the west. The western and northern boundaries shall also be enhanced with the



proposed green network) and the proposals shall be visually connected through the form and pattern of development.

It should be noted that the Natural Heritage officer's views were that the application "relates to the construction of two 1.5-storey dwelling houses and their respective outbuildings on an agricultural field within an already established cluster development – with development following the extant building line of the cluster.". The case officer confirms within their report of handling that built/ residential development is located to either side of the application site stating that two dwellings are "situated immediately to the south of the site, followed by 1.5 storey Bath Fore Wood House further to the south.", confirming three dwellings total to the south. The case officer then states that "To the north of the site is the B-listed Bath Castle and Bath Farm Cottage", confirming two dwellings to the north totalling five dwellings to either side of the application site and thus the application site being within a building group. As per figure 7 it can be read that the five dwellings forming this group are contained within well established boundaries with the road to the east, woodland to the north and south and the watercourse and existing trees to the west of the building group. These features enclose and connect the site with the building group resulting in the proposals falling within NPF4 and FIFEplan policy.

The application site being located within an existing cluster of houses is also verified by a former application (13/01966/FULL) for the erection of a dwelling which is now known as Bath Fore Wood House to the south of the proposals. Fife Council for this application "considered that the application site was located within the middle of an established cluster of more than 5 dwellinghouses and that the site therefore met one of the criteria set out in Policy E16. The FPRB were therefore content that the principle of the development accorded with the relevant criteria of the development plan."

We feel our proposals generally match in with the below diagram (figure 6) as modified from figure 8.2 in FIFEplan policy where the rear boundaries tie in, the cluster is defined to the north and south by woodland in our case and the road to the east along with the boundaries to the west aligning.



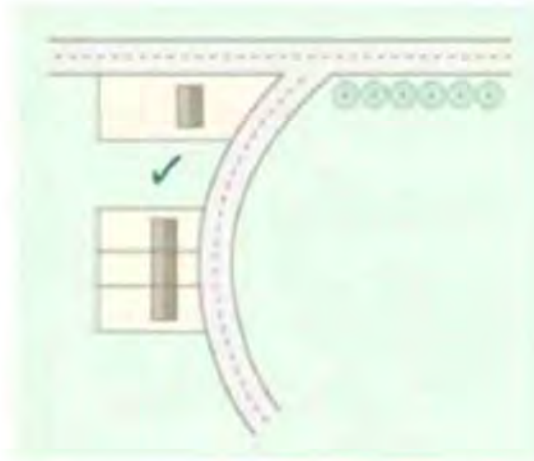


Figure 6 – Altered diagram from 8.2 in FIFEplan policy.

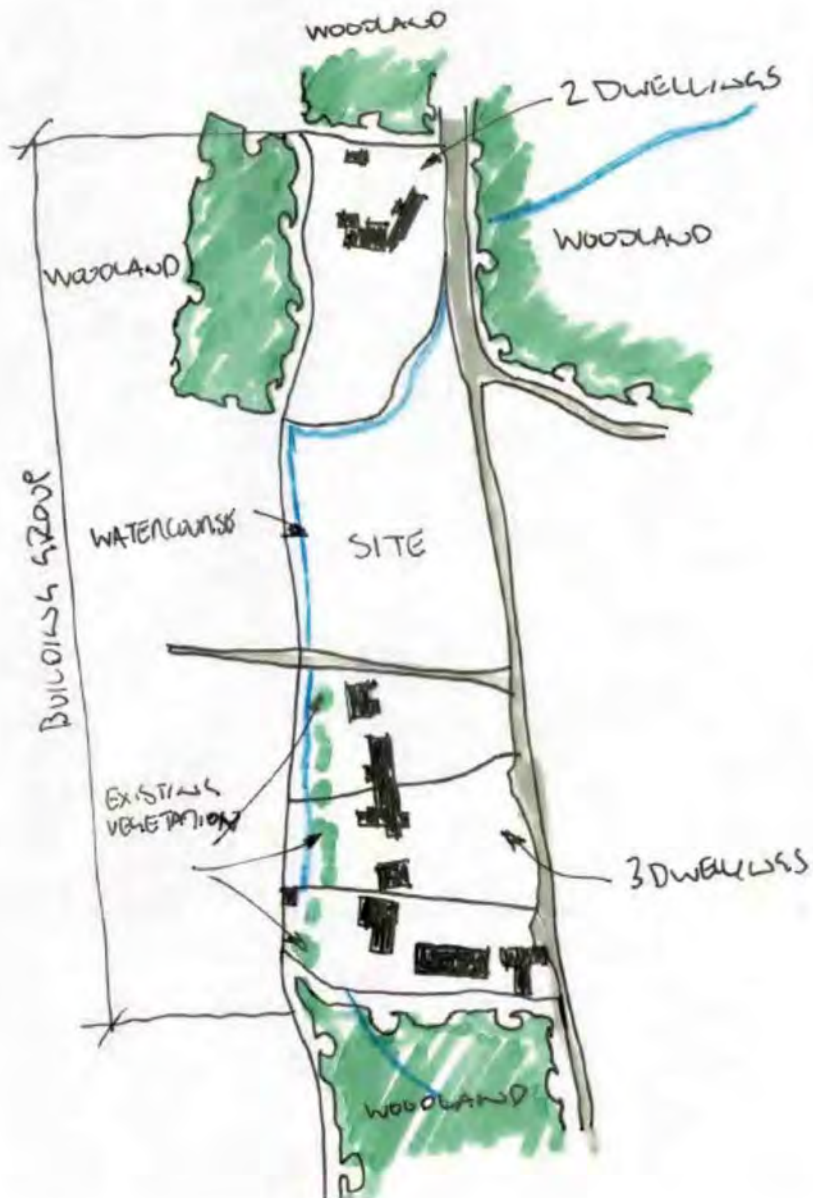


Figure 7 – Sketch diagram displaying the cluster which is defined and contained to the north and south by existing woodland, the road to the east and a continuous boundary line and watercourse to the west. Furthermore, the proposed western trees and hedging will also tie in with that existing to the west of the southern dwellings where the landscape belt would link the grouping of three and grouping of two houses resulting in the site being within a defined cluster of more than 5 houses.

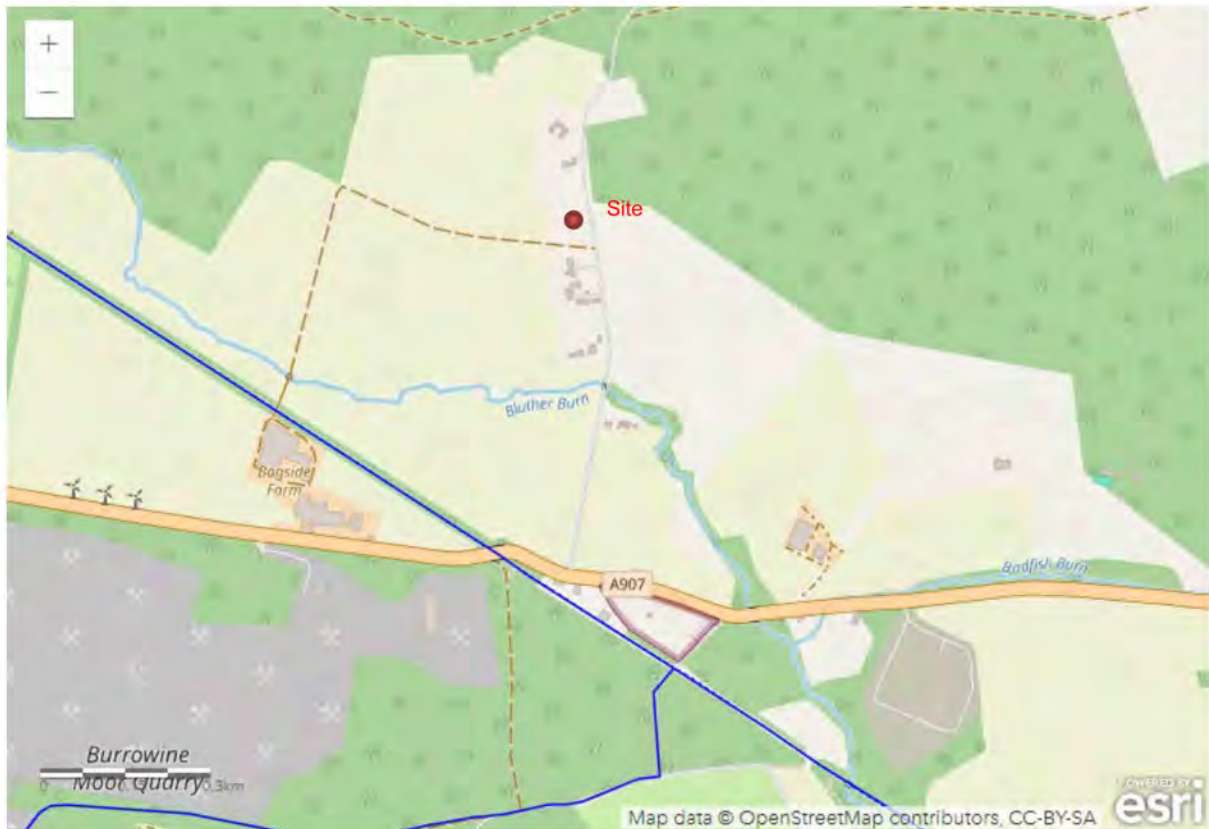


Figure 8 – Plan showing core path (blue) which can be accessed easily from the application site





Figure 9 – View of core path on bridge heading towards Blairhall



Figure 10 – View of core path on bridge heading towards Clackmannan



Reason for refusal 2

The case officer acknowledges within their decision report that “an additional two dwellinghouses is unlikely to result in a major increase in traffic.”. Furthermore, it can be considered that there does not seem to be any further appropriate housing development sites along the existing access road which we feel is material in the acceptability of the proposal in relation to road safety, i.e. the proposal shall not contribute to any large increase in traffic and shall use an existing access road/ junction as the existing dwellings in the existing building group and other houses along the access road. It can also be seen that there have been no accidents at the junction from crashmap.co.uk. The closure of Devilla Quarry will also result in a decrease in traffic using the access road which should be seen as positive in relation to the application proposals. As discussed under application 10/02081/PPP Fife Council previously agreed that “the additional traffic generated by two houses would not exacerbate any road safety issues.” and that “It was not considered that the road safety aspect of the application merited the refusal of planning permission.”. As there has been no change to the site in terms of additional dwellings or other aspects resulting in additional traffic we trust that the LRB can come to the same conclusion as application 10/02081/PPP where this previous justification along with many other instances where road safety issues have been overruled at case officer and LRB level by Fife Council in the past should be considered. As noted earlier in this statement we are happy to gain an report from a transport planning consultant who has noted to us that they did not consider that drivers would be passing the junction of the access road onto A907 at the speed limit of 60mph (which is what the Transportation Development Management team shall have used to determine the visibility splays) due to the road geometry and noted they would have a speed survey carried out on the A907 and work out the 85%ile speeds which with the aforementioned in mind would allow calculations to be conducted to inform bespoke visibility splays specifically for the junction in discussion which would likely reduce the visibility splay requirements. We are happy to have a report carried out and have this subject to any permission that may be granted to the planning application however we trust this could be avoided in this instance with the information and details stated above and below.

The above is also further validated when Fife Council approved permission (13/01966/FULL) for Bath Fore Wood House within the same building group as the application site. The Transportation Development Management team raised concerns on that application for a new dwelling where Fife Council “considered that the visibility looking east at the junction onto the A907 afforded adequate visibility and that to the west of the junction onto the A907 the natural sharp bend of the road naturally reduced the speed of vehicles approaching on the A907.”. Fife Council “therefore agreed to set aside the concerns raised by Fife Council’s Transportation Development Management Team.”.



Reasons for refusal 3 and 4

Firstly, the case officer is incorrect in noting the proposals as two storey. As confirmed by the Natural Heritage officer and fact that it is clear that the first floor is located within the roof level, as seen with the elevations and coomb lines on the first floor plans of the proposed houses, the proposals are in fact 1.5 storeys high. Secondly, the materials are of traditional/ standard finish of typically rural homes and there are no new materials introduced that can't be seen to other dwellings in the building group. The white masonry walls shall tie in with the white masonry walls to the three houses south of the application site along with Bath Castle to the north. Slate for the roofs shall match in with slate seen on the roofs of Bath Farm Cottage, Bogside Cottages and other houses/ buildings in the surrounding area. Stone is seen as a finishing material to Bath Farm Cottage, Bath Fore Wood House and other properties in the area so the stone basecourse proposed is justified. The openings and fascias are proposed to be grey aluminium to then provide the dwellings with a contemporary look with the overall materiality scheme allowing the proposals to fit in with the building group and surrounding area. In terms of the height of the proposals we are in line with Fife Council commenting in the previous application that the first floor accommodation should be located within the roof space. Furthermore, there are other dwellings in the building group and surrounding area that are taller than those proposed resulting in new dwellings that are comparable in scale to others and not competing with others locally.



Figure 11 – Bath Fore Wood House has concrete roof tiles, stone and white rendered walls.





Figure 12 – White masonry walls and slate make up the materiality of Bogside Cottages. Further to this the semi-detached cottages have different coloured/ styled windows to one another.



Figure 13 – Bath Castle with white masonry walls with stone walls and slate existing to Bath Farm Cottage



Overall, the houses to take on a contemporary but rural form from the front however at the rear we look to add more modern features to make best use of the sites views to the west. The houses have been positioned relatively deep into the site following the building line of the houses to the south allowing them to take on a grand stance in the site whilst still allowing a generous rear garden. Formed in an L-shape the houses form a harmonious arrangement to each other allowing them to be connected within the site but still providing adequate privacy. Sitting back in the site, following the building line of the houses to the south, shall also reduce the impact of the houses with the site also sloping downwards towards the western boundary. We strongly refute that the proposed dwellings are suburban in design and appearance.



Figure 14 – Visualisation of one of the 1.5 storey proposed dwellings.

Two outbuildings have been formed to the front of the houses. Similarly to the above in the houses following the build lines of adjacent houses, the outbuildings are located to the front curtilages of the houses similarly to the building pattern seen elsewhere in the area where outbuildings, sheds and the like can be seen forward of the main houses. The two outbuildings will provide storage buildings to the houses and also allow the applicants to work from home within these. The storage/ work from home units are located in the corners of each plot and shall be screened by existing and proposed vegetation. The two outbuildings shall be lower in height of the lower L-shaped part of the house resulting in both outbuildings being subservient to the houses where the houses shall easily be interpreted/ viewed between the two. The outbuildings footprint areas make up less than 4% of the application site area with the houses making up just under 10% leaving over 85% of the site remaining as open space largely consisting of soft landscaping. This clearly shows that the outbuildings will be subservient to the dwellings, compatible within the surrounding landscape/ area along with not dominating the site.



At present all dwellings up to the application site have outbuildings of varying scales, forms and appearances. As is usual within a rural setting there are agricultural style shed buildings sparsely around the countryside, including locally to the building group, resulting in the proposed outbuildings being congruous to the character of the surrounding area. Out with the building group one would not have to travel far to see more of these types of buildings whether or not located in the countryside or adjacent to dwellings where they vary in scales. Furthermore, the proposed outbuildings follow the building pattern of the building group and are no larger than other outbuildings within the building group and beyond most notably the outbuildings to the front of Bath Fore Wood House with the largest measuring 200m² in footprint against the 150m² footprint of the proposed northern outbuilding. It is acknowledged that the case officer only has issue with the northern outbuilding where it is noted that the main concerns would be that it is not subservient to the existing dwellings and incongruous to the area generally. As discussed above the outbuilding is lower in height (2m+) to the lower garage section of the houses and with the position of the houses in relation to the outbuilding would easily be seen to be stepping down conveying a visual subservience. The position of the outbuilding being in the NE corner of the application site shall further express subservience with it being visually separate to the house and sitting behind the garage by some distance with this position being informed by the building pattern of other outbuildings in the building group. The form and materiality then matches other agricultural style shed buildings in the area but to a more domestic scale appropriate in the context of the dwellings and surrounding area. Furthermore, the existing and proposed trees/ vegetation shall provide screening to both outbuildings.



Figure 15 – Photo showing outbuilding to front of Bogside Cottages, as per figure 12 it can also be seen that a garage sits in front of the cottage to the south.



Figure 16 – Outbuildings forward of Bath Fore Wood House



Figures 17 & 18 – Fir Cottage and Bogside Farm to the SW of the building group showing dwellings in the context of an agricultural building, albeit of a larger scale, validating that the proposed development is compatible with other development in the area.

As we have noted in the initial section of this statement, the planning officer confirmed that the northern building, as reduced in footprint and height, would not be harmful to the listed building stating “I am willing to accept that the reduced height means the outbuilding would be unlikely to harm the setting of the listed building.”. As per our proposal plans the dwellings are set back largely within the site where the southern outbuilding is located to the SE corner of the application site adjacent to another outbuilding in the NE corner of Bogside Cottages (northern cottage) resulting in the views towards the B-listed Bath Castle being retained as existing. Saying this however we do not feel that the development proposals will be seen at all in the context of Bath Castle. As per figures 19 & 20 below taken from the SE corner of the site and centre of the site respectively on the road, Bath Castle cannot be seen from these areas, only part of Bath Farm Cottage, due to the existing screening. It is only when you are past the application site that Bath Castle becomes fully visible where you can see the extent of existing vegetation to the south of the property screening it from the application site side (figures 13 & 21). The fact that Bath Castle is not read in the context of the application site as one travels up the road due to the existing vegetation that shall be retained and enhanced/ added to (further screening the development from the B-listed property) will not result in any detrimental impact on the setting of Bath Castle.





Figure 19 – Photo looking north from the SE corner of the application site.



Figure 20 – Photo looking north from the middle of the application site.



Figure 21 – Photo of Bath Castle

Reason for refusal 5

It should firstly be noted that the Natural Heritage officer did not object to the application however simply requested that further details be provided. As is clearly shown our intention is to provide a green network along the southern, western and northern boundaries (amongst other landscaping proposals within the site) which shall connect existing woodland areas which contain the existing building group (as discussed by Fife Council in application 10/02081/PPP). With regard to the previous permission the “FPRB considered that if the western [and northern?] boundary of the site was formed using a tree belt then the woodland setting of the two groupings to the north and south would be linked. This tree belt would link the grouping of three and grouping of 2 houses and then the site would be within a defined cluster of more than 5 houses. The FPRB considered this to be in compliance with the terms of policy E16 part (c) (now policy 8 under the current LDP). Crucial to this assessment was the depth and quality of the tree planting to ensure that the trees provided both a strong boundary and an opportunity for biodiversity and additional natural habitat in the area. The Council is keen to see the development of wildlife corridors wherever possible and the potential exist here to link the woodland areas around the existing houses and the wider woodland to the north east. It was therefore considered that the development would comply with the emerging policy and



that as this was a significant material consideration it was sufficient to allow the terms of the Development Plan to be set aside.”.

As noted above we shall be preparing a full landscape design relating to the proposed tree and hedgerow planting along with the addition of bird and bat boxes where appropriate which would be prepared alongside an arboricultural consultant where appropriate species (guided by the extant species mix of the woodland and other parts of the building group), management, etc. would be put forward. Similarly to the previous permission we would happily accept a condition to any permission granted to prepare such a landscape design to the full satisfaction of Fife Council. A full landscape design was required as a condition to the previous planning permission, 10/02081/PPP, on the site and is stated below.

“A tree planting strip within and abutting the western boundary of the site and returning along the northern boundary outwith the domestic gardens of each house. The scheme shall include the full details of the numbers, species and height at time of planting of all trees and other plants. A long term maintenance scheme for the tree planting shall be included. The tree planting shall be designed in a way that promotes biodiversity and ensures the provision of a wildlife corridor linking with other woodland planting in the area.”



Figure 22 – Existing aerial to left with annotated aerial to right showing the existing nature network outlined in green and the proposed nature network in red that will link four woodland areas by following the existing watercourse.

Policy 3, Part A of NPF4 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Furthermore, Part C states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Policy 13 of the adopted FIFEplan 2017 state that development proposals will only be supported where they protect or enhance natural heritage and access assets including (but not limited to) woodlands, trees and hedgerows that have a landscape, amenity or natural conservation value and landscape character and views. Furthermore, Policy 13 stated that development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets.

As outlined above, NPF4 requires all development proposals to contribute to an overall biodiversity enhancement of the site. As part of the overall development proposals we are looking to achieve a large net biodiversity gain which we feel carries significant weight in terms of the acceptability of the application. To maximise biodiversity, native species of local or Scottish origin trees shall be specified for landscaping. Also used shall be native species-rich hedgerows along with integrated bat roost boxes and integrated bird boxes. We shall look to focus on creating a nature network to the west of the site (following the watercourse) and north, linking to and strengthening habitat connectivity within and beyond the development. Further to this we shall look to enhance the remainder of the open site with planting to the southern boundary as well as the boundary to the east which is based on an understanding of the existing characteristics of the site and its local, ecological context following landscape characteristics of the dwellings either side of the application site.

No existing trees or biodiversity/ habitat on the site shall be affected by the proposals. Overall we shall deliver hugely positive effects from the development in terms of biodiversity and create/ strengthen nature networks.



With the above and the application submission documents and information the following conclusions can be made;

-The principal of development is in compliance with policy and the aims/ objectives of NPF4 along with FIFEplan where the proposal is situated within a building group as validated by AMA, a former consented planning application and the Natural Heritage officer at Fife Council. To this we are explicitly in line with policy 8 of FIFEplan as a site within an established and clearly defined cluster of five houses or more. Our proposal delivers high quality and sustainable rural homes in the right location in line with NPF4. As per the main outcomes required by NPF4 the development proposals shall increase the population of a rural area in Scotland with dwellings that are designed with later living and disability in mind that shall improve the health and wellbeing of the occupants, along with utilising high levels of insulation and renewable technologies. The proposal shall also have a hugely positive effect on biodiversity.

-The additional two houses, which shall utilise an existing junction used by the rest of the houses in the building group and along the existing access road, shall not result in a major increase in traffic and considering the previous justification for the former consented application on the application site and consented permission for Bath Fore Wood House it should be agreed to set aside the concerns raised by Fife Council's Transportation Development Management Team. Furthermore, these minor concerns should not hinder the delivery of rural homes in line with planning policy that shall deliver a large net gain in terms of biodiversity.

-The proposals are informed by the existing building pattern, forms and layout of the building group and surrounding area where the proposed houses are to be 1.5 storey high utilising materials seen elsewhere in the building group and surrounding area. The proposals are rural in nature and appearance and are congruous to the overall countryside setting resulting in no detrimental impact to the countryside setting.

-The B-listed property is not read in the context of the application site due to existing screening. The location of the proposed built form and existing/ proposed screening shall result in no impact on the setting of Bath Castle.

-The Natural Heritage officer did not object to the proposals in terms of biodiversity and natural environment. As is evident in our proposals the application offers proposals that shall largely enhance existing biodiversity and landscape attributes on the application site resulting in new network corridors linking several woodland areas along with new habitat for wildlife. As noted, we shall be preparing a detailed landscape plan with an arboricultural consultant which will be provided to the full satisfaction of Fife Council.



Taking into account all of the above, we respectfully ask councillors to overturn the case officers decision and grant planning permission.



Appendix A – Maps showing that the building group has remained same since before the 2010 approval (first image below (2004)) to today (second image below (2024))



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

Planning Services

Emma Baxter

development.central@fife.gov.uk

Your Ref:

Our Ref: 23/03279/FULL

Date 1st April 2024

Dear Sir/Madam

Application No: 23/03279/FULL
Proposal: Erection of two dwellinghouses and outbuildings with associated infrastructure
Address: Bogside Farm Bogside Blairhall Alloa 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 or local review procedure should you wish to follow that course.

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

Yours faithfully,

Emma Baxter, Graduate Planner, Development Management

Enc



DECISION NOTICE FULL PLANNING PERMISSION

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

Application No: 23/03279/FULL
Proposal: **Erection of two dwellinghouses and outbuildings with associated infrastructure**
Address: **Bogside Farm Bogside Blairhall Alloa Fife**

The plans and any other submissions which form part of this Decision notice are as shown as 'Refused' for application reference 23/03279/FULL on Fife Council's Planning Applications Online

REFUSE FOR THE FOLLOWING REASON(S):

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policies 16 and 17 of NPF4 and Policies 1, 7 and 8 of the Adopted FIFEplan (2017).
2. In the interests of road safety; the development would result in the intensification of use of an existing access on an unrestricted distributor road outwith established built-up areas and with substandard visibility splays, to the detriment of road safety. As such, the development is contrary to Policy 13 of NPF4 and Policy 1 and 3 of the adopted FIFEplan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards in this regard.
3. In the interests of visual amenity; the proposed development due to its suburban design and appearance would appear incongruous in its rural setting to the detriment of the landscape character and views of the area and having a significant detrimental impact on the visual amenity of the area generally. As such, the proposal would be contrary to Policy 14 and 17 of NPF4 and Policies 1, 8 and 10 of the Adopted FIFEplan Local Development Plan (2017).
4. In the interest of protecting the setting of the listed building; the proposed development by virtue of its close proximity and built form would have an adverse impact on the setting of the listed building to the north. As such, the proposal would be contrary to Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017).
5. In the interests of natural heritage/biodiversity; insufficient information has been submitted to demonstrate that the proposed development would conserve, restore and enhance the biodiversity of the site. The proposal is therefore considered contrary to Policy 3 of NPF4 and Policies 1 and 13 of the adopted FIFEplan (2017).

Dated: 1st April 2024

Derek Simpson

For Head of Planning Services

PLANS

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

Reference	Plan Description
01	Location Plan
02	Site Plan
03	Aerial Photos
04	Topographic Site Plan
05A	Site Plan
06A	Site Plan
07A	Proposed various - elevation, floor etc
08A	Proposed various - elevation, floor etc
09A	Proposed various - elevation, floor etc
18A	Design and/or Access Statement
19	Low Carbon Sustainability Checklist
20A	Sustainable Drainage Certificates
21	Statement
22	Drainage Plan
23	Drainage Details
24	Calculations

Dated:1st April 2024

Derek Simpson

For Head of Planning Services

IMPORTANT NOTES ABOUT THIS DECISION

LOCAL REVIEW

If you are not satisfied with this decision by the Council you may request a review of the decision by the Council's Local Review Body. The local review should be made in accordance with section 43A of the Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc (Scotland) Act 2006 by notice sent within three months of the date specified on this notice. Please note that this date cannot be extended. The appropriate forms can be found following the links at www.fife.gov.uk/planning. Completed forms should be sent to:

**Fife Council, Committee Services, Corporate Services Directorate
Fife House
North Street
Glenrothes, Fife
KY7 5LT**

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

LAND NOT CAPABLE OF BENEFICIAL USE

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

REPORT OF HANDLING

APPLICATION DETAILS

ADDRESS	Bogside Farm, Bogside, Blairhall		
PROPOSAL	Erection of two dwellinghouses and outbuildings with associated infrastructure		
DATE VALID	10/01/2024	PUBLICITY EXPIRY DATE	15/02/2024
CASE OFFICER	Emma Baxter	SITE VISIT	None
WARD	West Fife And Coastal Villages	REPORT DATE	29/03/2024

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.

National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the adopted NPF4 and the adopted FIFEplan LDP 2017.

1.0 Background

1.1 Description

1.1.1. The application relates to an area of agricultural land (approximately 6,100m²) situated within the countryside as defined by the Adopted FIFEplan. The site is located approximately 3km northwest of the settlement boundary of Blairhall and 5km southwest of the settlement boundary of Saline. The site is accessed from a private road which runs along the eastern boundary, leading from the A907. To the north of the site is three residential properties, including the B-listed West Bath House. Devilla Quarry is also further to the north. To the south of the site is a further three dwellings and to the west is agricultural land.

1.2 The Proposal

1.2.2. This application seeks planning permission for the erection of two dwellinghouses, outbuildings and associated works. The two proposed dwellinghouses would each have a footprint of approximately 220m², as well as 52m² garages linking via a car port and outbuildings. The properties would be finished in a white render with stone basecourse, slate roofs and grey aluminium windows and doors.

1.3 Planning History

1.3.1. The relevant planning history for the site and surrounding area is as follows:

Planning permission in principle for erection of two dwellinghouses with associated vehicular access and landscaping (10/02081/PPP) was refused September 2010. This decision was overturned & the application approved by the Fife Planning Review Body in April 2011.

Erection of two dwellinghouses and change of use from agricultural land to form domestic curtilages (14/00571/FULL) was withdrawn May 2014

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, and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. 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
- Site photos

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 on the Countryside & Setting of Listed Building
- Residential Amenity
- Road Safety / Transportation
- Natural Heritage/Biodiversity
- Land Stability
- Drainage / Flooding
- Low Carbon

2.2 Principle of Development

2.2.1. Policy 9 of NPF4 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Moreover, Policy 16(f) of NPF4 states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

the proposal is supported by an agreed timescale for build-out; and

the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20minute neighbourhoods; and amongst other criteria

the proposal is consistent with policy on rural homes.

2.2.2. Policy 15 states that development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;

- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity

Moreover, Policy 17a applies and states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

is on a site allocated for housing within the LDP;

reuses brownfield land where a return to a natural state has not or will not happen without intervention;

reuses a redundant or unused building;

is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;

is for a single home for the retirement succession of a viable farm holding;

is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or

reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.3. It is acknowledged that consent was previously granted in principle for the erection of two dwellinghouses on the site. This consent was granted under a different legislative and policy framework and has since lapsed and therefore carries no significant weight in the consideration and assessment of this application.

2.2.4. As outlined above, the nearest settlement to the application site is Blairhall at approximately 3km away via the A907. This is also where the nearest bus stop is located. Given the proximity of the site to the nearest settlement it would not be possible to access general amenities via sustainable transport or in line with the 20 minute neighbour policy as set out within NPF4 policy 15. As such, the proposal would be considered to fail to comply with Policy 15 and 16(f)(ii) of NPF4. The proposed development would also fail to satisfy any of the justification criteria listed within Policy 17 as noted above. The proposal is therefore also considered to be contrary to Policy 17 & 9 of NPF4.

2.2.5. While the proposal is not considered to be supported in terms of the broad policy position set out in Policies 9, 15, 16 and 17 of the NPF4. The Chief Planner's letter confirms that NPF4 needs to be assessed in the round and in full context of the Adopted Development Plan. The Adopted Development Plan includes the Adopted FIFEplan which provides more detailed policy context in relation to the assessment of this development. Policy 7 of the Adopted FIFEplan LDP relates to development in the countryside and Policy 8 more specifically relates to new housing in the countryside.

2.2.6. Policy 1 of the Adopted FIFEplan (2017) sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that developments in the countryside will only be supported where, among other circumstances, it is for housing in line with Policy 8. Policy 8 sets out that houses in the countryside will only be supported where

1. It is essential to support an existing rural business
2. It is for a site within an established and clearly defined cluster of five houses or more
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes)
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes)
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes) or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 below

2.2.7. In all cases, developments must be:

Of a scale and nature compatible with surrounding uses;

Well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and

Located and designed to protect the overall landscape and environmental quality of the area.

2.2.8. The applicant has submitted a supporting statement with this application which argues that the proposed development would constitute justified development within the countryside under Criterion 2 of FIFEplan Policy 8 "It is for a site within an established and clearly defined cluster of five houses or more." Policy 8 states that specific housing groups that would make up a cluster are not identified in the Local Development Plan; however, a housing cluster should be made up of a clearly defined grouping of 5 or more houses (up to a maximum of 24). The buildings will be located in very close proximity to one another and outwith the settlement boundaries identified in this Plan. The cluster should be contained by a well-established boundary, such as roads, trees or other landscaping features, and should be visually connected through the form or the pattern of development. Furthermore, Policy 8 states for housing proposed in a cluster to be acceptable, it must address the following requirements:

- It will require to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping. Housing proposed clearly outwith or on the edge of the group will not be permitted.
- The new houses should not result in ribbon development (that is, building houses alongside a transport route) or coalescence (joining up) of the group with a nearby settlement/another housing cluster.

2.2.9. There are 6 houses within an approximate 150 metre radius of the development site. 8 and 9 Bogside Cottages are two single storey semi-detached dwellings situated immediately to the south of the site, followed by 1.5 storey Bath Fore Wood House further to the south. To the north of the site is the B-listed Bath Castle and Bath Farm Cottage which are two and 1.5 storeys respectively. Further to the north is Bathmill house, a 1.5 storey horseshoe shaped property. There is also a further three dwellinghouses further south, approximately 70 meters from Bath Fore Wood House beyond a woodland area. Whilst the application site is in relatively close proximity to the dwellinghouses to the north and south and would follow the building line of said houses, it is considered that the proposal would not satisfy the requirements as set down in paragraph 8. It is considered that the properties to the north of the site are entirely separate from the dwellings to the south. These two groups of houses are not "contained by a well-established boundary, such as roads, trees or other landscaping features" as required per paragraph 7 of Policy 8 and therefore the proposed development would not be located within an existing cluster of dwellinghouses, as defined by the Development Plan policy. Rather, the proposed development would contribute towards the coalescence of the two separate groups of houses, which is explicitly advised against within Policy 8. The proposal therefore does not satisfy Criterion 2.

2.2.10. In light of above, the principle of proposed development does not meet the terms of any of the criteria listed above and therefore is considered contrary to Policies 9, 16 & 17 of NPF4 and Policies 1, 7 and 8 of the adopted FIFEplan (2017). The proposal would therefore result in unjustified residential development within the countryside and is therefore not supported.

2.3 Design / Visual Impact on the Countryside & Setting of Listed Building

2.3.1. Policy 14 of NPF4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Furthermore, Policy 17(a) states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area. Policy 7 of NPF4 advises that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

2.3.2. Policies 1 and 10 of the adopted FIFEplan (2017) states that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Furthermore, Policy 8 states that developments must be designed to protect the overall landscape and environmental quality of the area. Policy 14 states that proposals will not be supported where it is considered they will harm or damage listed buildings or their setting.

2.3.3. Letters of representation received for this application concern with the visual impact of the proposed development. In particular the size of northern outbuilding and the development's impact on the setting of a listed building were raised.

2.3.4. As outlined in paragraph 1.2.2. above, the two dwellinghouses would be two storeys in height (9 meters), each having a footprint of approximately 220m², as well as 52m² garages linking via a car port. The properties would be finished in a white render with stone basecourse, slate roofs and grey aluminium windows and doors. The two proposed outbuildings would be finished in grey metal cladding with pitched roofs and roller shutters. The southern outbuilding would be 4.2 meters high with a footprint of 80m². Furthermore, the existing post and wire fence to the west of the site shall be retained, as well as the erection of 1-meter-high timber fencing to the front of the dwellings and 1.8-meter-high fencing to the rear dividing the garden area. Hedge planting along the north, south and west boundaries is also proposed. It is acknowledged that the proposed dwellinghouses would be set reasonably far back from the road which would aid in reducing the impact of their large scale. Notwithstanding this, it is nonetheless considered that the proposal, principally through its tall two storey nature combined with the use of non-traditional finishing materials, imparts an incongruous character to the development within what is a rural setting. Overall, it is considered that the development proposals would be to the detriment of landscape character and views, failing to safeguard the character and qualities of the landscape, and having a significant detrimental impact on the visual amenity of the area generally. The northern outbuilding however was originally proposed to have a footprint of 282m² and a height 6.4 metres. Concerns were raised with the applicant with regard to the scale and massing of the proposed northern outbuilding which would appear industrial in nature and thereby incongruous to the countryside and residential surroundings. Moreover, the proposed northern outbuilding was considered to fail to protect the setting of the B-listed building. In light of the concerns raised, the proposed northern outbuilding has been amended and would now be 4.2 meters in height (the same as the southern outbuilding) with a footprint of 157m². It is acknowledged that the proposed reduction in the height of the northern outbuilding is an improvement. Notwithstanding this, with a footprint just shy of double that of the southern outbuilding, it is still considered that the proposed northern outbuilding (due to its large footprint & proposed finish) would appear industrial in nature thereby failing to read as a subservient domestic outbuilding. The outbuilding would be incongruous to its surroundings. It is therefore considered that the proposed development would also fail to comply with NPF4 Policy 14 and 17 and FIFEplan Policies 1, 8 and 10.

2.3.5. Moreover, it is considered that the proposed development would be harmful to the setting of the listed Bath Castle to the north. The setting of this listed building is characterised by its elevated position surrounded by open farmland, particularly when viewed from the south. The

proposed development would result in the loss of the open agricultural setting which is a key part of its character. It is therefore considered that the proposed development would also fail to comply with NPF4 Policy 7 and FIFEplan Policies 1 and 14.

2.3.6. In light of the above, the proposed development would result in a significant detrimental impact in terms of visual amenity and would harm the setting of a listed building. The proposal is therefore considered contrary to Policy 7, 14 & 17 of NPF4 and Policy 1, 8, 10 and 14 of FIFEplan (2017) and thus not supported.

2.4. Road Safety / Transportation

2.4.1. Policy 13 of NPF 4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;
- Integrate transport modes;
- Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- Adequately mitigate any impact on local public access routes

2.4.2. Policies 1 and 3 of the adopted FIFEplan 2017 state that development will only be supported where it has no road safety impacts. Making Fife's Places Transportation Development Guidelines (2018) also apply.

2.4.3. Fife Council's Transportation Development Management team were consulted on this application and advised that there is a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. The above policy can be relaxed if a proposed rural development has agricultural justification; promotes tourism or saves a building deemed worthy of retention by Planning Services. This relaxation is only possible when either the junction of the access to the site and the public road has

acceptable visibility splays or if the proposals include acceptable improvements being undertaken to existing sub-standard visibility splays. According to the current Fife Council Transportation Development Guidelines (TDG), visibility splays of 3m x 210m must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the quarry access and the A907 public road. Forward visibility of 210 metres must be available for drivers of vehicles turning right into the site from the public road. Additionally, other drivers travelling westbound on the A907 should have 210 metre forward visibility of any stationary vehicle waiting to turn right into the access from the public road. During a site visit, the visibility splays currently available at the junction of the quarry access with the public road were assessed. It was noted that an approximate oncoming visibility splay of 3m x 100m was available to the sharp left hand bend at the old railway bridge. There is no way to improve visibility in a westerly direction. A splay of approximately 3m x 170m is available in the other direction (east) and again there is no measures that could be undertaken to improve this splay further within land in the applicant's control. Forward visibility for right turning drivers into the access from the A907 is approximately 100 metres and this cannot be improved, due to the geometry of the public road. Forward visibility of stationary right turning vehicles for other westbound drivers on the A907 would be approximately 175 metres. In light of the above, TDM have concluded that the proposal would be unacceptable as it will result in an increase in vehicle turning manoeuvres at a junction with sub-standard visibility splays which is located on an unrestricted road outwith the established built-up area, all to the detriment of road safety. TDM have therefore recommended the application for refusal.

2.4.4. It is acknowledged that an additional two dwellinghouses is unlikely to result in a major increase in traffic. However, given the unacceptability of the proposal as outlined above within this report, it is considered that there is no reason to accept the intensification of use of an existing access on an unrestricted distributor road outwith established built-up areas and with substandard visibility splays.

2.4.5. In light of the above, it is considered that the proposed development would result in a significant detrimental impact on the existing levels of road safety and as such would not comply with Policy 13 of NPF4, Policies 1 and 3 of the Adopted FIFEplan 2017 and Fife Council Transportation Development Guidelines.

2.5. Natural Heritage/Biodiversity

2.5.1. Policy 3 of NPF4 advised that

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

(c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard

the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

2.5.2. Policies 1 and 13 of the adopted FIFEplan 2017 state that development proposals will only be supported where they protect or enhance natural heritage and access assets including (but not limited to) woodlands, trees and hedgerows that have a landscape, amenity or natural conservation value and landscape character and views. Furthermore, Policy 13 stated that development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets.

2.5.3. Letters of representation received raised concern with the impact the proposed development would have on the wildlife and biodiversity of the site and surrounding area.

2.5.4. The design statement submitted as part of the application submission outlines that the proposal is looking to achieve a large biodiversity net gain. The statement continues "to maximise biodiversity, native species of local or Scottish origin shall be specified for landscaping. Also used shall be native species rich hedgerows, trees, integrated bat roost boxes and integrated bird boxes." Moreover, the proposal "shall look to focus on creating a nature network to the west of the site (following the watercourse) linking to and strengthening habitat connectivity within and beyond the development. Further to this we shall look to enhance the remainder of the open site with planting to the north and south boundaries as well as the boundary to the east which is based on an understanding of the existing characteristics of the site and its local, ecological context following landscape characteristics of the dwellings either side of the application site". Fife Council's Natural Heritage Officer was consulted on this application and noted that an ecological study was not deemed necessary in this instance. However, further information through the submission of full landscaping design relating to the proposed trees and hedgerow planting as proposed was requested in order to ensure species choice, management etc were appropriate. Whilst the proposed measures outlined above are positive, it is considered that the level of information submitted is insufficient to demonstrate a biodiversity enhancement of this greenfield site. The applicant has advised that landscaping proposals "shall be delivered with an arboricultural consultation where we shall form a comprehensive planting and landscaping proposal plan via suspensive condition." Demonstrating biodiversity enhancement is an explicit requirement of the relevant policies of NPF4 and FIFEplan as set out above. Compliance with these policies therefore must be demonstrated as part of the submission of any planning application and this has not been done.

2.5.5. In light of the above, it is considered that insufficient information has been provided to demonstrate that the proposed development would conserve, restore and enhance the site in terms of biodiversity or protect/enhance the natural heritage assets of the site. The application is therefore considered contrary to Policy 3 of NPF4 and Policies 1 & 13 of FIFEPlan and is therefore not supported.

2.6. Residential Amenity

2.6.1. Policies 1 and 10 of the adopted FIFEplan (2017) state that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. Fife Council Planning Customer Guidelines on Minimum Distance Between Window Openings, and Daylight and Sunlight (2018) also apply.

2.6.2. In terms of the relationship between the proposed development and existing neighbouring properties, all windows would be at least 18 meters apart. Moreover, given the position of the proposed windows and the proposed boundary treatments, it is considered no significant detrimental impact would arise with regard to privacy nor daylight of the existing surrounding properties. Furthermore, whilst the site is situated south of Bath Farm Cottage and Bath Castle, due to the topography of the area and the southern downwards slope, it is considered that the proposed development would have no significant detrimental impact on the sunlight levels received by the properties to the north.

2.6.3. In terms of the amenity of the two dwellings in relation to each other, given that the elevations which would be only 5 metres apart do not contain any windows, there are no concerns in terms of daylight or privacy. Moreover, in terms of the proposed balconies, given that these would be secondary amenity area, there are no concerns with regard to privacy.

2.6.4. Fife Council's Planning Customer Guideline on Garden Ground advise that all new dwellinghouses should be served by a minimum of 100 square meters of private usable garden space and that a building footprint of 1:3 will be required. In this case, the proposed dwellinghouses would be able to achieve well over the necessary Fife Council guidelines and therefore would be considered acceptable in this regard.

2.6.5. In light of the above, the proposal would comply with the development plan and associated guidance in respect of amenity and therefore is considered acceptable in this regard. This is however not considered to be a determining issue in this instance.

2.7. Land Stability

2.7.1. Policies 1 and 10 of the adopted FIFEplan (2017) states that Development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Furthermore, development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.7.2. The application site is within an Explosives Safeguarding Zone. As such the Health & Safety Executive (Explosives Directorate) was consulted on this application & they advised they had no objections to the proposal subject to the development not constituting a 'vulnerable building'. "Vulnerable building" means a building or structure of vulnerable construction, that is to say—

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;

(b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;

(c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

The proposed development would not constitute a vulnerable building as per HES' definition and therefore would be considered acceptable in terms of land stability. This is however not considered to be a determining issue in this instance.

2.8 Drainage / Flooding

2.8.1. Policy 22 of NPF4 states that development proposals will:

- i. not increase the risk of surface water flooding to others, or itself be at risk.
- ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing bluegreen infrastructure.
- iii. seek to minimise the area of impermeable surface

2.8.2. Policies 1 and 3 of FIFEplan state 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. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Furthermore Policy 12 advises 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.

2.8.3. In this instance, it is proposed to soakaways to attenuate surface water within the site. These would be located to the west of each dwellinghouse and south of the northern outbuilding and north-west of the southern outbuilding. The site is not situated within a high flood risk area and Scottish Water have been consulted on this application and raised no objections. Moreover, the applicant has submitted the necessary SUDS and flood risk details and the relevant compliance certificates.

2.8.4. In light of the above, the proposed development is considered acceptable in terms of the above provisions of policy in relation to flooding and drainage. This is however not considered to be a determining issue in this instance.

2.9. Low Carbon

2.9.1. Policy 1 of NPF4 states that when considering all development proposals, significant weight will be given to the global climate and nature crises. In addition, Policy 2 states that

development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change.

2.9.2. Policy 1 and 11 of Fifeplan 2017 states 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 targets; construction materials come from local or sustainable sources; and water conservation measures are in place. Fife 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.

2.9.3. The applicant has submitted a low carbon sustainability checklist which states that the proposed development will be insulated to a high level and utilise solar technologies and ground or air source heat pumps. in order to meet the standards of Policy 11 with regard to energy performance.

2.9.4. In light of the above, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon. This is however not considered to be a determining issue in this instance.

CONSULTATION RESPONSES

Structural Services - Flooding, Shoreline And Harbours	No response
Transportation And Environmental Services - Operations Team	No response
TDM, Planning Services	Application not supported No objections
Health And Safety Executive	No objections
Scottish Water	No objections
Natural Heritage, Planning Services	Further details requested but no objections

REPRESENTATIONS

One letter of objections was received for this application as well as another which neither formally objected nor supported the application. The below concerns were raised within these representations;

- Design/visual impact - This was addressed in paragraph 2.3.5 above.
- Impact on biodiversity / wildlife - This has been addressed in paragraph 2.5.4. above
- Loss of view - This is not a material planning consideration

- Potential future use of the dwellinghouses as short-term lets - This is not a material planning consideration

- Impact on the water pressure of neighbouring properties - This would be a consideration for Scottish Water should an application be made to connect to the SW network. The application process for a water connection falls within the remit of Scottish Water and the granting of planning permission does not necessarily mean that a connection will be permitted.

A number of concerns were also raised in terms of the potential use of the northern outbuilding as a commercial premises (including noise and additional traffic). The applicant has confirmed that the intended use of the outbuildings would be purely personal/domestic. A condition would also have been recommended on any permission granted restricting the use of said outbuilding were the proposed development considered acceptable.

CONCLUSION

The development is contrary to the provisions of policy and guidance relating to the principle of development, road safety, trees/natural heritage, visual amenity and impact on the setting of a listed building but accords with those provisions relating to residential amenity, flooding/drainage, land stability and low carbon. Overall, it is considered that the proposed development is contrary to the development plan, with no relevant material considerations of sufficient weight to justify departing therefrom. The application is therefore recommended for refusal.

DETAILED RECOMMENDATION

The application be refused for the following reason(s)

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policies 16 and 17 of NPF4 and Policies 1, 7 and 8 of the Adopted FIFEplan (2017).
2. In the interests of road safety; the development would result in the intensification of use of an existing access on an unrestricted distributor road outwith established built-up areas and with substandard visibility splays, to the detriment of road safety. As such, the development is contrary to Policy 13 of NPF4 and Policy 1 and 3 of the adopted FIFEplan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards in this regard.
3. In the interests of visual amenity; the proposed development due to its suburban design and appearance would appear incongruous in its rural setting to the detriment of the landscape character and views of the area and having a significant detrimental impact on the visual

amenity of the area generally. As such, the proposal would be contrary to Policy 14 and 17 of NPF4 and Policies 1, 8 and 10 of the Adopted FIFEplan Local Development Plan (2017).

4. In the interest of protecting the setting of the listed building; the proposed development by virtue of its close proximity and built form would have an adverse impact on the setting of the listed building to the north. As such, the proposal would be contrary to Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017).

5. In the interests of natural heritage/biodiversity; insufficient information has been submitted to demonstrate that the proposed development would conserve, restore and enhance the biodiversity of the site. The proposal is therefore considered contrary to Policy 3 of NPF4 and Policies 1 and 13 of the adopted FIFEplan (2017).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

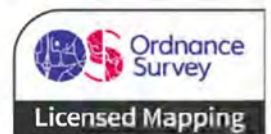
National Planning Framework 4 (2023)

Other Guidance:

Fife Council Customer Guidelines on Garden Ground (2018)

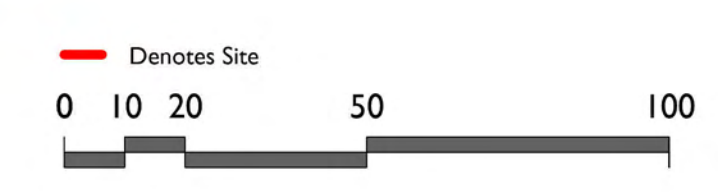


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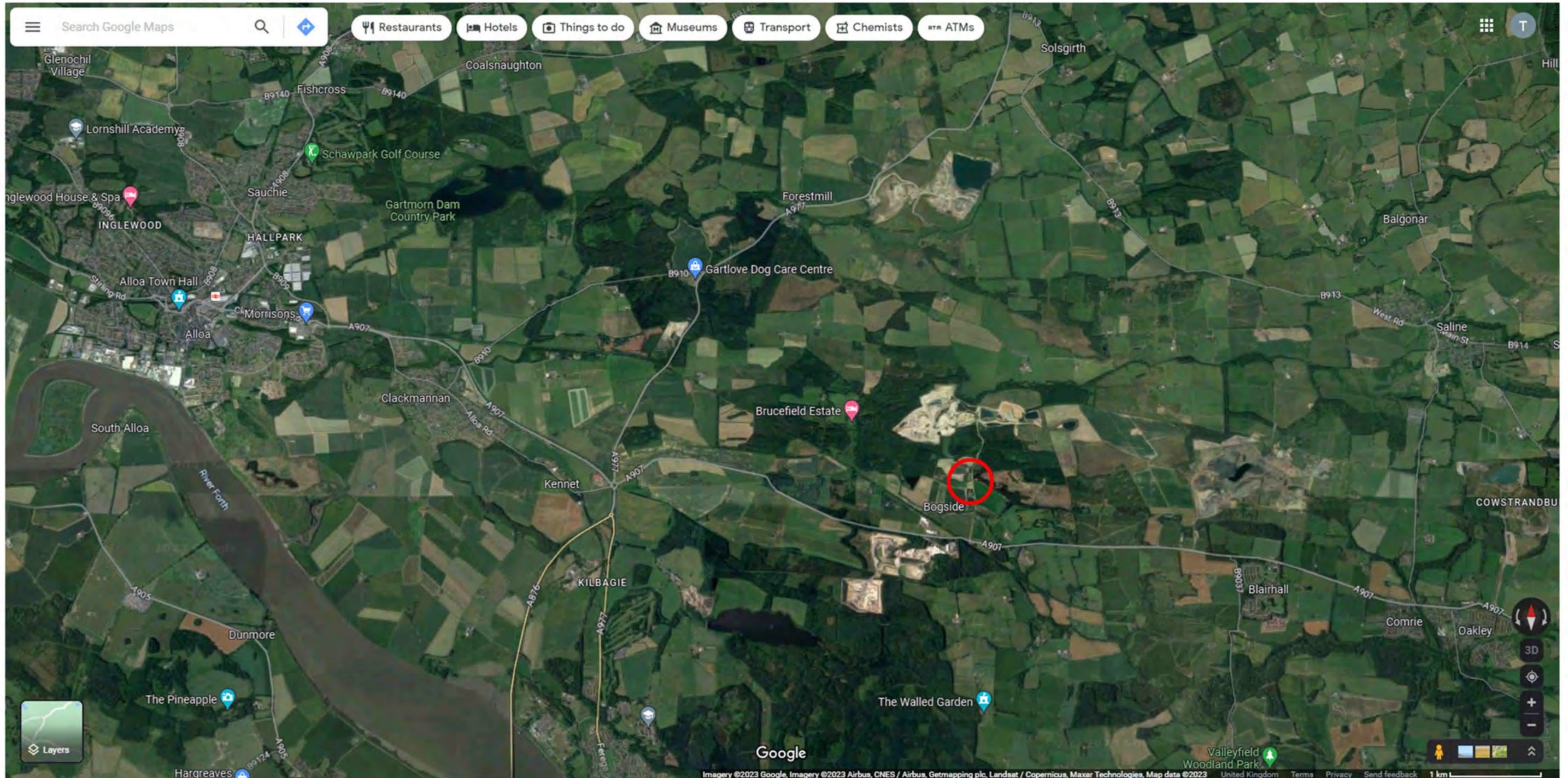


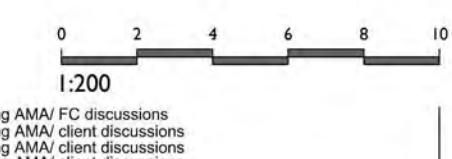
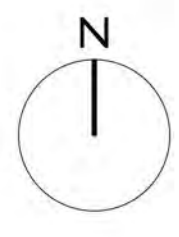


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CLIENT	Mr. McNeice	Andrew Megginson Architecture
PROJECT	Proposed Dwellings and Associated Infrastructure to Bogdale Farm, Bogdale	128 Dundas Street New Town Edinburgh EH4 5DZ
DRAWING	Location Plan	Tel: 0131 557 9129 Email: info@andrewmegginsonarchitecture.com
STATUS	PLANNING	
DATE	14th DEC 23	
SCALE	1:100 @ A0	



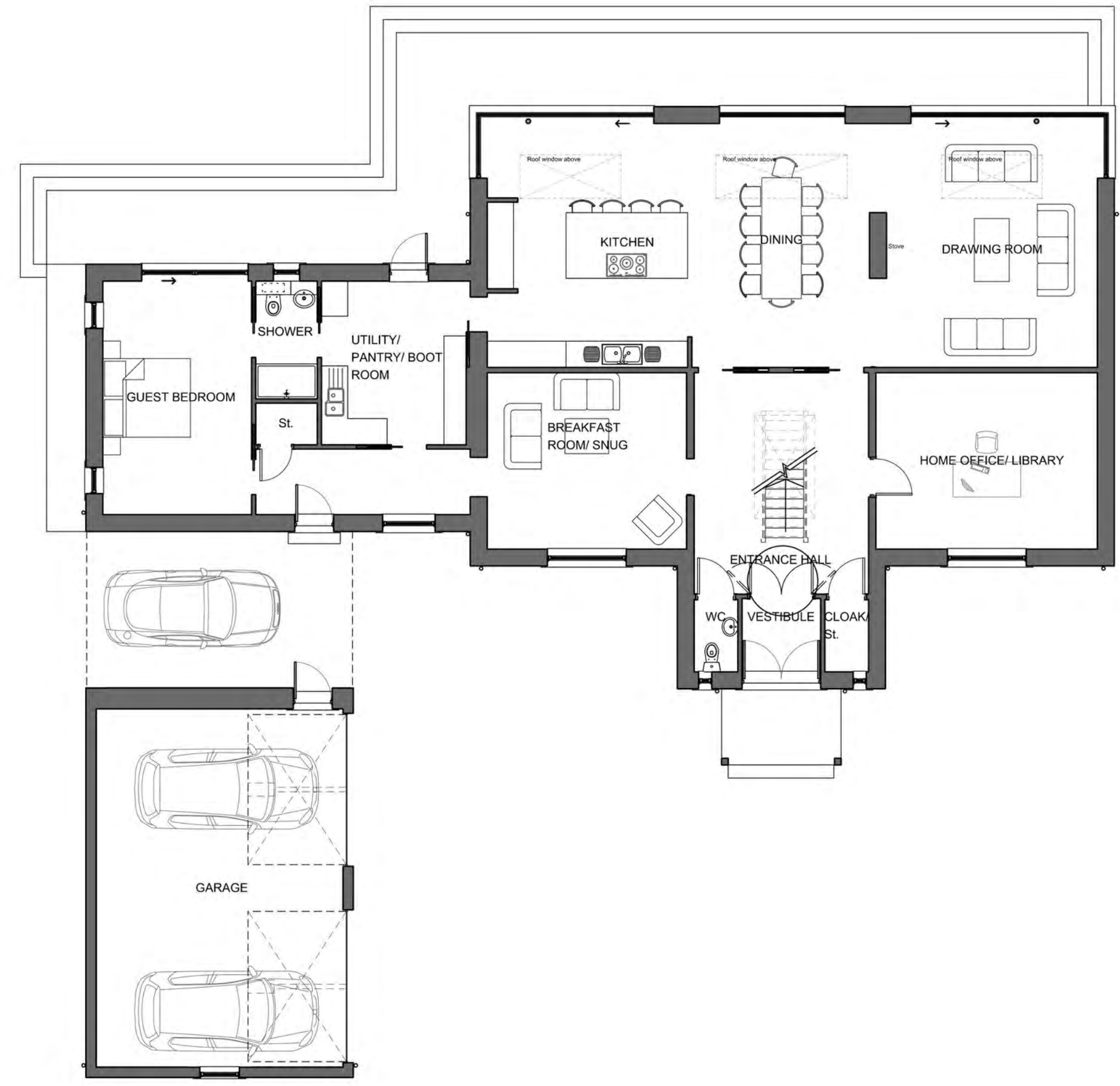


Rev. E	PL	9/20/24	Proposed revised following AMM 12-discussions
Rev. D	PL	8/12/24	Proposed revised following AMM 12-discussions
Rev. C	PL	8/12/24	Proposed revised following AMM 12-discussions
Rev. B	PL	8/12/24	Proposed revised following AMM 12-discussions
Rev. A	PL	8/12/24	Proposed revised following AMM 12-discussions
Rev.			Drawn: [Name]

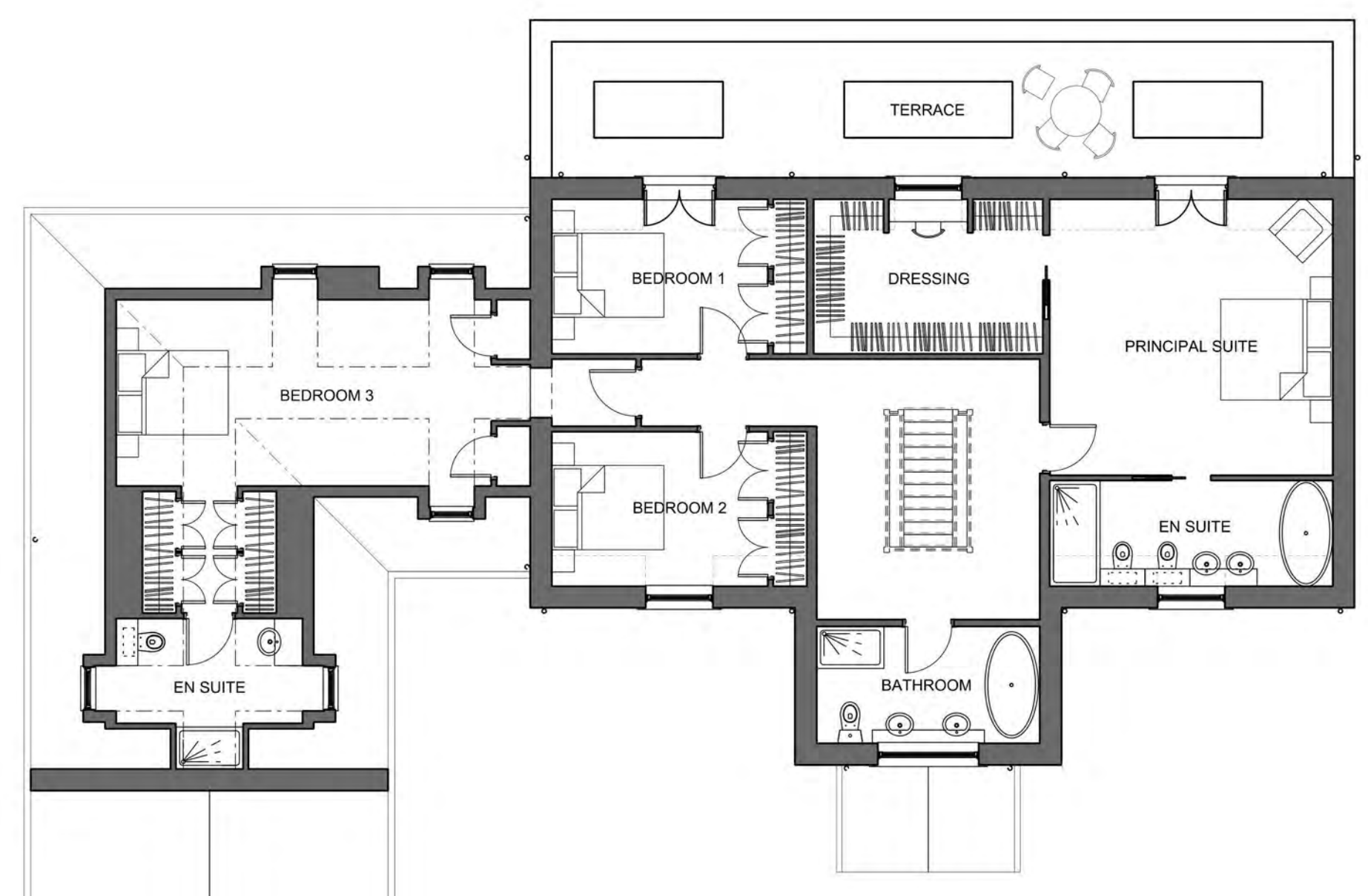
CLIENT	Mr. McNeice	Andrew Megginson Architecture 128 Dundas Street Newburgh Edinburgh EH1 5DQ Tel: 0131 557 9129 Email: info@andrewmegginsonarchitecture.com
PROJECT	Proposed Dwellings and Associated Infrastructure to Bogside Farm, Bogside	
DRAWING	Site Plan with Existing Topographical Survey Overlay	
STATUS	PLANNING	
ISSUE	AM	DATE: MAR 23 10:17:22 PL-02 1472 100 E SCALE: 1:200 @ A0

Denotes application site

Materials
 Basecourse - Stone
 Walls - Render
 Roof - Slate
 Doors/ Windows - Grey aluminium



Ground Floor Plan 1:100



First Floor Plan 1:100



Front Elevation 1:100



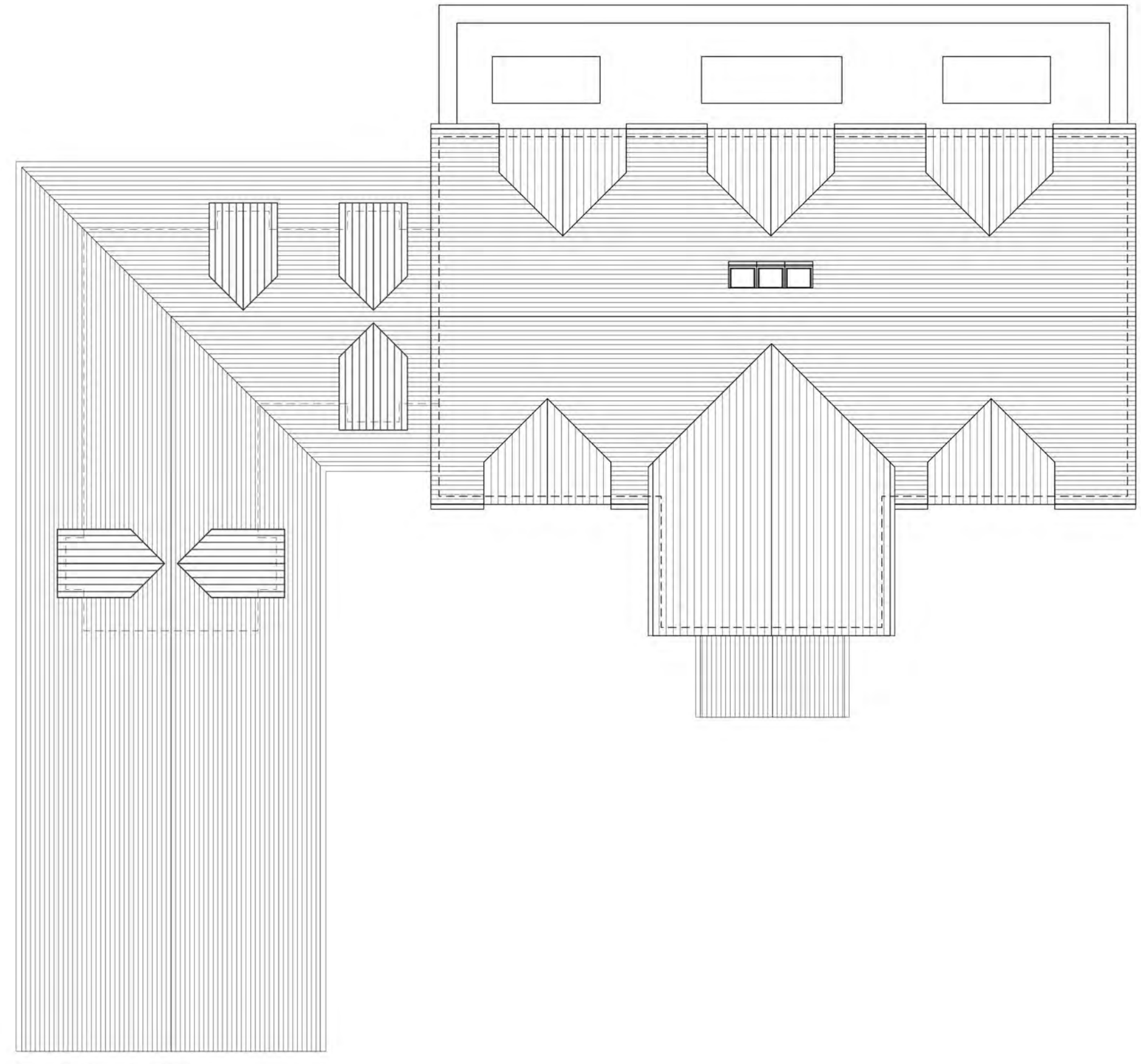
Rear Elevation 1:100



Side Elevation 1:100



Side Elevation 1:100



Roof Plan 1:100

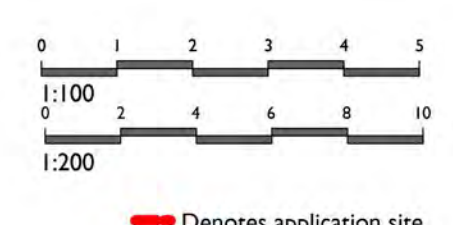


Site Plan 1:200

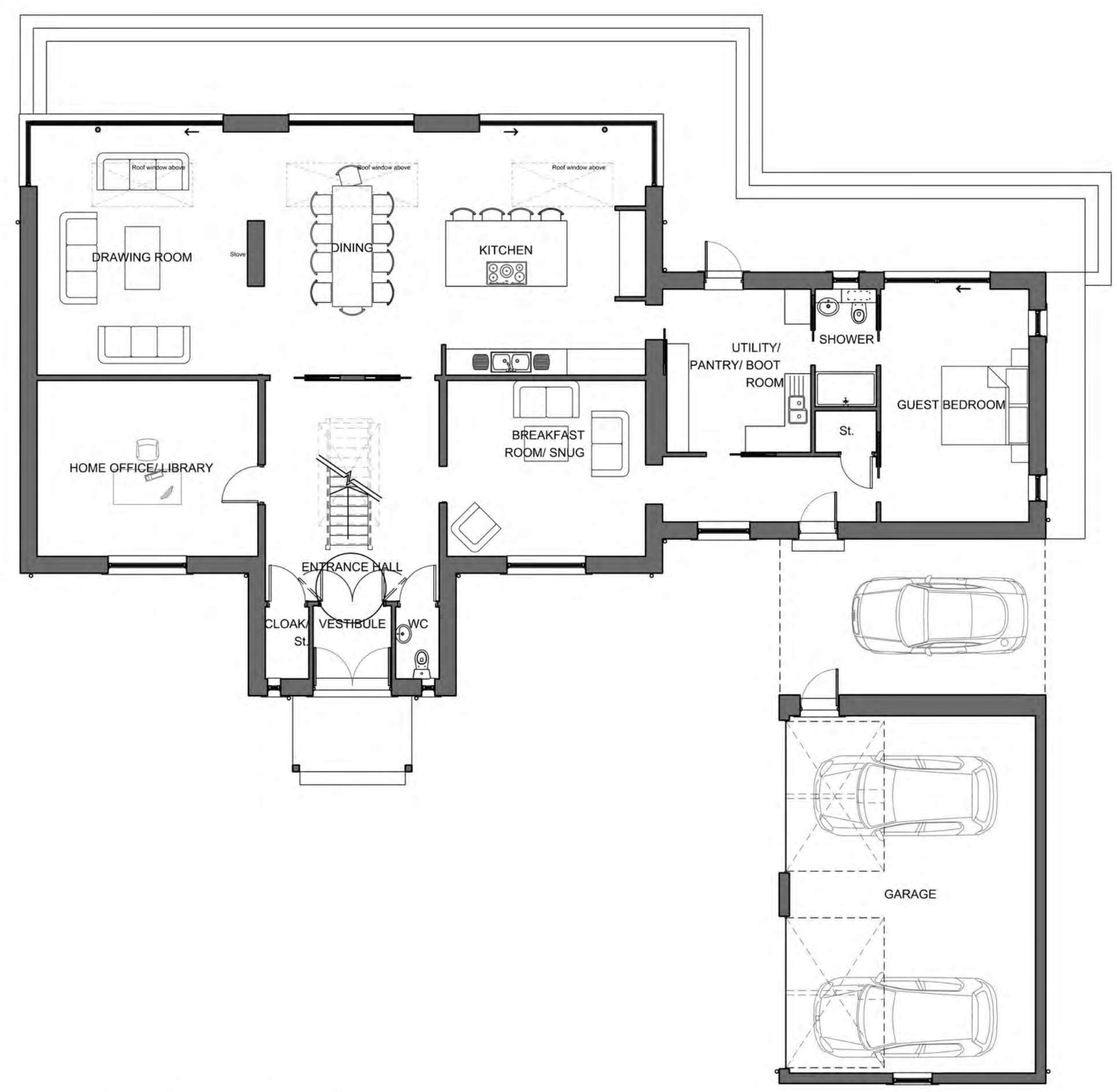
Rev	0	001	002	003	004	005	006	007	008	009	010
Date											
By											
Check											

CLIENT: Mr. McNeice
 PROJECT: Proposed Dwellings and Associated Infrastructure to Bogside Farm, Bogside
 DRAWING: Proposals (Southern Dwelling)
 STATUS: PLANNING
 DRAWN: AM
 DATE: 23 MAR 23
 SCALE: 1:200
 SHEET: 1472-PL-01
 TOTAL: 1472
 REV: G
 DATE: 2009 100 QJ AD

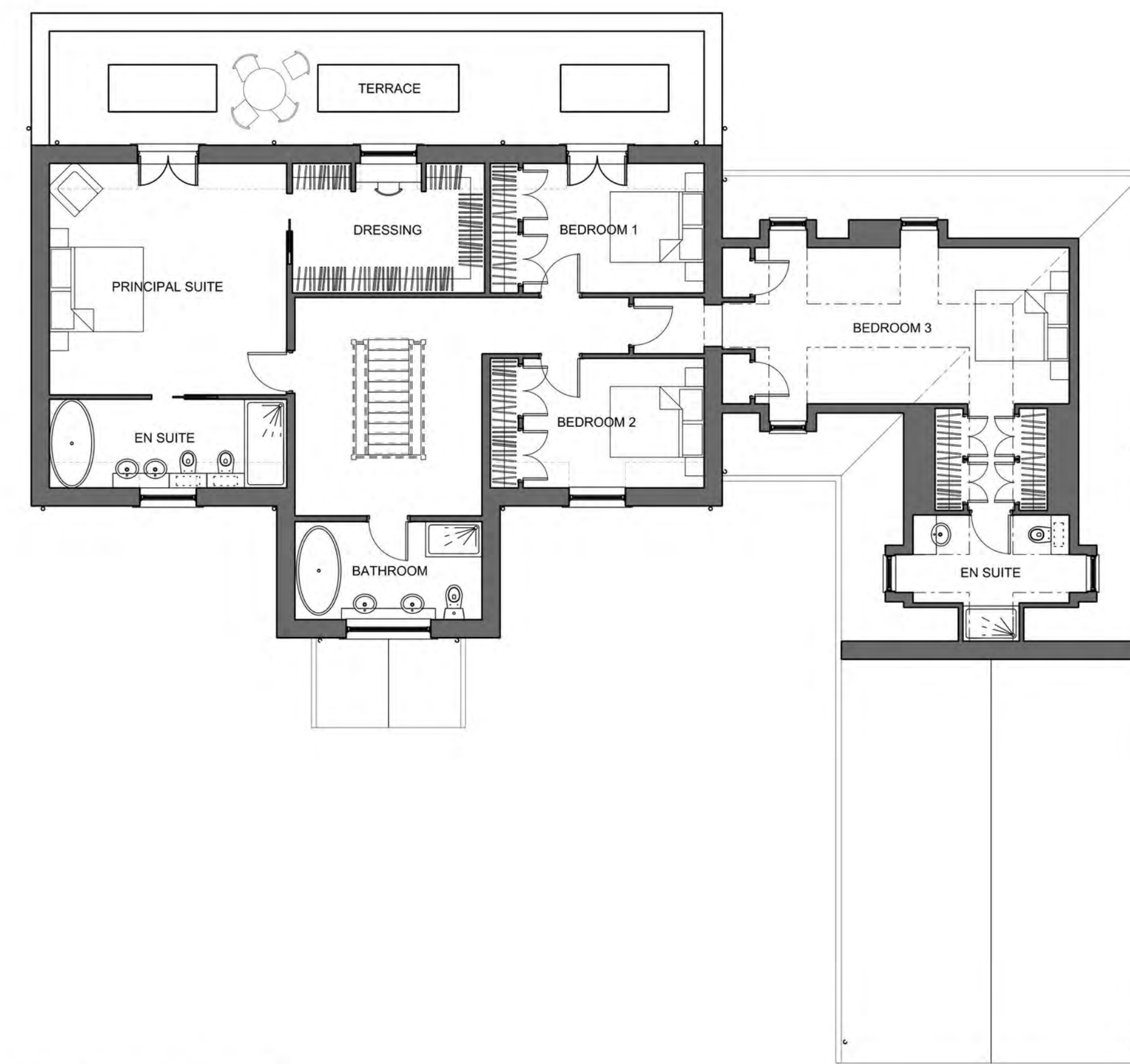
Andrew Megginson Architecture
 128 Dundas Street
 Newry, Tyrone
 EDINBURGH
 EH8 5SQ
 Tel: 0131 557 9129
 Email: info@andrewmegginsonarchitecture.com



Materials
 Basecourse - Stone
 Walls - Render
 Roof - Slate
 Doors/ Windows - Grey aluminium



Ground Floor Plan 1:100



First Floor Plan 1:100



Front Elevation 1:100



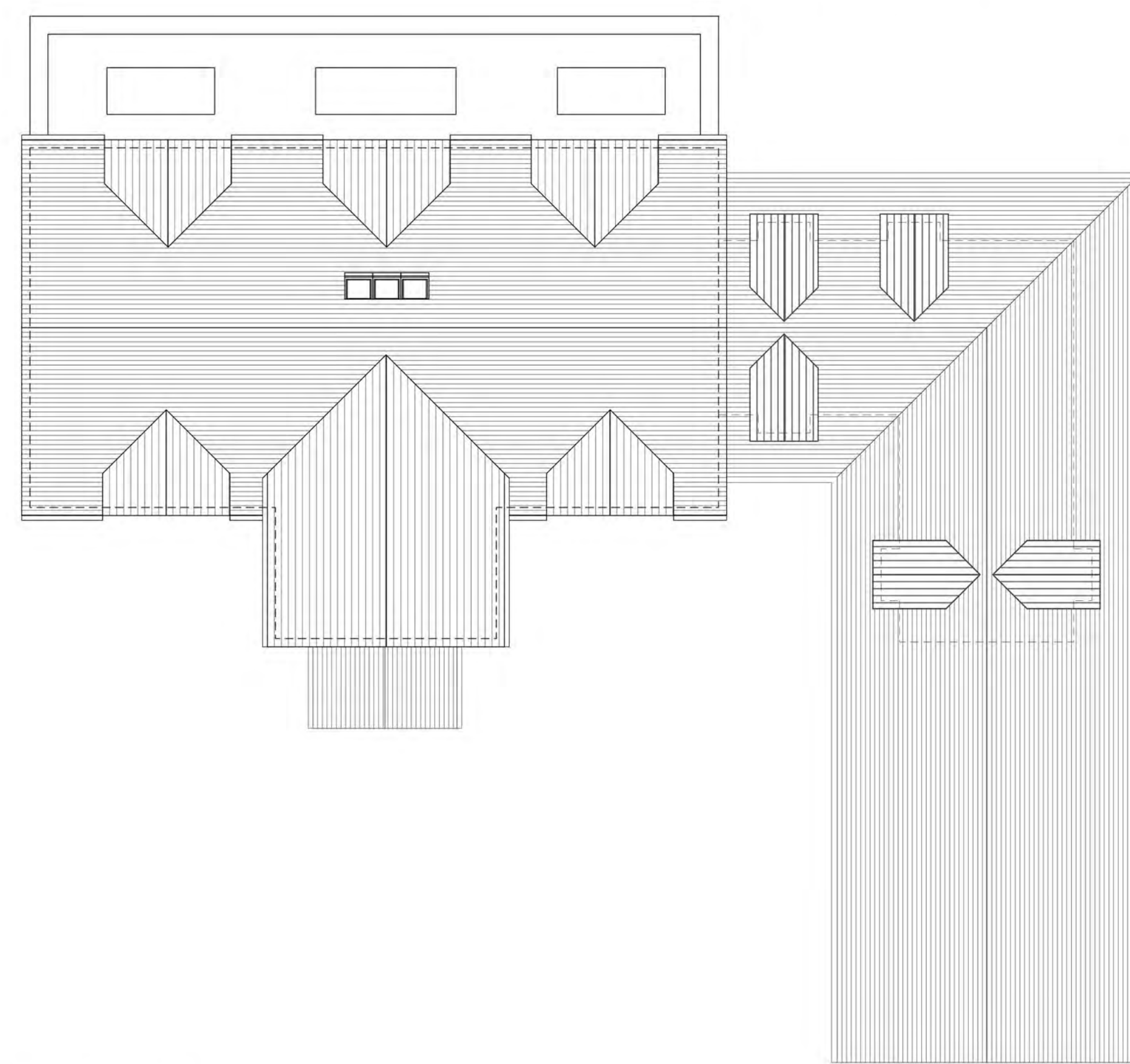
Rear Elevation 1:100



Side Elevation 1:100



Side Elevation 1:100



Roof Plan 1:100

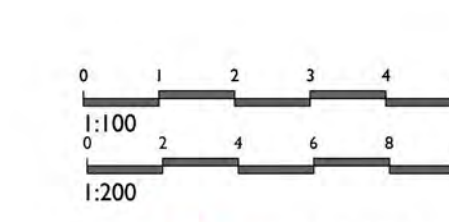


Site Plan 1:200

Rev	By	Date	Description
01	AM	12/12/20	Drawings updated following PC/AMM consultation
02	AM	15/01/21	Drawings updated following PC/AMM consultation
03	AM	15/01/21	Drawings updated following PC/AMM consultation

CLIENT: Mr. McNeice
 PROJECT: Proposed Dwellings and Associated Infrastructure to Bogside Farm, Bogside
 DRAWINGS: Proposals (Northern Dwelling)
 STATUS: PLANNING
 DRAWN: AM
 DATE: 15/01/21
 SCALE: 1:200
 SHEET: 100 of 100

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 www.andrewmegginson.com



Denotes application site

















Design Statement

This Design Statement has been prepared by Andrew Megginson Architecture, on behalf of Mr Ben McNeice, for planning permission for two dwellings for himself and his father on land near Bogside Farm, Alloa.

The principle of two dwellings on the site has previously been approved by Fife Council under application 10/02081/PPP. In this application it was noted that a group of three houses lay to the north on higher ground and that to the south there was a pair of semi-detached cottages facing east to the private road. Beyond the cottages there were other buildings, firstly a workshop set in a large area of ground and then a group of three houses facing south. All the groups of houses and the workshop were set amongst trees. It was then considered that if the western boundary of the site was formed using a tree belt then the woodland setting of the two groupings to the north and south would be linked. This tree belt would link the grouping of three and grouping of two houses and then the site would be within a defined cluster of more than 5 houses. Although road safety issues were initially raised it was later it was considered that the additional traffic generated by two houses would not exacerbate any road safety issues.

The application proposals relate to the construction of two houses on an area of approximately 6,000 sq metres of agricultural land lying on the west side of a private road serving 8 other houses and Devilla Quarry.

The proposals are for two storey and a half type houses to make the best use of the land without sprawling too much over one level. We have designed the houses to take on a contemporary but rural form from the front however at the rear we look to add more modern features to make best use of the sites views to the west. The houses have been positioned relatively deep into the site following the building line of the houses to the south allowing them to take on a grand stance in the site whilst still allowing a generous rear garden. Formed in an L-shape the houses form a harmonious arrangement to each other allowing them to be connected within the site but still providing adequate privacy.

Upon entering the house the sense of grandeur is immediate with the statement staircase. Past the stair to the rear is a stunning open plan living space which is connected through doors which can be fully opened up into the wall or onto the wall to allow full flow between the spaces. The side wing provides a bedroom, utility pantry and shower room along with access out. There is then an informal sitting space and home office off the entrance hall. The living space really opens up to the west with a lot of glazing in the large sliding doors that open up, blurring the interior and exterior.



Garages to the side of the main house allow for flexible usage whilst being connected to the house under shelter via the car port.

Drawn up the beautiful staircase, one is even more impressed with the large landing. To one side lies three well sized bedrooms, to the front of the house lies a generously sized bathroom and to the opposite side is the principal suite. The principal suite boasts a spacious en suite and dressing room. The principal suite and bedroom 1 have access out to a terrace area that faces the west.

Materiality is kept simple and ties in with the locale with stone as a basecourse, render above, grey aluminium windows and doors and a slate roof.

Two outbuildings have been formed to the front of the houses. Similarly to the above in the houses following the build lines of adjacent houses, the outbuildings are located to the front curtilages of the houses similarly to the building pattern seen elsewhere in the area where outbuildings, sheds and the like can be seen forward of the main houses. The two outbuildings will provide storage buildings to the houses and also allow the applicants to work from home within these. The storage/ work from home units are located in the corners of each plot and shall be screened by existing and proposed vegetation. The two outbuildings shall be lower in height of the lower L-shaped part of the house resulting in both outbuildings being subservient to the houses where the houses shall easily be interpreted/ viewed between the two.

Trees and hedging is to be formed to the western, norther and southern boundaries to provide a linking network between woodland and general vegetation to the north and south of the application site. 1.8m high timber fencing is to be formed to the rear areas along with low level 1m high timber fencing formed to the front of the properties.

In terms of sustainability and biodiversity the following shall be aimed for/ incorporated;

-We have a main aim to achieve as close to a passive house standard as possible, the dwellings shall be insulated to a high level as a result of this.

-Electric car charging will be provided to the dwellings.

-The site lends itself to a number of renewable energy technologies which we shall utilise. Ground or air source heat pump, heat recovery system and solar technologies are all possible on the site. We shall explore the best suited technology at building warrant stage with an energy company and implement that most suited.



-Proposals to the site shall benefit biodiversity. Trees and hedging are proposed to the site with Hedgehog holes in fencing along with bird/ bat nest boxes which will also be incorporated into the scheme.

Drainage for the house shall be a treatment plant and soakaway for the foul drainage and a soakaway for the surface water both located within the application site boundary.



Proposals Evaluated Against Policy 3 & 17 of NPF4 and Policies 8 & 13 of FIFEplan

Policy 3 Biodiversity (NPF4) & Policy 13 Natural Environment and Access (FIFEplan)

Policy 3, Part A of NPF4 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Furthermore, Part C states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Policy 13 of the adopted FIFEplan 2017 state that development proposals will only be supported where they protect or enhance natural heritage and access assets including (but not limited to) woodlands, trees and hedgerows that have a landscape, amenity or natural conservation value and landscape character and views. Furthermore, Policy 13 stated that development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets.

As outlined above, NPF4 requires all development proposals to contribute to an overall biodiversity enhancement of the site. As part of the overall development proposals we are looking to achieve a large net biodiversity gain which we feel carries significant weight in terms of the acceptability of the application. To maximise biodiversity, native species of local or Scottish origin shall be specified for landscaping. Also used shall be native species-rich hedgerows, trees, integrated bat roost boxes and integrated bird boxes. We shall look to focus on creating a nature network to the west of the site (following the watercourse), linking to and strengthening habitat connectivity within and beyond the development. Further to this we shall look to enhance the remainder of the open site with planting to the north and south boundaries as well as the boundary to the east which is based on an understanding of the existing characteristics of the site and its local, ecological context following landscape characteristics of the dwellings either side of the application site.





Figure 1 –Existing aerial to left with annotated aerial to right showing the existing nature network outlined in green and the proposed nature network in red that will link four woodland areas by following the existing watercourse.

Landscaping proposals shall be delivered with an arboriculture consultant where we shall form a comprehensive planting and landscaping proposal plan which we propose will form a suspensive condition to any planning permission.

No existing trees or biodiversity/ habitat on the site shall be affected by the proposals. Overall we shall deliver positive effects from the development in terms of biodiversity and create/ strengthen nature networks.



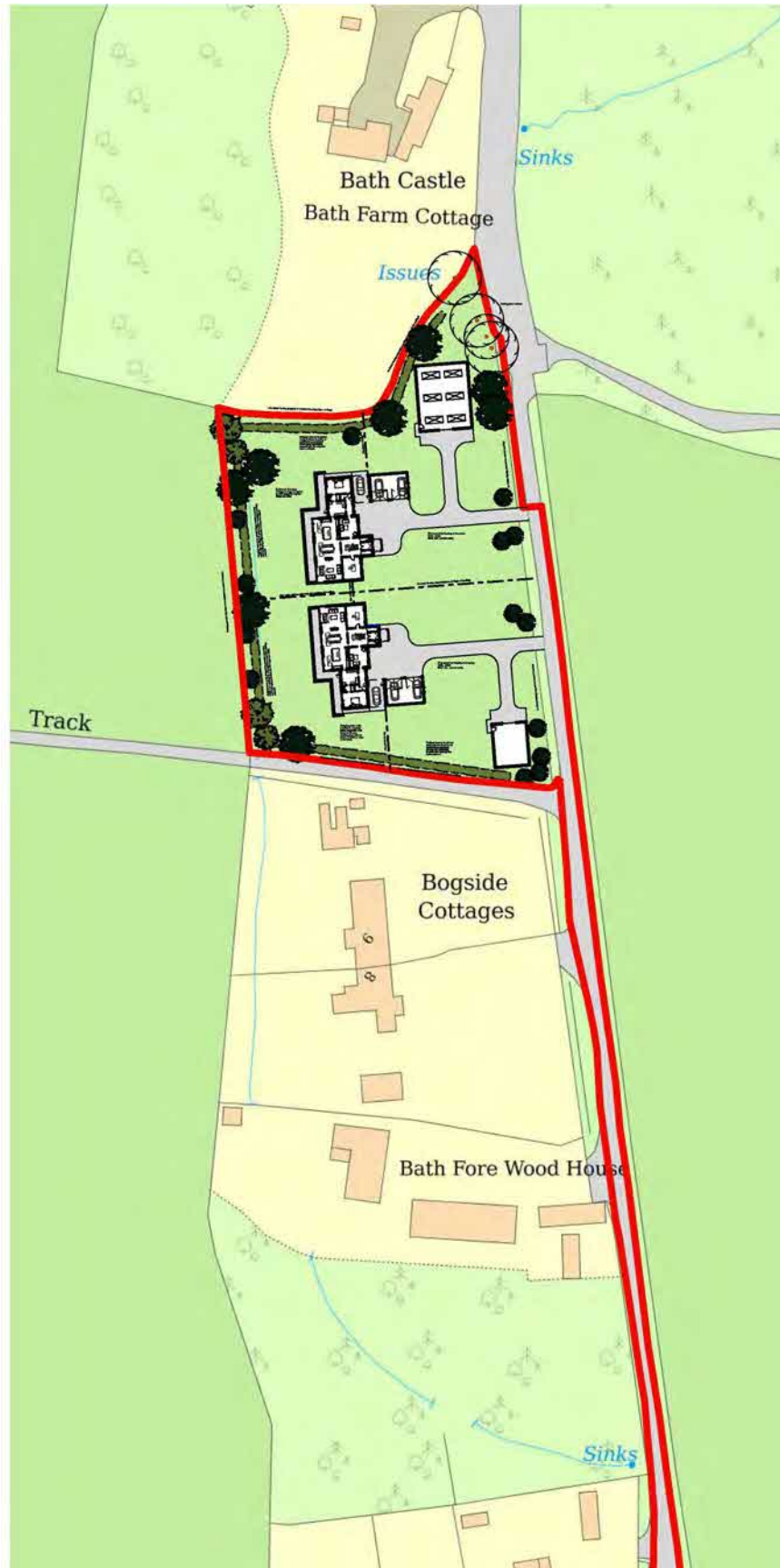


Figure 2 –Proposed site plan in context to the area.



Policy 17 Rural Homes (NPF4) & Policy 8 Houses in the Countryside (FIFEplan)

Policy 17 of NPF states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area, it also notes that new rural home proposals shall be given support where the proposal is suitable in terms of location, access, and environmental impact.

Policy 8 of the adopted FIFEplan 2017 states that development of houses in the countryside will be supported where the proposal is for a site within an established and clearly defined cluster of five houses or more where development must be of a scale and nature compatible with surrounding uses, well located in respect of available infrastructure and located and designed to protect the overall landscape and environmental quality of the area. Policy 8 then states that a cluster should be made up of a clearly defined grouping of 5 or more houses and that the cluster should be contained by a well-established boundary, such as roads, trees or other landscaping features, and should be visually connected through the form or the pattern of development. The below is an extract from policy 8 with associated diagram within policy showing examples of the type of circumstances which would constitute appropriate development within clusters.

For housing proposed in a cluster to be acceptable, it must address the following requirements:

It will require to be located within a clearly defined gap within the cluster and should incorporate other built development on at least two sides, forming a continuous, interconnected grouping. Housing proposed clearly outwith or on the edge of the group will not be permitted.

The new houses should not result in ribbon development (that is, building houses alongside a transport route) or coalescence (joining up) of the group with a nearby settlement/another housing cluster.

Figure 3 –Extract from policy 8



Figure 8.2 - Examples of suitable housing proposals as part of cluster

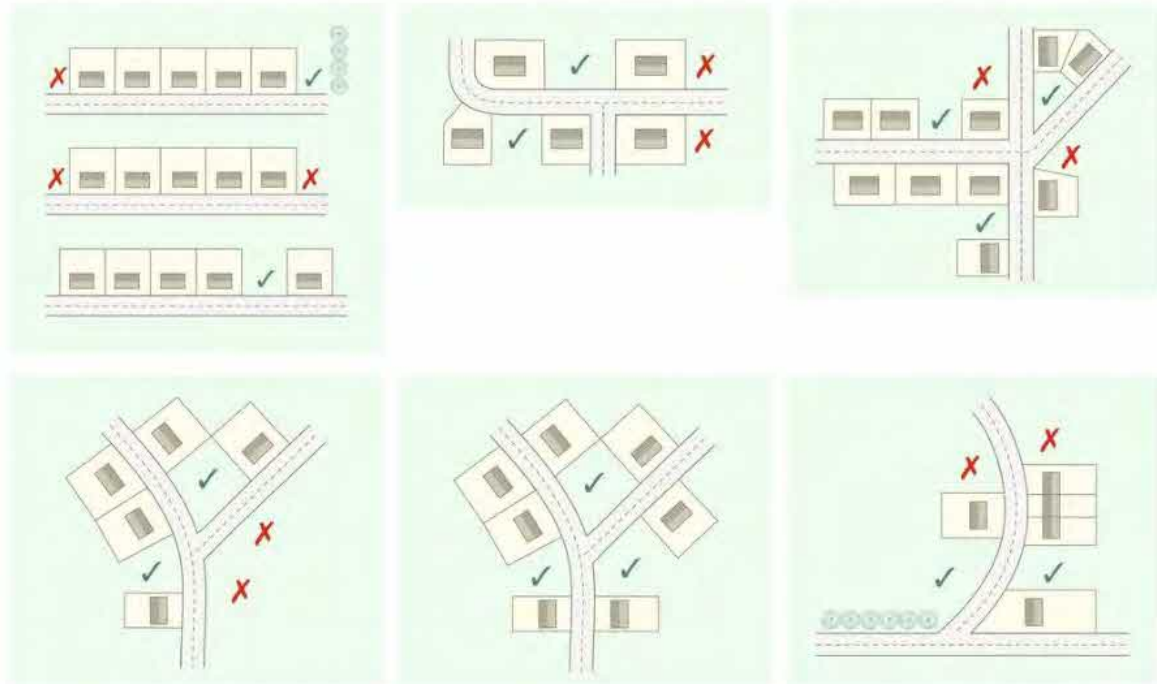


Figure 4 - Examples of the type of circumstances which would constitute appropriate development within clusters.

The below OS extract figure 5 shows existing residential plots in yellow where to the side (south) of the application site exists three houses and to the other side (north) exists two houses. To this we can confirm that the site has built development on two sides, forming a continuous, interconnected grouping. As the new houses lie within a clearly defined gap within the existing housing cluster the proposals will not result in ribbon development. The cluster is further reinforced to the north, east and west of Bath Castle and Bath Farm Cottage where the cluster is defined/ contained by dense woodland this is then reflected to the south of Bogside Cottages and Bath Fore Wood House with more dense woodland containment.





Figure 5 – OS extract showing the application site outlined in red (left) with no outline to the right. Residential plots are shown in yellow where there is clear definition that the application site lies between these and thus is part of the existing housing cluster. The rear boundary of the application site also follows the existing watercourse which allows it to align with existing rear boundaries of the existing houses again reinforcing that this site is part of an overall cluster.

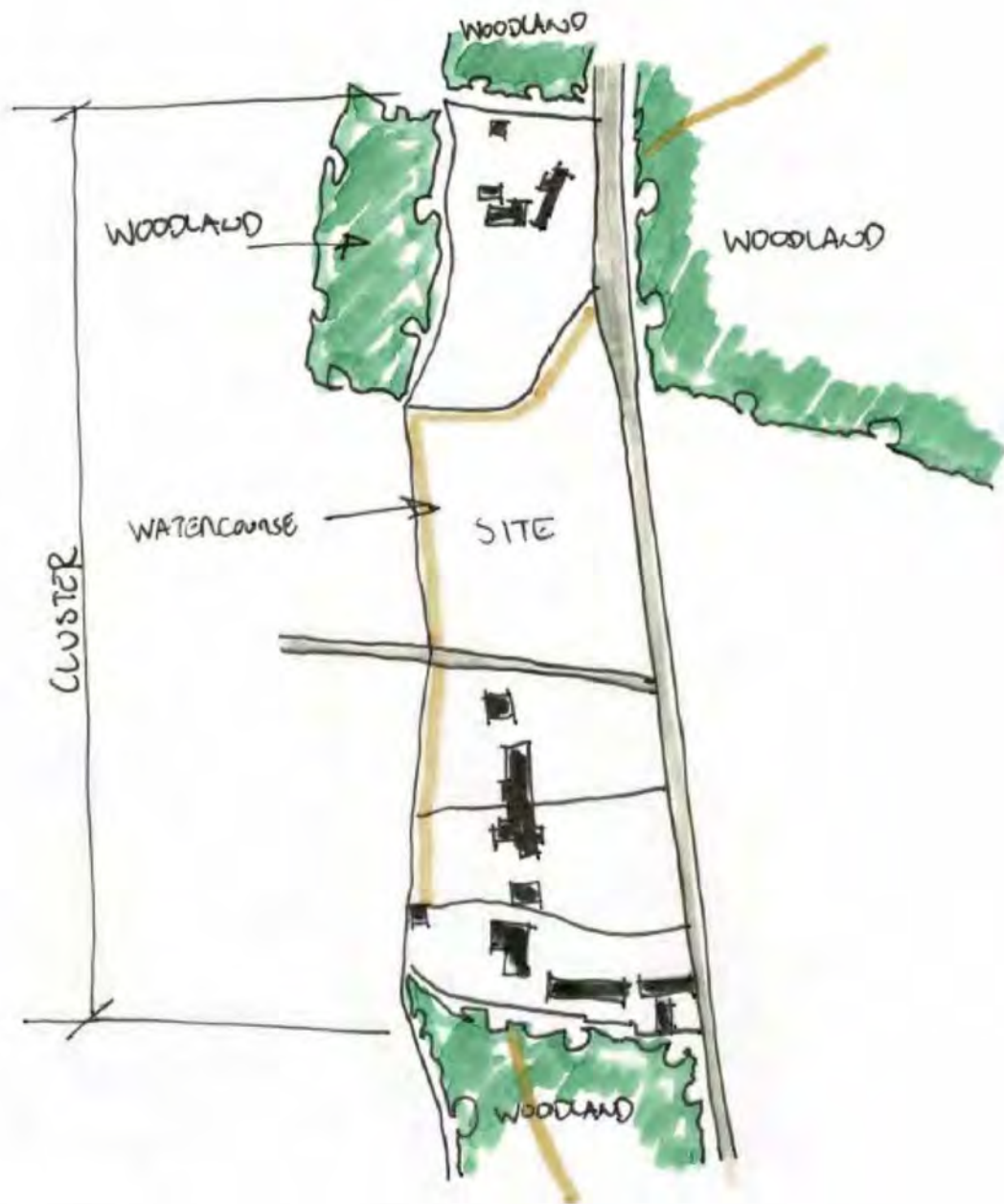


Figure 6 –Sketch diagram displaying the cluster which is defined and contained to the north and south by existing woodland, the road to the east and a continuous boundary line and watercourse to the west. Furthermore the proposed western trees and hedging will also tie in with that existing to the west of the southern dwellings where the tree belt would link the grouping of three and grouping of two houses resulting in the site being within a defined cluster of more than 5 houses.

We feel our proposals generally match in with the below diagram (figure 7) as modified from figure 8.2 in FIFEplan policy where the rear boundaries tie in, the cluster is defined to the north and south by woodland in our case and the road to the east along with the boundaries to the



west aligning.

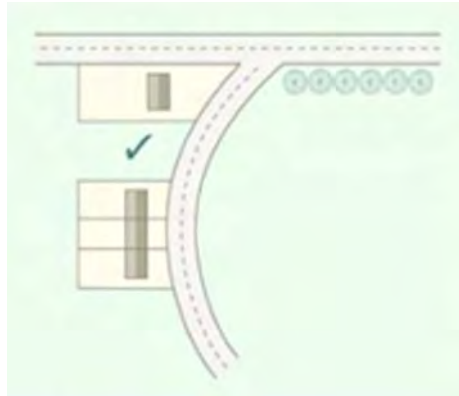


Figure 7 –Altered diagram from figure 8.2 in FIFEplan policy.

As per the above our proposals are suitably scaled, sited and designed to be in keeping with the character of the area whilst also providing a significant biodiversity gain to the site and surrounding area.

We trust our proposals for the two dwellings can be looked upon positively by Fife Council and planning permission be granted.



Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications √
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<p><u>Energy and Climate Change</u> Demonstrate that the application meets the CO² emissions reduction targets currently in place and that the required proportion of that reduction is met by low and zero carbon generation technologies.</p> <p>Improve the energy efficiency of both domestic and non-domestic buildings to minimise total whole-life energy consumption.</p> <p>Support the use of renewable energy rather than fossil fuel sources during concept/design as well as in-service phases with the ultimate aim of decarbonising the energy and heat supply. Improve resilience to climate change, including higher temperatures; changing patterns of precipitation; more frequent extreme weather events; rising sea levels. Impacts on flooding and water supply are addressed.</p>	<p>For Local Developments - Provide information of the energy efficiency measures taken and energy generating technologies associated with this application</p> <p>For Major Developments - An energy statement on intention is required. See Low Carbon Fife Supplementary Guidance page 59 for more information</p>	<p>Householder Application Proposals which are not heated or cooled (other than heating or frost protection).</p> <p>Conversion of buildings</p> <p>Small extensions in line with Building standards 6.1 exemptions</p> <p>Temporary buildings with an intended life of less than 2 years</p>	<p>☒ Details: The proposals will make use of an air or ground source heat pump and will be insulated to a high level.</p>
<p><u>Materials</u> Materials sourced from local or sustainable sources</p>	<p>A statement should be included setting out that the development will endeavour to provide the materials from local or sustainable sources. Additional detail should be included if available. See Making Fife's Places Supplementary Guidance page 37 for more information.</p>	<p>Householder Applications</p>	<p>☒ Details: Materials will be from local merchants and partly consist of sustainable materiality.</p>

Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications √
<p><u>Sustainable Urban Drainage System (SUDS)</u> As our climate changes and more rainfall is predicted in many parts of the world, it is important that we control the impact of rainwater to prevent flooding or pollution of watercourses. Sustainable Urban Drainage measures need to be put in place to ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment.</p>	<p>We require Compliance and Independent Check Certificate's to be submitted as per Fife Council's Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note</p> <p>See Making Fife's Places Supplementary Guidance page 14 for more information.</p>	<p>Householder Applications</p> <p>Applications for erection of only one dwellinghouse</p>	<p><input checked="" type="checkbox"/></p> <p>Details: Surface water will be dealt with via a soakaway system and hardscaping shall be porous.</p>
<p><u>Waste</u></p> <p>Support applications that reduce the creation of waste. Facilities are provided for the separate collection of dry and recyclable waste and food waste. Drive the development of a plastic recycling facility</p>	<p>Planning Permission in Principle (PPP) Applications – A statement setting out that measures for the storage of dry recyclable waste and food waste will be provided as part of the development.</p> <p>Full Planning Permission Applications – Full details on how dry and recyclable waste and food waste will be stored.</p>	<p>Householder Applications</p>	<p><input checked="" type="checkbox"/></p> <p>Details: General and recycling waste collection will be in place.</p>

Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications √
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<p><u>Travel and Transport</u></p> <p>Developments make a positive contribution towards the improvement of sustainable transport network.</p> <p>Promoting sustainable transport modes in the following order of priority: walking, cycling, public transport, cars.</p> <p>Reducing car dependency.</p> <p>Minimising the amount of travelling required, thus reducing greenhouse gas emissions, especially for air and road travel</p>	<p>PPP Applications – A statement should be included setting out the intended measures to encourage and facilitate the use of sustainable transport focusing on the order of priority.</p> <p>Full Planning Permission Applications – Full details on how the development encourages and facilitates the use of sustainable transport focusing on the order of priority. (Demonstrated through a Transport Assessment or Green Travel Plan).</p>	<p>Householder Applications</p>	<p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>Details: An electric car charging point will be provided to each house.</p>
<p><u>Air Quality</u></p> <p>Address impacts on air quality by reducing congestion and address the poor air quality that already exists.</p>	<p>An Air Quality Impact Assessment is required where any of the following apply:</p> <p style="padding-left: 20px;">For all applications subject to an Environmental Impact Assessment (listed in Environmental Impact Assessment (Scotland) Regulations 2017)</p> <p>or</p> <p style="padding-left: 20px;">10 or more residential units or a site area of more than 0.5ha</p> <p style="padding-left: 20px;">More than 1,000m² of floor space for all other uses or a site area greater than 1ha</p> <p>Coupled with any of the following:</p> <p style="padding-left: 20px;">The development has more than 10 parking spaces</p> <p style="padding-left: 20px;">The development will have a centralised energy facility or other centralised combustion process</p> <p>See Low Carbon Fife Supplementary Guidance Appendix D for more information</p>	<p>Householder Applications</p> <p>Less than 10 residential units or a site area of less than 0.5ha</p> <p>Less than 1,000m² of floor space for all other uses or a site area smaller than 1ha</p>	<p style="text-align: center;"><input type="checkbox"/></p> <p>Details:</p>

Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications ✓
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<p><u>District Heating</u></p> <p>All applications which create a heat demand or waste heat will be assessed to establish if district heating is likely to be a viable option. All applications for proposals which fit this description need to be tested against the district heating process map set out in section 3.2.2 of the Low Carbon Fife Supplementary Guidance (see page 64) - to establish if a further investigation into heat networks is required. To reduce the cost of heat supply and the carbon intensity of heat generation.</p>	<p>Depending on answers to the questions below will determine whether a further investigation is required</p> <p>Is the proposal within 1km of an existing or proposed heat network? (See Low Carbon Fife SG Appendix E for more information) If yes – has an indicative heat demand been provided for the development?</p> <p>Is further investigation into heat networks required? If yes - has a further investigation into heat networks been provided?</p> <p>Is the proposal for one of the following types of development? A public sector development; A further education campus; A proposal for over 10,000m2 non-domestic development with an anchor customer (anchor customers include swimming pools, hospitals, aqua-culture and industrial units or building with a significant and heat demand) A mixed use development – with at least 50 residential units and at least 10,000m2 of buildings with the following uses, education, community and leisure, retail, healthcare, manufacturing/industrial If yes – has information on the linear heat density of the development been provided? (see Low Carbon Fife SG section 3.2.2 for more information) Is the linear heat density 4 or over? (see Low Carbon Fife SG section 3.2.3 for more information) If yes – has further investigation into heat networks been provided?</p>	<p>Householder Applications</p> <p>Applications out-with 1km of existing or proposed heat network and is not one of the following developments:</p> <ul style="list-style-type: none"> • A public sector development; • A further education campus; • A proposal for over 10,000m2 non-domestic development with an anchor customer (anchor customers include swimming pools, hospitals, aqua-culture and industrial units or indeed any other building with a significant and stable heat demand) • A mixed use development – with at least 50 residential units and at least 10,000m2 of buildings with the following uses, education, community and leisure, retail, healthcare, manufacturing/industrial And does not have a total aggregate thermal input exceeding 20Megawatts 	<p><input type="checkbox"/></p> <p>Details:</p>
---	---	---	---

Low Carbon Sustainability Checklist for Planning Applications

Issue Overview and Aim	Validation Requirement	Exemption	Information Submitted with Applications ✓
------------------------	------------------------	-----------	--

Appendix 1 - SuDS Design Compliance Certificate

I certify that all the reasonable skill, care and attention to be expected of a qualified and competent professional in this field has been exercised in designing the sustainable drainage system for the below named development in accordance with CIRIA C753: The SuDS Manual 2015, the current edition of Sewers for Scotland and Fife Council's – Design Criteria Guidance Note on Flooding and Surface Water Management Plan Requirements.

ePlanning Reference No.....100652412.....

Planning Application No. (completed by Fife Council Planning Service)23/03279/FULL.....

Roads Construction Consent No. (completed by Fife Council Planning Service)N/A.....

Name of Development ...Bogside Farm, Bogside, Blairhall, Alloa, Fife.....

Name of Developer Ben McNeice

Name and Address of Designers Organisation.....

McColm Civil & Structural Engineers


Mission Hall, 2a Waterloo Rd

Prestwick, Ayrshire, KA92AA.

Name of Designer..... Neil McColm

Position Held..... Director

Engineering Qualifications²..... BEng (Hons) C.eng MICE.

Signed 

Date 01/03/24

Drawing No's relative to this certificate

5890-MEG-010

5890-MEG-011

² Minimum Qualification - Incorporated Engineer or equivalent from an appropriate Engineering Institution.

Appendix 2 - SuDS Design – Independent Check Certificate

I certify that all the reasonable skill, care and attention to be expected of a qualified and competent professional in this field has been exercised in the below named development with a view to securing that:

1. It has been designed in accordance with CIRIA C753: The SuDS Manual 2015, Current Edition of Sewers for Scotland, Fife Council – Design Criteria Guidance Note on Flooding and Surface Water Management Plan Requirements.
2. It shall be accurately translated into construction drawings and schedules.
3. I hereby confirm that I hold professional indemnity insurance for ~~£5 million~~ pounds.
£2 Million

ePlanning Reference No. 100652412

Planning Application No. (completed by Fife Council Planning Service) 23/03279/FULL

Roads Construction Consent No. (completed by Fife Council Planning Service) N/A

Name of Development Bogside Farm, Bogside, Blairhall, Alloa, Fife.

Name of Developer Ben McNeice

Name and Address of Checker's Organisation

..... McColm Civil & Structural Engineers

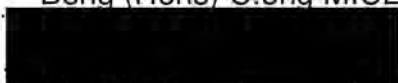
..... Mission Hall, 2a Waterloo Rd

..... Prestwick, Ayrshire, KA92AA.

Name of Checker Richard McColm

Position Held Director

Engineering Qualifications³ Beng (Hons) C.eng MICE.

Signed 

Date 01/03/23

³ Minimum Qualification - Incorporated Engineer or equivalent from an appropriate Engineering Institution.

Appendix 5 - Confirmation of future maintenance of SuDS Apparatus

I hereby confirm that the future maintenance of the Sustainable Drainage Apparatus as detailed below and on the drawing numbered 5890-MEG-010 & 5890-MEG 011..... will be carried out in accordance with the attached maintenance schedule, by the undernoted organisation.

Planning Application No. (completed by Fife Council Planning Service) 23/03279/FULL.....

Roads Construction Consent No. (completed by Fife Council Planning Service) N/A.....

Name of Development..... Bogside Farm, Bogside, Blairhall, Alloa, Fife.....

Name of Developer..... Ben McNeice.....

Name and address of maintenance organisation (including contact telephone number and e-mail address)

..... McNeice Limited
.....
.....

Telephone: [REDACTED] Email: [REDACTED]

Details of sustainable drainage apparatus to be maintained:

.....
..... Gutters, downpipes, underground pipework, manholes, treatment plants and
..... inspection chambers together with surface and foul water soakaway/treatment beds.
.....
.....

Signed Ben McNeice.....

Name Ben McNeice.....

Position Held Director.....

Name of Organisation McNeice Limited.....

Date 4/3/24.....

Appendix 8 - Full Planning Application Checklist

Point	Description	Provided Y (Yes), N (No), N/A
3.0	Flood Risk Assessment.	N/A
4.4.1	A drainage layout.	Yes
4.4.2	Confirmation of discharge rate.	Yes
4.4.3	Calculations for any attenuation volume required.	Yes
4.4.4	Soakaway information (i.e. ground investigation, porosity test).	Yes
4.4.5	Pre-development and post-development flow path diagrams.	N/a
4.4.6	Confirmation of the SuDS treatment train.	Yes
4.4.7	Assessment of the maximum groundwater level at the location of any underground attenuation features is applicable.	Yes
4.4.8	Written evidence of Scottish Water's approval of the surface water drainage connection into their network at the rate agreed with Scottish Water.	N/A

4.4.9	Confirmation of who will adopt and maintain the surface water network, including any SuDS as per Appendix 5.	Yes
4.4.10	A maintenance schedule for all proposed SuDS, to include a detailed list of activities and timescales.	Yes
4.4.11	Confirmation of Construction Status SuDS compliance.	Yes
4.4.12	Completed SuDS certification as per Appendices 1 and 2. (For single dwelling, only Appendix 1 is required)	Yes

- NOTES**
- This drawing is to be read in conjunction with all other relevant drawings, notes and specifications issued by the Architect, M&E Consultant & Engineer
 - All dimensions to be checked on site and the Engineer notified of any discrepancies prior to commencement of work. All dimensions in meters (unless otherwise stated). Do not scale from this drawing or the computer digital data. Only figured dimensions are to be used.
 - All levels are in meters above Ordnance Datum
 - Background topographical survey information taken from Phoenix Surveys drawing 8737, dated March 2021.
 - Prior to commencement of excavation works with mechanical plant, the Contractor shall confirm the location and depth of below ground services. Reference should be made to Statutory Authority records and available private service record plans, with sub-surface scanning and trial pits to confirm location, depth and extent of existing services.
 - Prior to commencement of works, the Contractor shall be responsible for confirming level, size and location of existing drainage for which connections or alterations are to be made.
 - All connections and alterations to existing sewers are subject to formal Scottish Water approval.
 - Proposed surface water infiltration to be made with due regard of General Binding Rules 10, 11 and 21, which are as outlined within the following SEPA document: "The Water Environment (Controlled Activities) (Scotland) Regulations 2018 (as amended) - A Practical Guide."
 - All above ground drainage locations are indicative only, for confirm setting-out and details refer to Architect/Mechanical Engineer drawings.
 - The contractor will be responsible for setting out and constructing drainage (pipework and chambers) in such positions that they do coincide with proposed fence lines, kerbing, etc.
 - Drainage materials, workmanship and installation of private drainage is to accord to BS EN 752 *Drains and sewer systems outside buildings* and the satisfaction of the local authority.
 - Pipe bedding and surround to typically be as follows: -

Location	Depth to soft	Pipe bedding and surround
Roads / shared access	<1.2m	Class 'S' granular
Private drive / parking bay	>0.9m	Class 'S' granular
Landscaping	>0.6m	Class 'S' granular
	<0.6m	Class 'Z' concrete protection
 - Permeable paving sub-base to ensure containment of the critical duration 1 in 200 year RP storm with 30% allowance for climate change, calculated as 40.1m³cu (at FoS of 3.0) with sub-grade infiltration rate of 0.017m/hr and catchment of 960m²sq. Attenuation volume 120m³cu provided with 730m²sq area of 0.33 void fill at 0.50m depth.
 - Front roof infiltration SuDS to ensure containment of the critical duration 1 in 200 year RP storm with 30% allowance for climate change, calculated as 8.5m³cu (at FoS of 3.0) with sub-grade infiltration rate of 0.08m/hr and catchment of 210m²sq. Attenuation volume of 8.8m³cu provided with 28.8m²sq area of 0.33 void fill of 0.9m depth.
 - Rear roof infiltration SuDS to ensure containment of the critical duration 1 in 200 year RP storm with 30% allowance for climate change, calculated as 44.3m³cu (at FoS of 3.0) with sub-grade infiltration rate of 0.017m/hr and catchment of 710m²sq. Attenuation volume of 46.3m³cu provided with 175.5m²sq area of 0.33 void fill of 0.8m depth. Further testing of infiltration rates at the proposed SuDS location may result in a reduction of attenuation volume required.

Rev	Description	Date

BUILDING WARRANT

Client
Ben McNeice

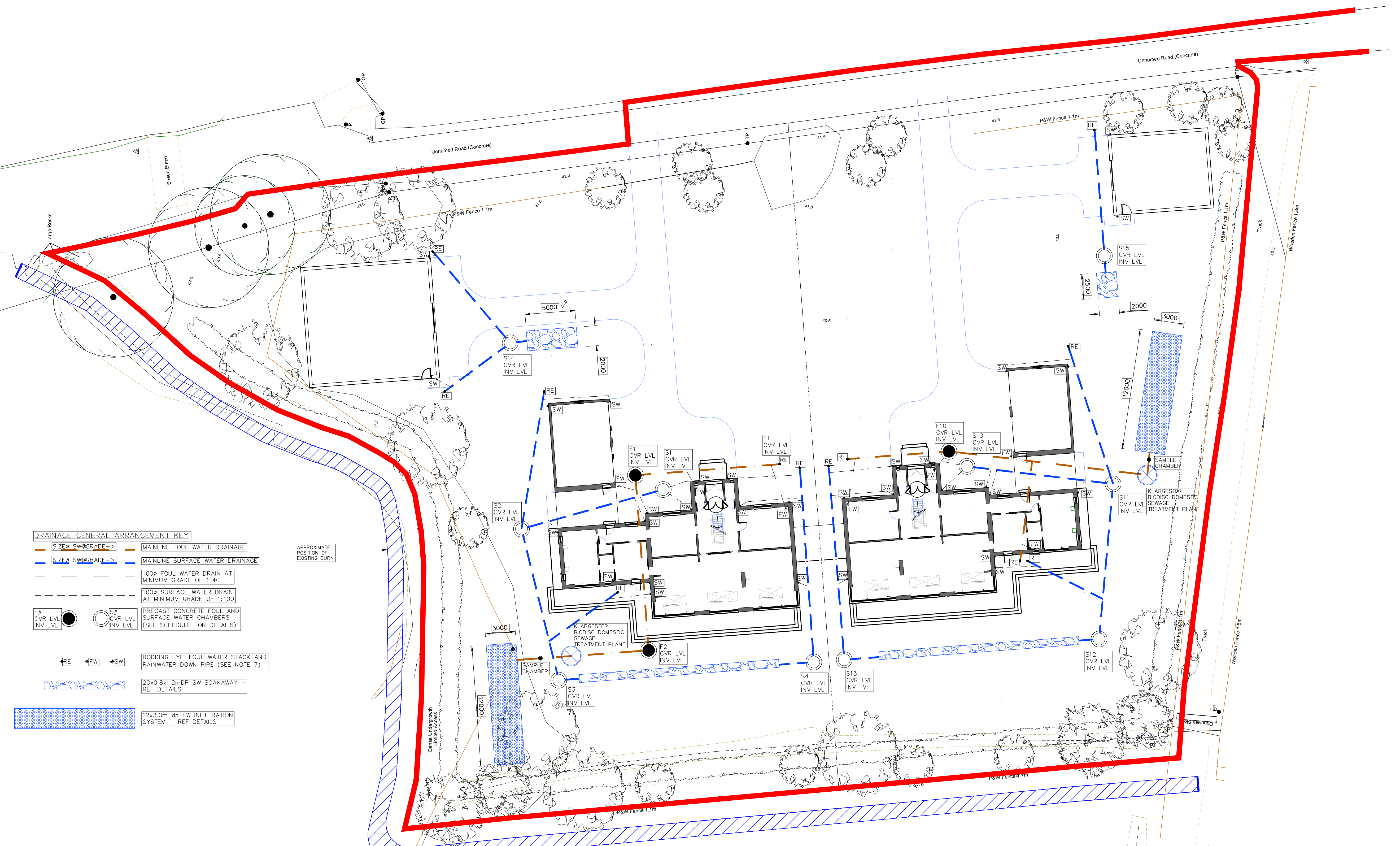
Project
**Bogside Farm
Bogside
Aloa FK10 3QD**

Drawing Title
**Drainage Works
Sheet 1 of 2**

Date: **Mar 24** Scale: **As shown** Size: **A1** Drawn: **BL** Checked: **N.McC**



Drawing No: **5890.MEG 010** Rev:



PROPOSED DRAINAGE PLAN

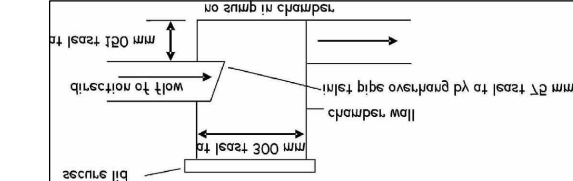
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K1 LARGESTER BIODIGESTER DOMESTIC SEWAGE TREATMENT PLANT SHOULD BE DESIGNED, CONSTRUCTED AND INSTALLED IN ACCORDANCE WITH:

THE RECOMMENDATIONS OF BS EN 12566-1: 2000, FOR A PREFABRICATED SEPTIC TANK, OR THE RECOMMENDATIONS OF BS 6297: 1983, OR THE CONDITIONS OF CERTIFICATION BY A NOTIFIED BODY.

THE SETTLEMENT TANK OF A PRIVATE WASTEWATER TREATMENT PLANT AND A SEPTIC TANK SHOULD HAVE A SECURELY SEALED, SOLID COVER THAT IS CAPABLE OF BEING OPENED BY 1 PERSON USING STANDARD OPERATING KEYS.

A PRIVATE WASTEWATER TREATMENT PLANT AND SEPTIC TANK SHOULD BE PROVIDED WITH ACCESS TO THE TANKER TO THE TANK, AND A LABEL TO ALERT THE OCCUPIERS TO SUCH AN ARRANGEMENT. THE LABEL SHOULD DESCRIBE THE RECOMMENDED MAINTENANCE NECESSARY FOR THE SYSTEM AND SHOULD INCLUDE THE FOLLOWING:



3.8.6 ACCESS FOR DESLUDGING

WASTEWATER TREATMENT PLANTS SHOULD BE INSPECTED MONTHLY TO CHECK THEY ARE WORKING CORRECTLY. THE EFFLUENT IN THE OUTLET FROM THE TANK SHOULD BE FREE FLOWING. THE FREQUENCY OF DESLUDGING WILL DEPEND UPON THE CAPACITY OF THE TANK AND THE AMOUNT OF WASTE DRAINING TO IT FROM THE DWELLING BUT FURTHER ADVICE ON DESLUDGING FREQUENCIES SHOULD BE OBTAINED FROM THE TANK MANUFACTURER OR THE DESLUDGING CONTRACTOR.

A PRIVATE WASTEWATER TREATMENT PLANT SHOULD BE PROVIDED WITH AN ACCESS FOR DESLUDGING. THE DESLUDGING TANKER SHOULD BE PROVIDED WITH ACCESS TO A WORKING AREA THAT:

- WILL PROVIDE A CLEAR ROUTE FOR THE SUCTION HOSE FROM THE TANKER TO THE TANK, AND
- IS NOT MORE THAN 25 M FROM THE TANK WHERE IT IS NOT MORE THAN 4 M HIGHER THAN THE INVERT LEVEL OF THE TANK, AND
- IS SUFFICIENT TO SUPPORT A VEHICLE AXLE LOAD OF 14 TONNES.

3.8.7 LABELLING

EVERY DWELLING WITH A DRAINAGE SYSTEM DISCHARGING TO A PRIVATE WASTEWATER TREATMENT PLANT OR SEPTIC TANK SHOULD BE PROVIDED WITH A LABEL TO ALERT THE OCCUPIERS TO SUCH AN ARRANGEMENT. THE LABEL SHOULD DESCRIBE THE RECOMMENDED MAINTENANCE NECESSARY FOR THE SYSTEM AND SHOULD INCLUDE THE FOLLOWING:

THE DRAINAGE SYSTEM FROM THIS PROPERTY DISCHARGES TO A WASTEWATER TREATMENT PLANT (OR SEPTIC TANK, AS APPROPRIATE). THE OWNER IS LEGALLY RESPONSIBLE FOR ROUTINE MAINTENANCE AND TO ENSURE THAT THE SYSTEM COMPLIES WITH ANY DISCHARGE CONSENT ISSUED BY SEPA AND THAT IT DOES NOT PRESENT A HEALTH HAZARD OR A 'NUISANCE'.

THE LABEL SHOULD BE LOCATED ADJACENT TO THE GAS OR ELECTRICITY CONSUMER UNIT OR THE WATER STOPCOCK.

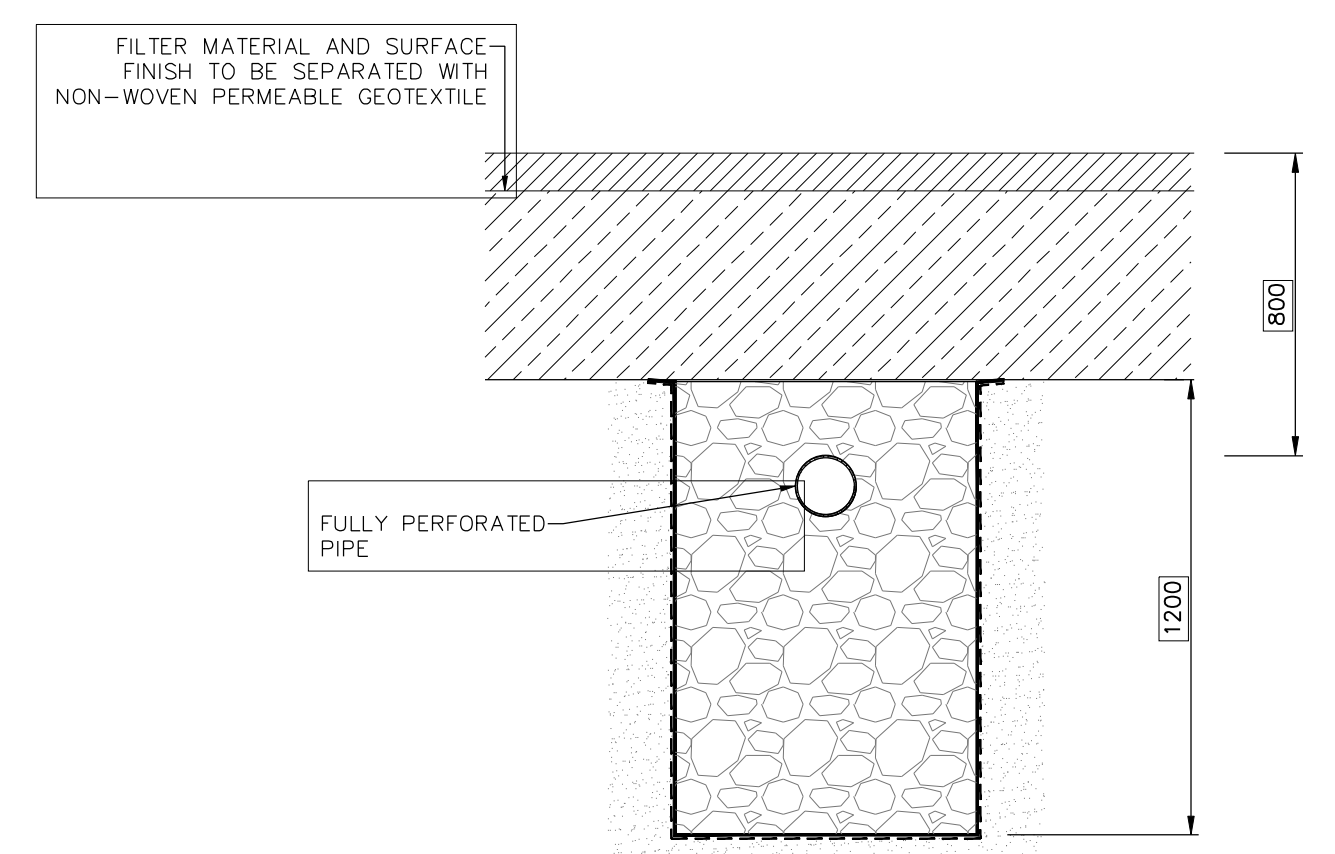
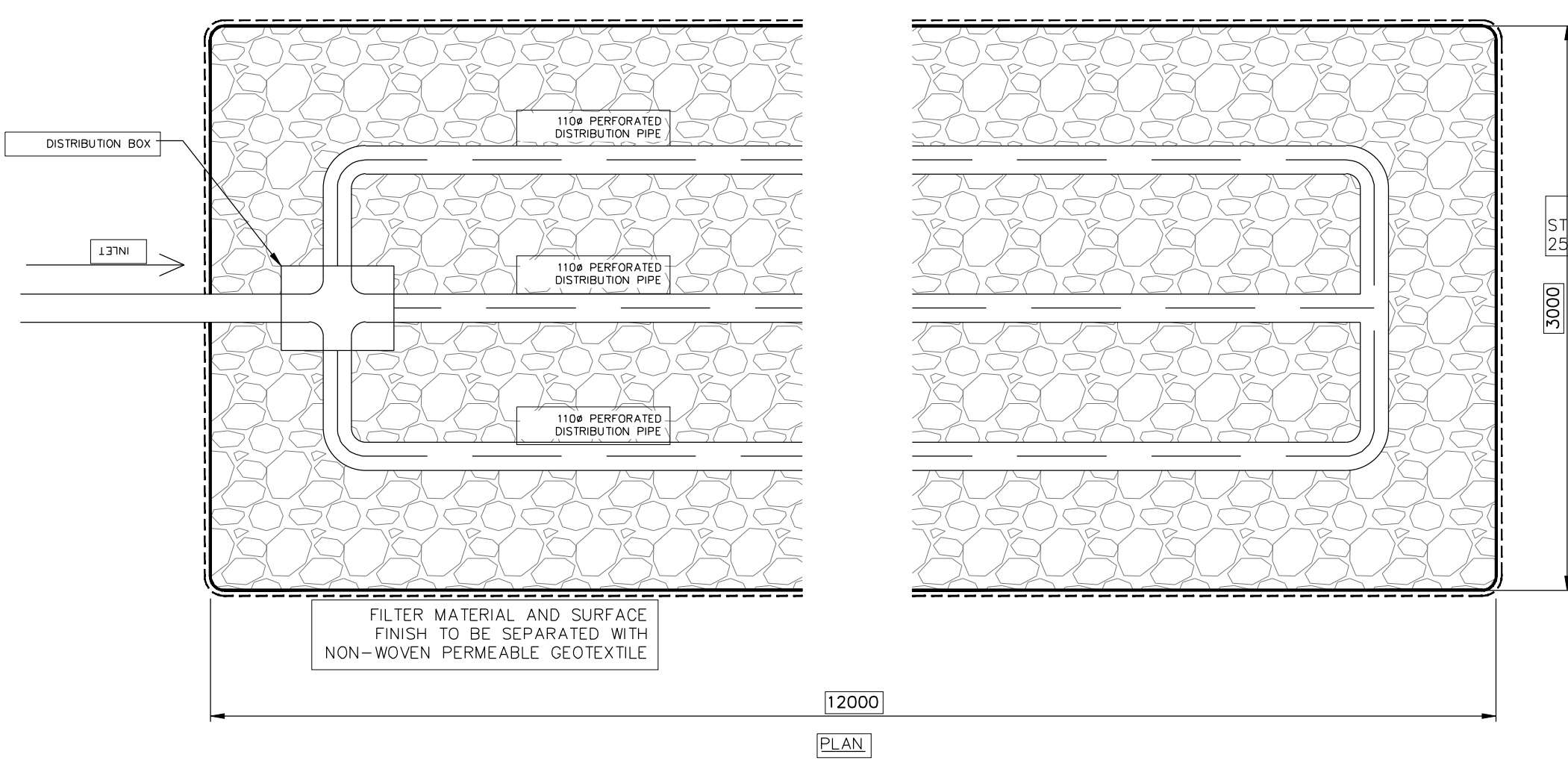
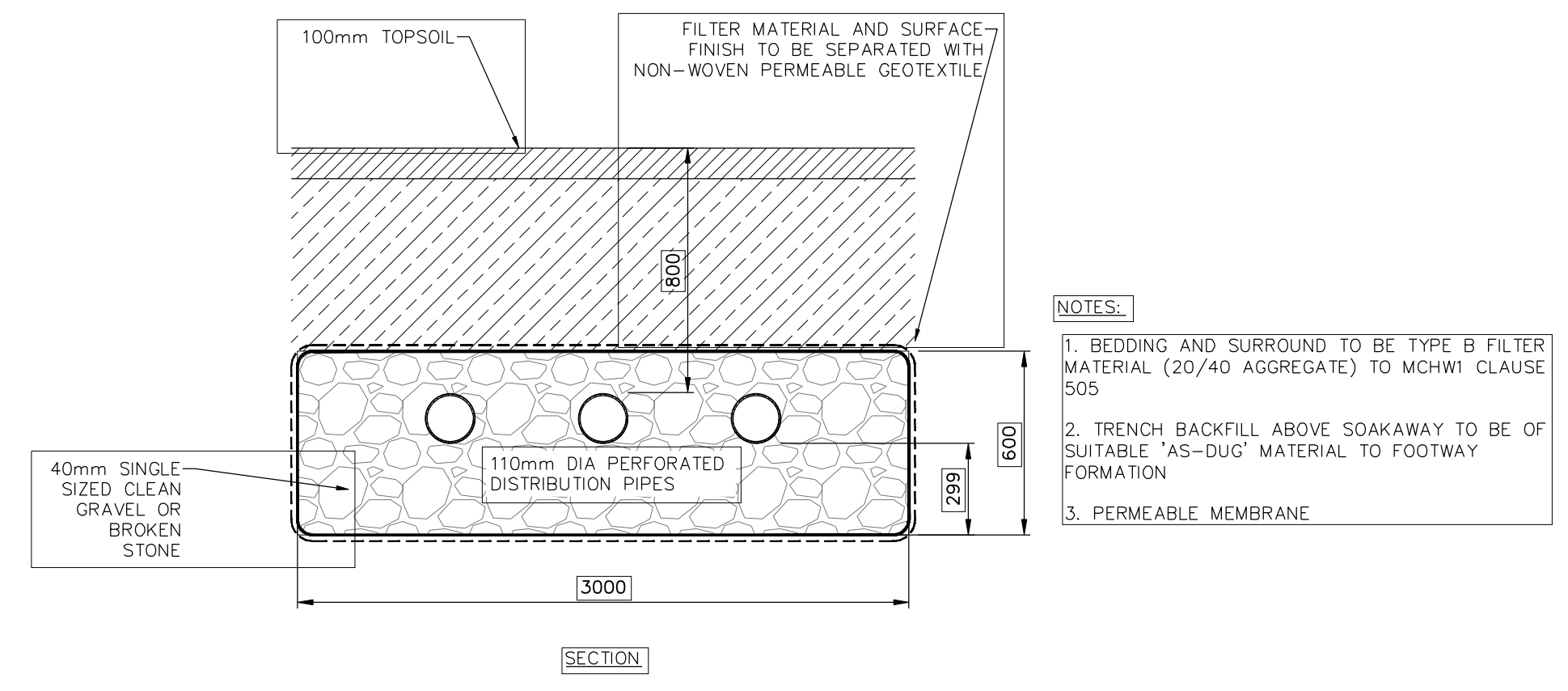
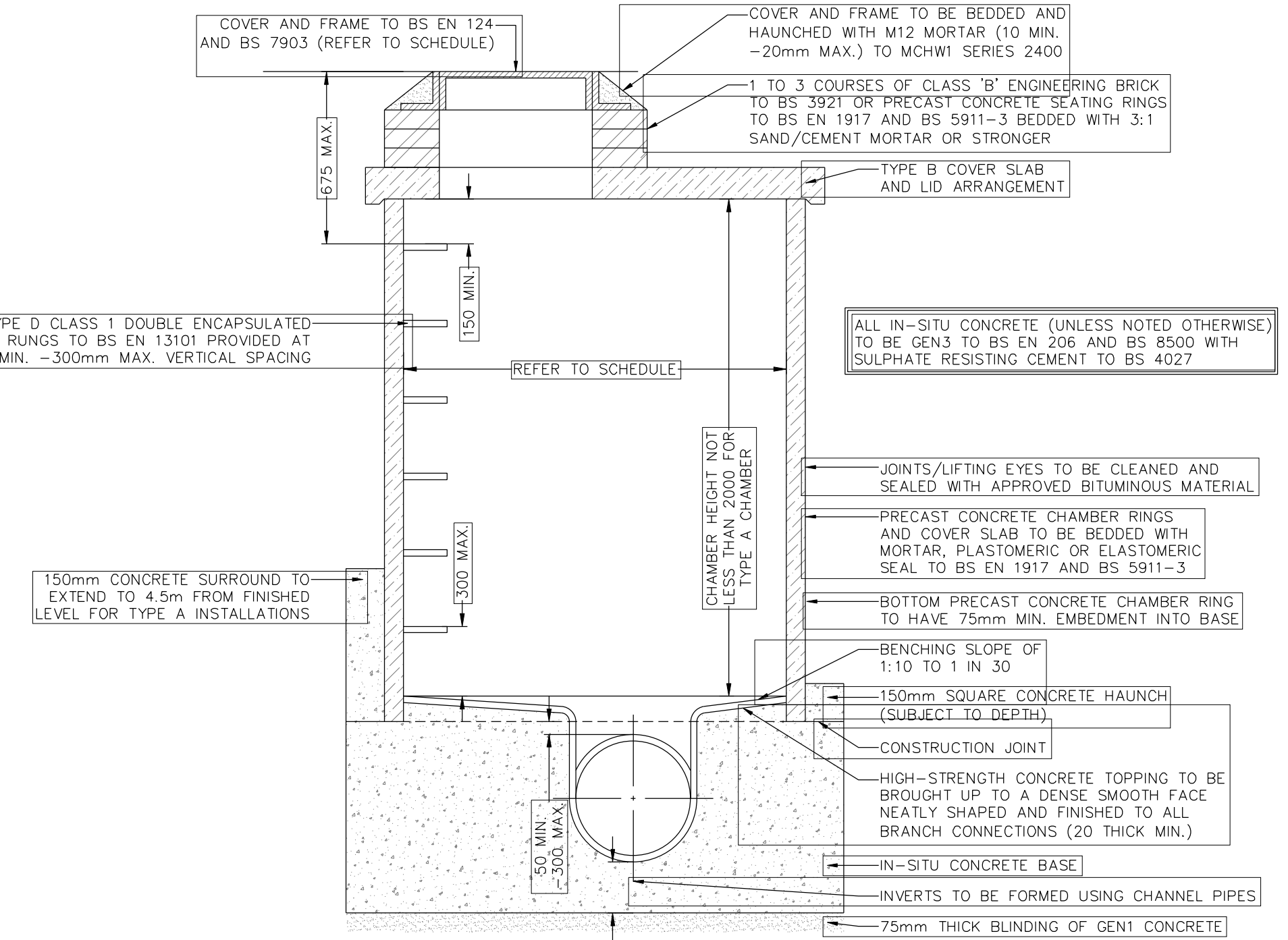
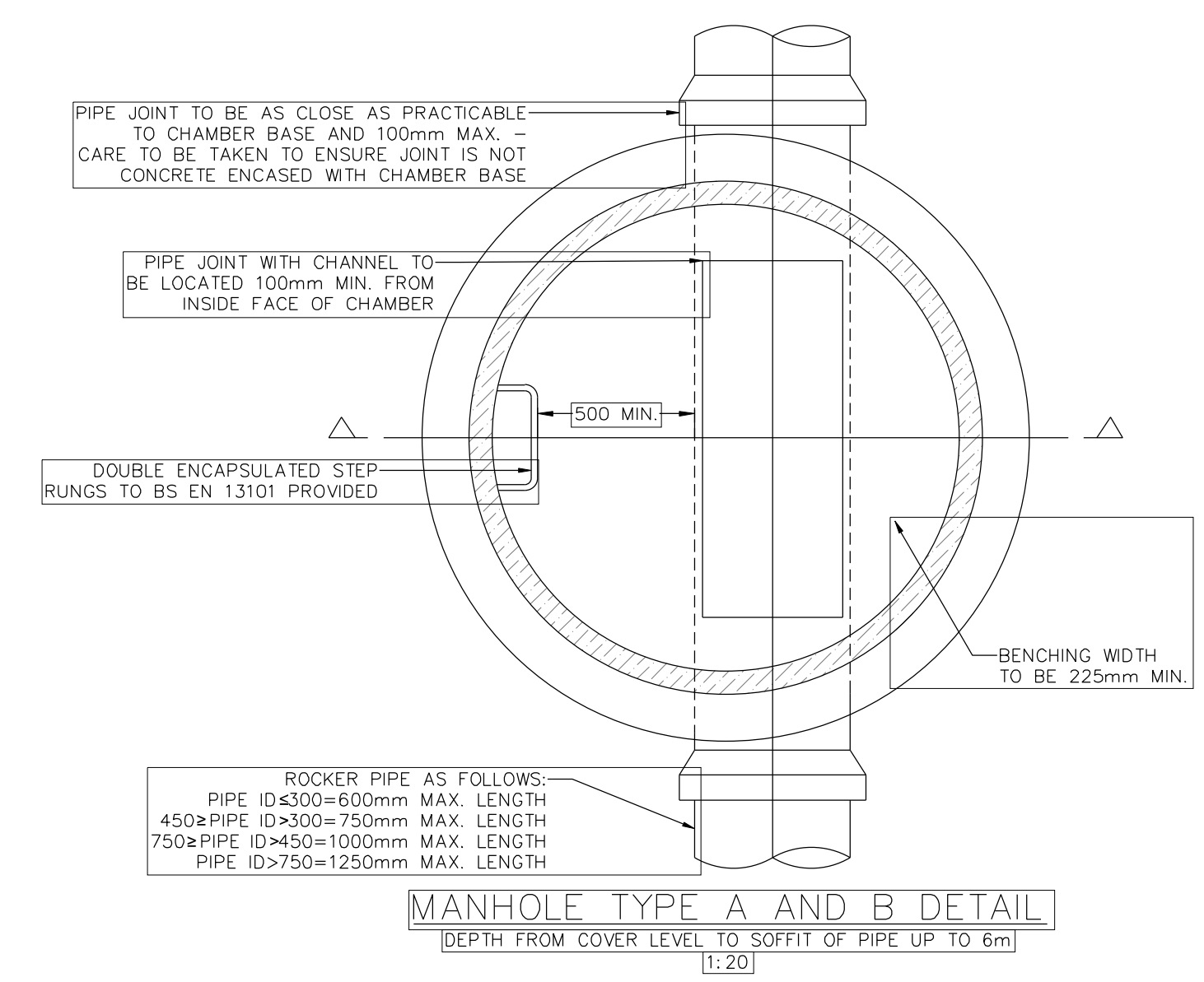
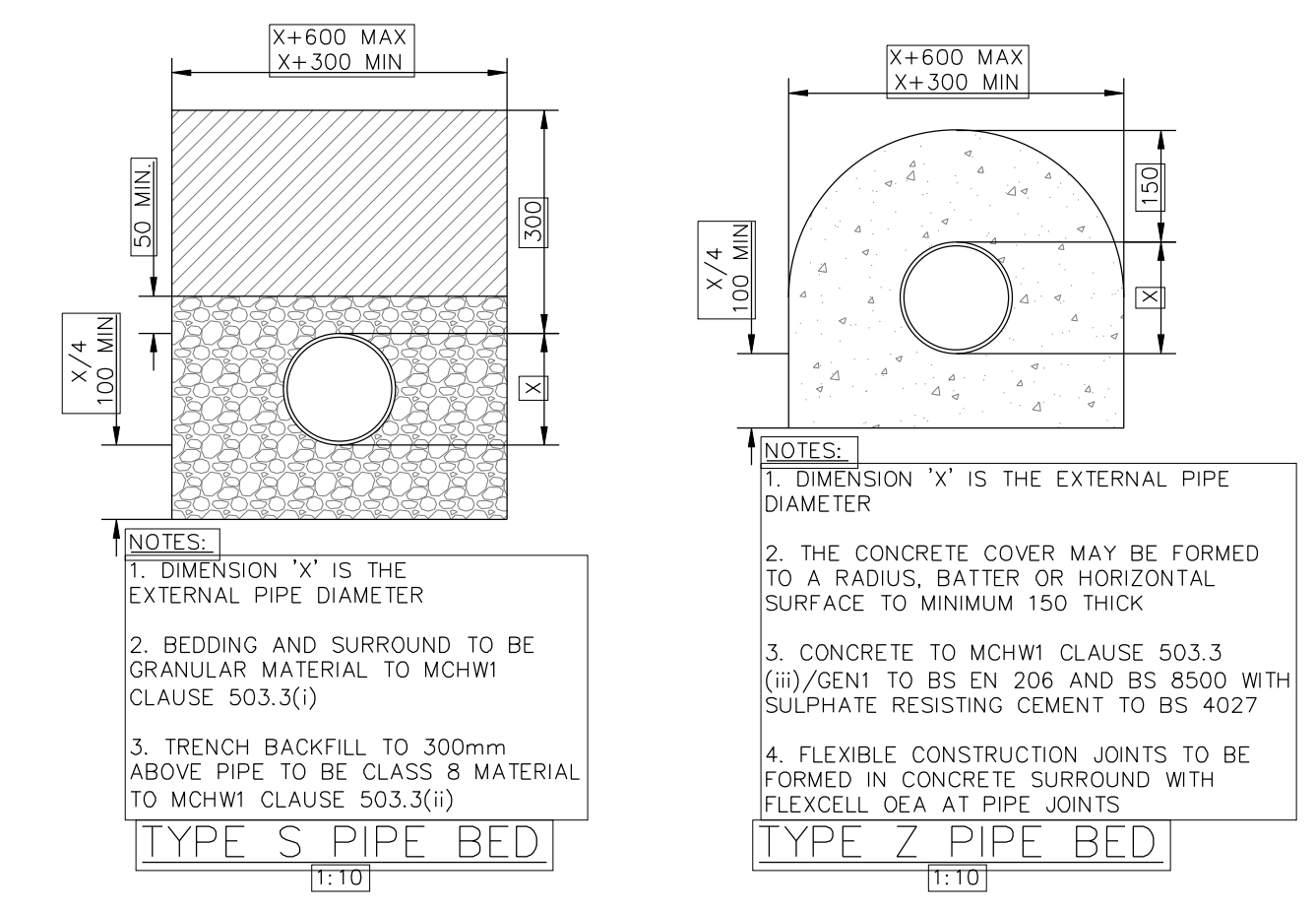
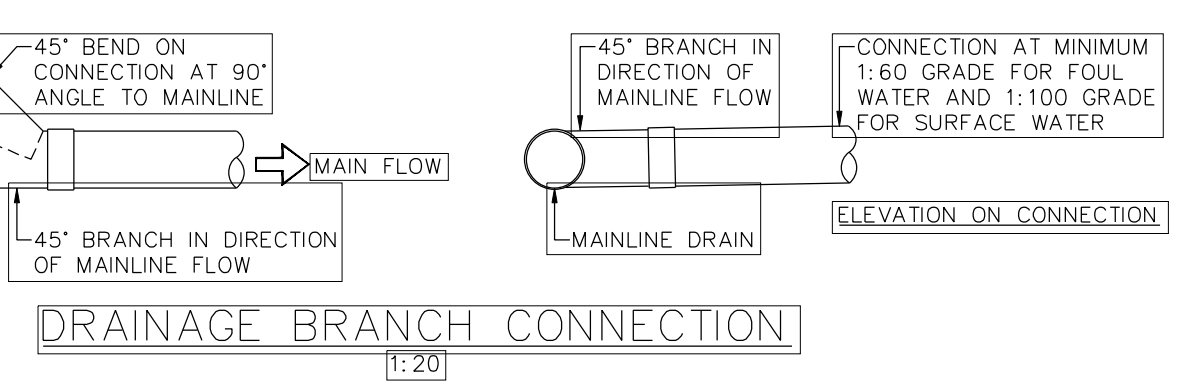
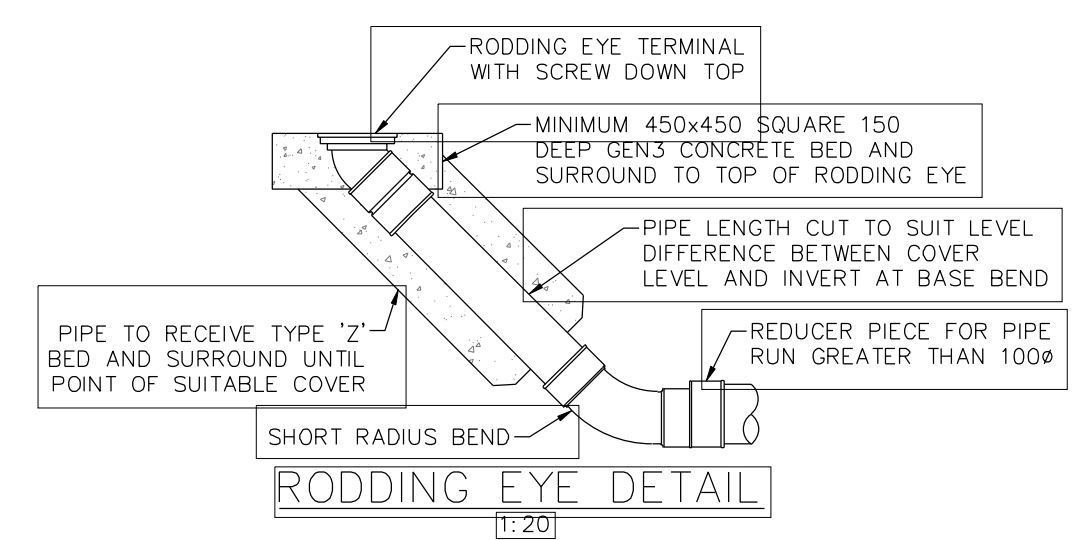
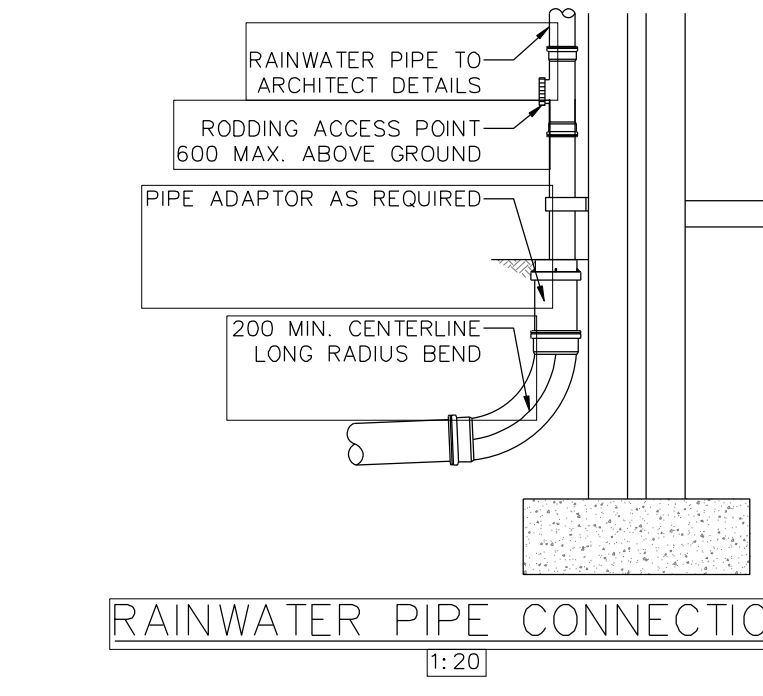
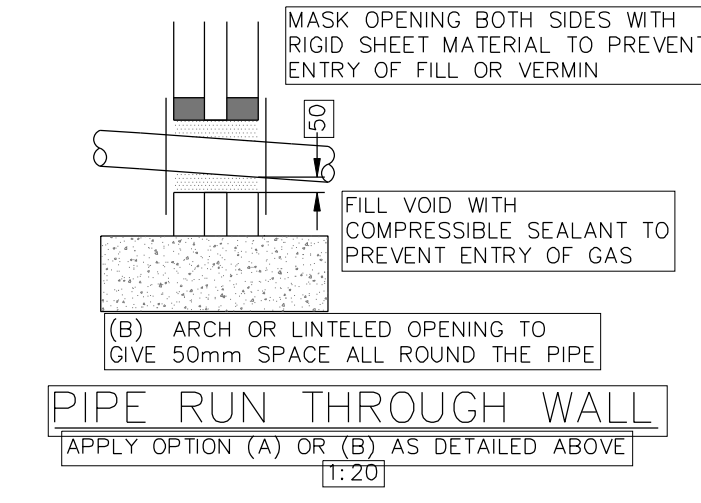
MAINTENANCE SCHEDULE	REQUIRED ACTION	TYPICAL FREQUENCY
REGULAR MAINTENANCE	INSPECT FOR SEDIMENT AND DEBRIS IN PRE-TREATMENT COMPONENTS AND FLOOR/ INSPECTION TUBE OR CHAMBER AND INSIDE OF CONCRETE MAN-HOLE RINGS	ANNUALLY
	CLEANING OF GUTTERS AND ANY FILTERS ON DOWNPIPES	ANNUALLY (OR AS REQUIRED BASED ON INSPECTIONS)
	TRIMMING ANY ROOTS THAT MAY BE CAUSING BLOCKAGES	ANNUALLY (OR AS REQUIRED)
OCCASIONAL MAINTENANCE	REMOVE SEDIMENT AND DEBRIS FROM PRE-TREATMENT COMPONENTS AND FLOOR OF INSPECTION TUBE OR CHAMBER AND INSIDE OF CONCRETE MAN-HOLE RINGS	AS REQUIRED BASED ON INSPECTIONS
REMEDIAL ACTIONS	RECONSTRUCT SOAKAWAY AND/OR REPLACE OR CLEAN VOID FILL IF PERFORMANCE DETERIORATES OR FAILURE OCCURS	AS REQUIRED
	REPLACEMENT OF CLOGGED GEOTEXTILE (WILL REQUIRE RECONSTRUCTION OF SOAKAWAY)	AS REQUIRED
MONITORING	INSPECT SILT TRAPS AND NOTE RATE OF SEDIMENT ACCUMULATION	ANNUALLY
	CHECK SOAKAWAY TO ENSURE EMPTYING IS OCCURRING	

MAINTENANCE WILL USUALLY BE CARRIED OUT MANUALLY, ALTHOUGH A SUCTION TANKER CAN BE USED FOR SEDIMENT/DEBRIS REMOVAL FOR LARGE SYSTEMS. IF MAINTENANCE IS NOT UNDERTAKEN FOR LONG PERIODS, DEPOSITS CAN BECOME HARD-PACKED AND REQUIRE CONSIDERABLE EFFORT TO REMOVE.

REPLACEMENT OF THE AGGREGATE OR GEOTEXTILE UNITS WILL BE NECESSARY IF THE SYSTEM BECOMES BLOCKED WITH SILT. EFFECTIVE MONITORING WILL GIVE INFORMATION ON CHANGES IN INFILTRATION RATE AND PROVIDE A WARNING OF POTENTIAL FAILURE IN THE LONG TERM.

ROADS AND/OR PARKING AREAS DRAINING TO INFILTRATION COMPONENTS SHOULD BE REGULARLY SWEEPED TO PREVENT SILT BEING WASHED OFF THE SURFACE, THIS WILL MINIMISE THE NEED FOR MAINTENANCE.

MAINTENANCE RESPONSIBILITY SHOULD BE PLACED WITH AN APPROPRIATE ORGANISATION, AND MAINTENANCE SCHEDULES SHOULD BE DEVELOPED DURING THE DESIGN PHASE.



- NOTES**
- This drawing is to be read in conjunction with all other relevant drawings, notes and specifications issued by the Engineer, Architect, M&E Consultant.
 - All dimensions to be checked on site and the Engineer notified of any discrepancies prior to commencement of work. All dimensions are in meters (unless otherwise stated). Do not scale from this drawing or the computer digital data, only figured dimensions are to be used.
 - All levels are in meters above Ordnance Datum.
 - Background topographical survey information taken from Synergy Civil Engineering drawing SYN1160-001 Rev A dated October 2023.
 - Prior to commencement of excavation works with mechanical plant, the Contractor shall confirm the location and depth of below ground services. Reference should be made to Statutory Authority records and available private service record plans, with sub-surface scanning and trial pits to confirm location, depth and extent of existing services.
 - All material within 450mm of the finished surface shall be non frost susceptible.
 - Clause numbers noted relate to the Manual of Contract Documents for Highway Works: Volume 1 Specification for Highway Works (MCHW1).
 - Drainage materials, workmanship and installation of private drainage is to accord to BS EN 752 Drains and sewer systems outside buildings and the satisfaction of the local authority.
 - All proprietary products to be installed in accordance with the manufacturer's guidance.
 - With reference to Section 7.1 of the site Stage 2 SI report by Ardmore Point of December 2023, buried concrete should be designed for the following: Design Sulphate Class - DS1; Aggressive Chemical Environment for Concrete - AC1s.
 - A Visqueen Urban Drainage Geomembrane (or similar approved product) with factory pre-welded joints to be provided to the roadside filter trenches and geocellular storage on the following basis: (i) Works to be formed in an area of up-filled ground, the stability of which may be affected if infiltration was permitted (ii) No groundwater is anticipated within the depth of the roadside filter trenches.

Rev	Description	Date

BUILDING WARRANT

Client
Ben McNeice

Project
**Bogside Farm
Bogside
Alloa FK10 3QD**

Drawing Title
**Drainage Works
Sheet 2 of 2**

Date	Scale	Size	Drawn	Checked
Mar 24	As shown	A1	BL	N.McC

mccolm
Civil & Structural Engineers

Mission Hall, 2A Waterloo Road, Prestwick Ayrshire KA9 2AA

01292 737224
info@mccolm-design.com
www.mccolm-design.com

Drawing No:
5890.MEG 011

Rev:

Design of Soakaway

(to BRE 365)



Rainfall Ratio (r) (Figure1) 0.39

Storm Duration D	M5-D min 20mm x Z1	Z2	M10-Dmin R (mm)	Z1	Inflow I (m3)	Outflow O (m3)	Storage m3
10	10.4	1.19	12.376	0.52	3.688048	0.128365714	3.559682286
15	12.6	1.19	14.994	0.63	4.468212	0.192548571	4.275663429
30	16	1.2	19.2	0.8	5.7216	0.385097143	5.336502857
60	20	1.19	23.8	1	7.0924	0.770194286	6.322205714
120	24.2	1.18	28.556	1.21	8.509688	1.540388571	6.969299429
240	29.2	1.18	34.456	1.46	10.267888	3.080777143	7.187110857
360	32.4	1.175	38.07	1.62	11.34486	4.621165714	6.723694286
600	36.4	1.17	42.588	1.82	12.691224	7.701942857	4.989281143

Proposed Soakaway Dimensions

Length	20.000	m	Effective Storage Volume (40% Void)	7.68 m3
Breadth	0.8	m		
Depth	1.200	m		

Inflow to Soakaway $I = A \times R$

A= The impermeable area drained to the Soakaway (Roof)

R= The total Rainfall in a design Storm

I	See Table
A	298 m2
R	See Table mm

Outflow from the Soakaway $O = a_{a50} \times f \times D$

a_{a50} = the internal surface area of the soakaway to 50% (excludes base area)

f = The soil infiltration rate determined from the trial pit

D = the storm duration

a_{a50}	24.96 m2
f	0.0000086 m/s
D	See Table

Design of Foul System

Test 3 (Worst case) results.

Drainage Solution-

No of bedrooms to be serviced

Treatment plant:

Capacity

Discharge

Treatment Plant

4

Klargester Biodisk

Upto 18 people

Ground

Checklist

Sampling Chamber

Location

Desludging

Figure 3.8

5m from building/boundary

25m from road

Foul Infiltration test

Test pit dimension:						
Length	Width	Depth	Volume of pit	Depth of water	25% Volume	75% Volume
m	m	m	m ³	m	m ³	m ³
0.40	0.40	0.40	0.064	0.30	0.016	0.048

Time elapsed (Secs.)	Depth of water (m)	Depth from G.L (m)	Volume (m ³)	Area (m ²)
0	0.400	0.000	0.064	0.640
2100	0.350	0.050	0.056	0.560
4200	0.300	0.100	0.048	0.480
6300	0.250	0.150	0.040	0.400
8400	0.200	0.200	0.032	0.320
10500	0.150	0.250	0.024	0.240
12600	0.100	0.300	0.016	0.160
14700	0.050	0.350	0.008	0.080

Soakaway Pit 2



t (75%-25%) = 8400.000 Secs

Area of filtration trench = 44.8 m²

20% reduction for treatment plan = 35.84 m²

(time to drop 1mm), Vp : 56.0000000 Secs

Width	Length	Area Provided
3	12	36 m ²

Design of Soakaway

(to BRE 365)



Rainfall Ratio (r) (Figure1) 0.39

Storm Duration D	M5-D min 20mm x Z1	Z2	M10-Dmin R (mm)	Z1	Inflow I (m3)	Outflow O (m3)	Storage m3
10	10.4	1.19	12.376	0.52	1.930656	0.0432	1.887456
15	12.6	1.19	14.994	0.63	2.339064	0.0648	2.274264
30	16	1.2	19.2	0.8	2.9952	0.1296	2.8656
60	20	1.19	23.8	1	3.7128	0.2592	3.4536
120	24.2	1.18	28.556	1.21	4.454736	0.5184	3.936336
240	29.2	1.18	34.456	1.46	5.375136	1.0368	4.338336
360	32.4	1.175	38.07	1.62	5.93892	1.5552	4.38372
600	36.4	1.17	42.588	1.82	6.643728	2.592	4.051728

Proposed Soakaway Dimensions

Length	5.000	m	Effective Storage Volume (40% Void)	4.8 m3
Breadth	2	m		
Depth	1.200	m		

Inflow to Soakaway $I = A \times R$

A= The impermeable area drained to the Soakaway (Roof)

R=The total Rainfall in a design Storm

I	See Table
A	156 m2
R	See Table mm

Outflow from the Soakaway $O = a_{a50} \times f \times D$

a_{a50} = the internal surface area of the soakaway to 50% (excludes base area)

f= The soil infiltration rate determined from the trial pit

D= the storm duration

a_{a50}	8.4 m2
f	0.0000086 m/s
D	See Table

Design of Soakaway

(to BRE 365)



Rainfall Ratio (r) (Figure1) 0.39

Storm Duration D	M5-D min 20mm x Z1	Z2	M10-Dmin R (mm)	Z1	Inflow I (m3)	Outflow O (m3)	Storage m3
10	10.4	1.19	12.376	0.52	0.99008	0.027771429	0.962308571
15	12.6	1.19	14.994	0.63	1.19952	0.041657143	1.157862857
30	16	1.2	19.2	0.8	1.536	0.083314286	1.452685714
60	20	1.19	23.8	1	1.904	0.166628571	1.737371429
120	24.2	1.18	28.556	1.21	2.28448	0.333257143	1.951222857
240	29.2	1.18	34.456	1.46	2.75648	0.666514286	2.089965714
360	32.4	1.175	38.07	1.62	3.0456	0.999771429	2.045828571
600	36.4	1.17	42.588	1.82	3.40704	1.666285714	1.740754286

Proposed Soakaway Dimensions

Length	2.500	m	Effective Storage Volume (40% Void)	2.4 m3
Breadth	2	m		
Depth	1.200	m		

Inflow to Soakaway $I = A \times R$

A= The impermeable area drained to the Soakaway (Roof)

R= The total Rainfall in a design Storm

I	See Table
A	80 m2
R	See Table mm

Outflow from the Soakaway $O = a_{a50} \times f \times D$

a_{a50} = the internal surface area of the soakaway to 50% (excludes base area)

f= The soil infiltration rate determined from the trial pit

D= the storm duration

a_{a50}	5.4 m2
f	0.0000086 m/s
D	See Table

Proposal Details

Proposal Name	100652412
Proposal Description	New dwellings
Address	
Local Authority	Fife Council
Application Online Reference	100652412-006

Application Status

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

Attachment Details

Notice of Review	System	A4
23_03279_FULL--3749717	Attached	A4
23_03279_FULL-REFUSED-3750092	Attached	A4
1472-LOC-01	Attached	A0
1472-PL-01 G	Attached	A0
1472-PL-01-1 B	Attached	A0
1472-PL-02 E	Attached	A0
1472-PL-03 E	Attached	A0
1472-PL-04 D	Attached	A0
5890 MEG 001	Attached	A1
Design Statement B	Attached	A4
Existing Site Plan A	Attached	A4
External View 01A	Attached	Not Applicable
External View 02	Attached	Not Applicable
External View 03	Attached	Not Applicable
External View 05	Attached	Not Applicable
Fife Appendix 1	Attached	A4
Fife Appendix 2	Attached	A4
Fife Appendix 5	Attached	A4
Fife Appendix 8	Attached	A4
Internal View 01B	Attached	Not Applicable
Internal View 02B	Attached	Not Applicable
Internal View 03B	Attached	Not Applicable
Internal View 04B	Attached	Not Applicable
Location Plan for Proposal	Attached	Not Applicable

Low-Carbon-Checklist	Attached	A4
Planning_Permission-2	Attached	A4
Review Statement	Attached	A4
Soakaway test and design	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-006.xml	Attached	A0

Agenda Item 5(4)

**Bogside Farm, Bogside, Blairhall, Alloa
Application No. 23/03279/FULL**

Representation(s)

Colin Cowper

From: SWAF Jarrad [REDACTED]
Sent: 28 January 2024 08:03
To: Development Central
Cc: Stacey Cody
Subject: 23/03279/FULL - Neighbour comments

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.

To Fife Planning Services,

Ref:
23/03279/FULL
Bogside Farm Bogside Blairhall Alloa
Erection of two dwelling houses and outbuildings with associated infrastructure.

Please accept this email as my comments regarding the planning application referenced above. I am the owner of the Property, Bath Castle, FK10 3QD, neighbouring the proposed new build location, directly to the north.

My comments & queries are listed as follows:

- 1) Northern Outbuilding, Size Purpose & Noise - my main concern is around the footprint and purpose of this outbuilding and potential noise generated. The design statement references a use for "storage/work from home". This building with its large height would be close to my house and on the same side of my two main internal bedrooms. My house has sash/case windows throughout where noise is not minimized and as a listed building cannot easily amend this, therefore any non residential generated noise from typical work in a large workshop would cause significant impact to us. The application lacks detail on the purpose of "work" in this building, the noise likely to be generated from it and given that the application recognizes the intent that "work" will be undertaken in this building this makes the application more than a simple residential application without this further detail. Finally, the design statement compares this building to a workshop located further south at Ragnar House, but this proposed workshop appears to be significantly larger in size (footprint and height).
- 2) Traffic - relating to the above comment, if this building has a business nature/use then that will likely generate additional traffic on the single track stretch where the proposed access point is, and this could be beyond normal volume of just residents, then I have concerns over safety and condition of the road. It is worth mentioning that the road itself is concrete and maintained by Devilla Quarry (Oi Manufacturing) therefore a proper impact of increased traffic should be agreed with them to ensure the state of the road is maintained (or at least not negatively impacted further).
- 3) Historic Environment Scotland, Built Heritage Planning Impact assessment - Again relating mainly to the proposed northern workshop with its circa 6-7m height on elevated ground, I expect this will certainly impact on the setting of Bath Castle (West Bath House - <https://portal.historicenvironment.scot/designation/LB3357>) lying 20-30m from the footprint of the workshop. Therefore I would expect that Historic Environment Scotland is able to comment on the planning application with respect to the impact on a listed building on the basis that the proposal would affect the setting from the roads southern approach and impact the setting of the buildings southern elevation.
- 4) impact on water pressure - the introduction of two large houses is undoubtedly going to impact on the already critically low water pressure along this road. Although Scottish Water had recently upgraded pipes along the A907 in the area, the residents all have noted lower water pressure than beforehand. Our house and neighbours houses experience 4L/min max from main taps (<0.5bar) with a total of 10 homes at current. The introduction of two large homes (>20% increase) and a business workshop with unknown use will substantially impact this pressure without

intervention. I would strongly expect that a survey of the water pressure is conducted and solutions be considered as part of this planning application.

I would happy to discuss any of my comments/concerns with you in further detail if you have queries. Please do contact me by email or phone if this is required.

Kind regards,
Jarrad (& Stacey) Cody
Tel: [REDACTED]
Bath Castle
Bogside
FK10 3QD
Fife

This email was scanned by Fife Council

Comments for Planning Application 23/03279/FULL

Application Summary

Application Number: 23/03279/FULL

Address: Bogside Farm Bogside Blairhall Alloa Fife FK10 3QD

Proposal: Erection of two dwellinghouses and outbuildings with associated infrastructure

Case Officer: Emma Baxter

Customer Details

Name: Sandy and Catherine Bruce

Address: Bath Cottage Bogside Blairhall Alloa Fife FK10 3QD

Comment Details

Commenter Type: Neighbour Notified

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: The development of this plot will have a huge and lasting impact on our views, noise levels and seclusion of our property, however, we recognise that the planning department will see this as an 'infill' site. We therefore do not see any point in objecting to the houses per se, but have grave concerns about the large workshop and the planned future use of the properties.

Firstly, we feel that the size and location of the north outbuilding is inappropriate for personal use, and the siting so close to our property would be detrimental to us. Any noise or disturbance from this workshop would fully impact our garden and home, being sited so close to our boundary and the superfluous size of the planned outbuilding does not tally with residential use. The planned 'workshop' site is also currently a wild area, with mature trees, nesting birds such as treecreepers, and is used, along with the burn alongside, as a corridor for wildlife moving between the woods to the east and west. The size of the 'workshop' suggests perhaps business use, which would impact traffic levels on the quarry road too.

We would also seek reassurance and clarification that these properties will indeed remain residential properties once signed off, and will not be then changed to Air B&B properties. The noise, disturbance and increased traffic levels would be entirely unacceptable and we hope that the planning department can ensure that this will not be an option if these homes go ahead.

Tourists accessing the main road junction (a dangerous one already) crawling up and down the road, busy with quarry traffic and current residents would be both disruptive and possibly dangerous.

We hope that you consider the impact that the outbuilding and holiday let possibility would have on our property, one which we have lived in peacefully for the last 14 years, and hope to continue to do so for some time.

Agenda Item 5(5)

**Bogside Farm, Bogside, Blairhall, Alloa
Application No. 23/03279/FULL**

Consultee Comments

Monday, 15 January 2024



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,

Bogside Farm Bogside, Blairhall, Alloa, FK10 3QD
Planning Ref: 23/03279/FULL
Our Ref: DSCAS-0101512-VGR
Proposal: Erection of two dwellinghouses and outbuildings with associated infrastructure

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

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.
- ▶ The nearest public water main is approx. 600m from the proposed site.

Waste Water Capacity Assessment

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

Please Note

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

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).
- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the

development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 5kg 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."

Fife Council
Fife House
North Street
Glenrothes
KY7 5LT

Date: 19th January 2024

Reference: XI/1111/432/B

Chemicals, Explosives, Microbiological
Hazards Division – Explosives
Inspectorate

1.2 Redgrave Court
Merton Road
Bootle
Merseyside, L20 7HS

Explosives.licensing@hse.gov.uk

<http://www.hse.gov.uk/>

Head of Unit and Chief Inspector of
Explosives – David Brown

Dear Sir/Madam,

**REQUESTS FOR ADVICE IN RESPECT OF PLANNING APPLICATIONS IN THE VICINITY OF HSE
LICENSED EXPLOSIVES SITE**

PLANNING REF: 23/03279/FULL

PROPOSAL: Erection of two dwellings and outbuildings with associated infrastructure

LOCATION: Bogside Farm, Bogside, Blairhall, Alloa, Fife, FK10 3QD

Thank you for your email of 16th January 2024 regarding the above planning application. From the information provided it appears that the proposed development falls outside of SD2, but within SD3, of the nearby licensed explosives site.

Provided that the proposed development does not constitute as a **'vulnerable'** building HSE has no comment to make.

“Vulnerable building” means a building or structure of vulnerable construction, that is to say—

- (a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;
- (b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;
- (c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or
- (d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

This advice is provided in relation to the proximity of the development to an HSE licensed explosives site. If the development is also in the proximity of any other major hazards site or pipelines then advice should be sought through HSE's WebApp in the first instance - <https://pa.hsl.gov.uk/>

If you require further advice on this matter, please e-mail explosives.planning@hse.gov.uk

Yours faithfully,

Pp C Doran

Dawn Madden (Mrs)
Regulatory Compliance Officer
Chemical, Explosive and Microbiological Hazards Division (CEMHD 7)

Fife Council
Glenrothes
Fife
KY7 5LT



Advice : HSL-240116144354-368 Crosses Explosive Safeguarding Zones

Your Ref: 23/03279/FULL

Development Name: Bogside Farm Bogside Blairhall Alloa Fife FK10 3QD

Comments: Erection of two dwellinghouses and outbuildings with associated infrastructure

The site which you have identified currently lies within one or more Explosives Safeguarding Zones; please contact the HSE Explosives Inspectorate.

The Explosives Inspectorate can be contacted at:

Health and Safety Executive
Explosives Inspectorate
Redgrave Court
Merton Road
Bootle
Merseyside
L20 7HS
Email: explosives.planning@hse.gov.uk

Please note that this advice is based on the specific information provided by Keith Foster on behalf of Fife Council and the explosive safeguarding zone data held by HSE on this date.

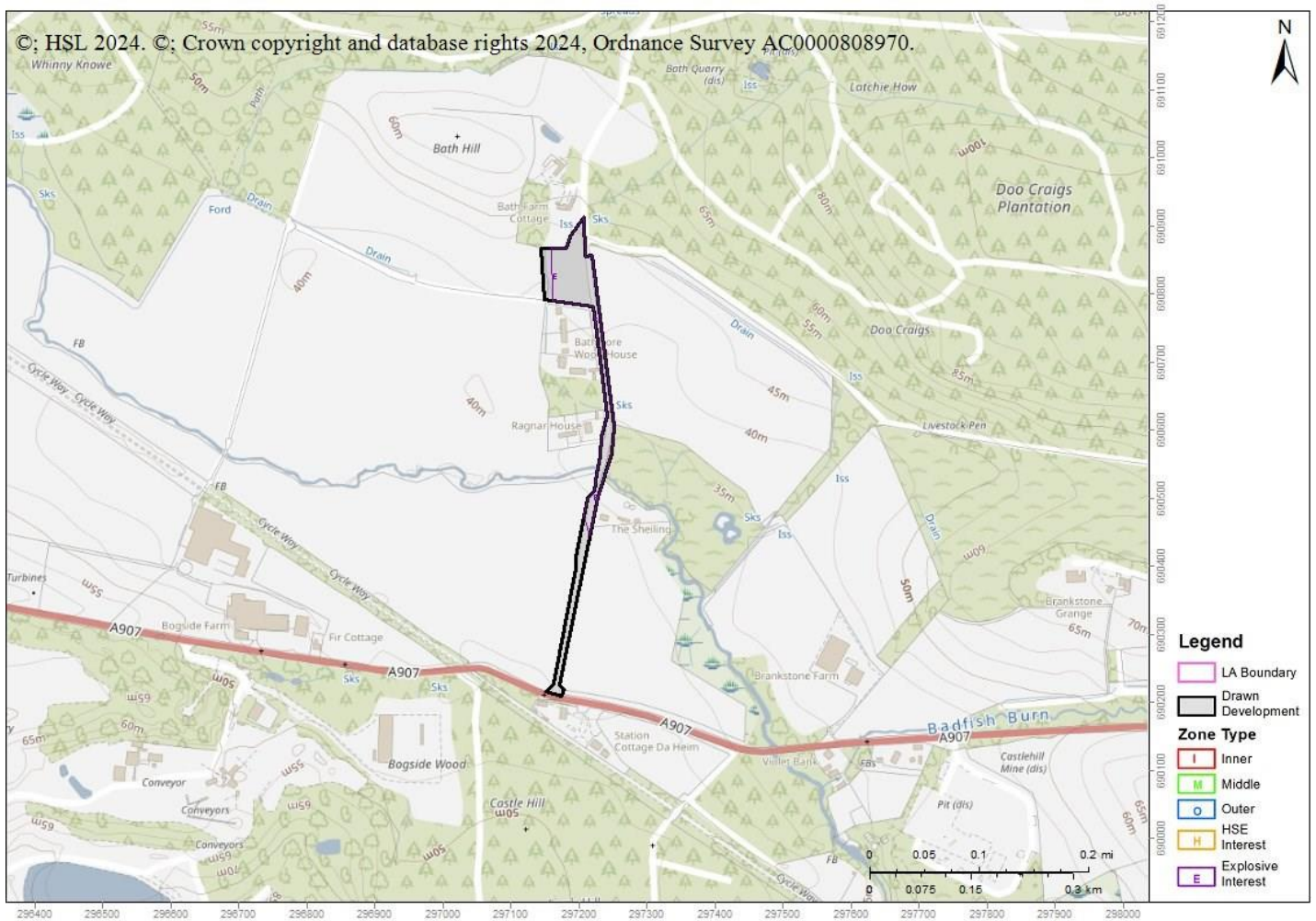
Fife Council
Glenrothes
Fife
KY7 5LT

Advice : HSL-240116144354-368 Does Not Cross Any Consultation Zones

Your Ref: 23/03279/FULL

Development Name: Bogside Farm Bogside Blairhall Alloa Fife FK10 3QD

Comments: Erection of two dwellinghouses and outbuildings with associated infrastructure



The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

This advice report has been generated using information supplied by Keith Foster at Fife Council on 16 January 2024.

Consultation Request Notification

Please use updated template attached for your response

Planning Authority Name	Fife Council
Response Date	5th February 2024
Planning Authority Reference	23/03279/FULL
Nature of Proposal (Description)	Erection of two dwellinghouses and outbuildings with associated infrastructure
Site	Bogside Farm Bogside Blairhall Alloa Fife FK10 3QD
Site Postcode	N/A
Site Gazetteer UPRN	000320122526
Proposal Location Easting	296707
Proposal Location Northing	690296
Area of application site (Ha)	
Clarification of Specific Reasons for Consultation	
Development Hierarchy Level	N/A
Supporting Documentation URL	http://planning.fife.gov.uk/online/applicationDetails.do?activeTab=documents&keyVal=S4H2OOHFJQ300
List of Available Supporting Documentation	As above URL
Date of Validation by Planning Authority	10th January 2024 Development Type: Local - Housing
Date of Consultation	22nd January 2024
Governing Legislation	Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006
Consultation Type	Full Planning Permission
PA Office	Kingdom House, Kingdom Avenue, Glenrothes, KY7 5LY
Case Officer	Emma Baxter
Case Officer Phone number	03451 55 11 22

Planning Services Internal Assessment Sheet

Team	Natural Heritage, Planning Services
Application Ref Number:	23/03279/FULL
Application Description:	Erection of two dwellinghouses and outbuildings with associated infrastructure
Date:	29/01/2024
Reason for assessment request/consultation	<input type="checkbox"/> Statutory <input type="checkbox"/> Non-statutory
Consultation Summary	

Important Note

This is an internal planning assessment response which 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 requires to be read in conjunction with all the other relevant policies and strategies set out in the development plan, together with any other relevant and related material considerations. It should not be read in isolation or quoted out of this context. The complete assessment on the proposal will be made by the Planning Case officer in due course.

Assessment Summary

1.0 POLICY CONTEXT

National Planning Framework 4

The Scottish Parliament voted to approve Scotland's fourth National Planning Framework (NPF4) on 11 January 2023. Provisions of the Planning (Scotland) Act 2019 were enacted on 12 February 2023, with NPF4 being subsequently adopted on 13 February 2023 at 9am. Upon adoption, NPF4 superseded the 2014-issued Scottish Planning Policy.

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

Policies of relevance to this application include:

Policy 3 Biodiversity

This Policy aims to “...protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.” The targeted result is for development to

enhance biodiversity and ensure better connections through strengthened nature networks and use of nature-based solutions.

Policy 4 Natural places

This Policy aims to “...*protect, restore and enhance natural assets, making best use of nature-based solutions.*” The targeted result is for development to ensure natural places are protected and restored and that natural assets are managed in a sustainable way such that their essential benefits and services are both maintained and grown.

Policy 6 Forestry, woodland and trees

This Policy aims to “...*protect and expand forests, woodland and trees.*” The aim is to protect existing trees and woodlands, expanding the cover and ensure that these resources are sustainably managed on development sites. There is a focus on habitat enhancement, or expansion to prevent fragmentation and improve ecological connectivity. Policy for woodland removal and compensatory planting is also covered.

Policy 20 Blue and Green Infrastructure

This Policy aims to “...*protect and enhance blue and green infrastructure and their networks.*” The defined result is to ensure blue and green infrastructure are integral to development design from an early stage in the process and are designed to deliver multiple functions, including climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management. An additional benefit identified for communities is the increased access to high quality blue, green and civic spaces.

Policy 22: Flood risk and water management Policy Principles

This Policy aims to “...*to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.*” The defined result is to ensure places are resilient to current and future flood risks; efficient and sustainable water resource use; and promote wider use of natural flood risk management to benefit people and nature. This will involve utilisation of the blue green infrastructure.

FIFEPlan

Policy 1 (Part B) 7, 8 and 9: Development Principles

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

7. Safeguard the character and qualities of the landscape.
8. Avoid impacts on the water environment.
9. Safeguard or avoid the loss of natural resources, including effects on internationally designated nature conservation sites.

Policy 12 – Flooding and the Water Environment

Development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively:

3. Detrimentally impact on water quality and the water environment, including its natural characteristics, river engineering works, or recreational use.
4. Detrimentally impact on future options for flood management.

Policy 13 – Natural Environment and Access

Development proposals will only be supported where they protect or enhance natural heritage and access assets. Where adverse impacts on existing assets are unavoidable we will only support proposals where these impacts will be satisfactorily mitigated.

Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in *Making Fife's Places Supplementary Guidance*.

In the particular case of development proposals that affect national sites, such proposals will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised or where any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

The application of this policy will require to safeguard (keeps open and free from obstruction) core paths, existing rights of way, established footpaths, cycleways, bridleways and access to water-based recreation. Where development affects a route it must be suitably re-routed before the development commences, or before the existing route is removed from use.

2.0 CONTEXT

- 2.1 Following an initial refusal in September 2010, the previous application (10/02081/PPP) was approved *in principle* by the Fife Planning Review Body in April 2011 with conditions requiring more information and clarifications/plans, as per Council policies.
- 2.2 This application relates to the construction of two 1.5-storey dwelling houses and their respective outbuildings on an agricultural field within an already established cluster development – with development following the extant building line of the cluster.
- 2.3 As per the previous application, the *Design Statement* (Doc 18, below) notes tree and hedge planting along the western site boundary, which will connect the canopy to north and south of the application site. The *Statement* also indicates the outline drainage strategy, with this expanded upon by a *Drainage Statement* (Doc 21, below) outlining the approach to site water management (i.e. foul and surface waters).

3.0 OVERALL ASSESSMENT

- 3.1 FIFEplan states that all development should be considered through Policy 1. Examination of FIFEplan and review of the various publicly available interactive Council natural heritage mapping resources indicates that, while components of the Fife Integrated Habitat Network (IHN) are present in the wider area, only parts of the *Woodland* IHN are in reasonably close proximity – this is to both the north and south of the application area, with the site itself located with the dispersal network area (i.e. connection across the site would benefit the IHN). The majority of the woodland to the east and north of the application area is recorded on the Ancient Woodland Inventory, with the closest part within 50m north-east of the proposed site boundary.
- 3.2 No other greenspace priorities or sites holding nature conservation designation have been identified in close proximity to the application boundary.
- 3.3 No potential access issues, relating to the Core Path Network, have been identified.
- 3.4 The standard requested approach to natural heritage site assessment for planning applications is as follows:
 - *Making Fife's Places Supplementary Guidance* provides information on the site assessment which must be submitted for natural heritage and biodiversity. A habitat survey should be undertaken and be used to help inform what further surveys are

required. Any Protected Species (European and UK/Scotland) found to be present should be assessed with appropriate surveys undertaken and impacts and mitigation identified. All surveys should be carried out by suitably qualified professionals, following recognised current UK/Scottish guidelines and methodologies and the approach taken must be consistent. Surveys should be reported in full, with mapping provided as appropriate.

- Documents and plans should clearly identify existing natural heritage assets and how they are being retained and protected (e.g. any trees). A suitable buffer must be maintained between these and any development. No buildings or garden ground should be included in the buffer area.
- As required by policy and as detailed in *Making Fife's Places Supplementary Guidance*, biodiversity enhancement should be considered throughout the design process and details of this must be provided with the application. A proposed development will need to demonstrate an integrated approach to natural heritage and biodiversity, landscaping and Sustainable Drainage System (SuDS) design.
- To maximise biodiversity, native species of local or Scottish origin should be specified for landscaping. Also expected would be use of some of the following: native species-rich hedgerows, swales, plot raingardens, integrated bat roost boxes, integrated bird nesting boxes, and wildflower grassland instead of amenity grassland. *Making Fife's Places Supplementary Guidance* covers the integration of biodiversity enhancement into design. Further guidance is available from NatureScot in the form of their publication *Developing with Nature Guidance*¹, which is set within the framework of NPF4 Policy 3 and provides details of how to take nature into account when submitting a planning application and the types of enhancement available.
- From the Natural Heritage perspective, there is a design preference for surface water management to be removed from pipes as far as possible, as this provides an opportunity to create wildlife-friendly, visually attractive SuDS features that integrate with landscaping and amenity and deliver biodiversity enhancement.
- Regarding access and public rights of way, the responsibilities of land managers (and any appropriate provisions that may be required) are detailed in the Scottish Outdoor Access Code (SOAC), under the terms of the Land Reform (Scotland) Act 2003, as amended in 2016.

3.5 The submission is supported by the following documents related to Natural Heritage:

- Doc 01 *Location Plan* (UK Planning Maps, 2023);
- Doc 02 *Location Plan* (Andrew Megginson Architecture, December 2023);
- Doc 06 *Site Plan with Proposed Topographical Survey Overlaid* (Andrew Megginson Architecture, March 2023);
- Doc 18 Design Statement (Andrew Megginson Architecture, November 2023);
- Doc 21 Drainage Statement (Andrew Megginson Architecture, January 2024).

4.0 CONCLUSIONS/RECOMMENDATIONS

4.1 With regards to the above standard requirements, an ecological study is not deemed to be required.

¹ NatureScot (2022). *Developing with Nature Guidance. Guidance on securing positive effects for biodiversity from local development to support NPF4 policy 3(c)*. Available online at: [Developing with Nature guidance | NatureScot](#)

- 4.2 A full landscape design, relating to the proposed tree and hedgerow planting would be appreciated, to ensure species choice, management, etc., is appropriate. As stated above, native species are preferred and the extant species mix of the woodland to either side should be used to guide the planting scheme for the western boundary planting. Attention is drawn to the 2022 NatureScot guidance, particularly the Annex B list of species to be avoided.
- 4.3 Drainage plans would also be appreciated at the detailed design stage, to ensure confidence in the compatibility of the design with protection of the water environment.
- 4.3 For the application to be compatible with the aims of the FIFEplan policies relating to the natural environment, access, flooding and the water environment, it must address the matters noted above and be supported by the information identified and as detailed in *Making Fife's Places Supplementary Guidance*. Compatibility with the relevant NPF4 policies will also require to be considered, as summarised above.
- 4.4 With ecological data relating to habitats and species being generated as part of site assessments, it would be appreciated if permission is granted for this information to be released to Fife Nature Records Centre.

Signed by: M Berry MCIEEM PIEMA, Natural Heritage Officer
Date: 29 January 2024
E-mail: mark.berry-ps@fife.gov.uk
Number: 03451 555555 extension: 474548

Planning Portfolio Internal Assessment Sheet

EPES Team	Transportation Development Management
Application Ref Number:	23/03279/FULL
	Erection of Two Dwellinghouses with a Workshop Building and Outbuilding at Bogside Farm, A907, Bogside
Date:	5th February 2024
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 application is for the erection of 2 dwellinghouses with the northern dwelling having a large workshop building within its curtilage and the southern dwelling having an outbuilding within its curtilage.
- 1.2 I am aware that planning permission in principle was previously granted for 2 dwellings on the application site under reference 10/02081/PPP. TDM recommended that application for refusal as did the planning case officer with road safety being one of the reasons for refusal. However, the applicant appealed that decision to Fife Council's Local Review Body who decided to overturn the original decision and grant approval.

However, that decision is not material to TDM's assessment of this application, unless the sub-standard junction visibility splays have been significantly improved.

- 1.3 Transportation Development Management has a presumption against the formation of new vehicular accesses or the intensification in use of existing accesses on unrestricted distributor roads outwith established built-up areas. For clarification purposes, the built-up area, from a transportation point of view, is defined as the area within a 20, 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety.

The above policy can be relaxed if a proposed rural development has agricultural justification; promotes tourism or saves a building, such as a steading, deemed worthy of retention by Planning Services. This relaxation is only possible when either the junction of the access to the site and the public road has acceptable visibility splays or if the proposals include acceptable improvements being undertaken to existing sub-standard visibility splays.

- 1.4 According to the current Fife Council Transportation Development Guidelines (TDG), visibility splays 3m x 210m must be provided and maintained clear of all obstructions exceeding one metre in height above the adjoining road channel level, at the junction of the quarry access and the A907 public road.

Forward visibility of 210 metres must be available for drivers of vehicles turning right into the site from the public road.

Additionally, other drivers travelling westbound on the A907 should have 210 metre forward visibility of any stationary vehicle waiting to turn right into the access from the public road.

- 1.5 During my recent site visit, I assessed the visibility splays that are currently available at the junction of the quarry access with the public road. As per my original assessment in 2010, I noted that an approximate oncoming visibility splay of 3m x 100m was available to the sharp left hand bend at the old railway bridge. There is no way to improve visibility in a westerly direction.

A splay of approximately 3m x 170m is available in the other direction (east) and again there is now measures that could be undertaken to improve this splay further within land in the applicant's control.

- 1.6 Forward visibility for right turning drivers into the access from the A907 is approximately 100 metres and this cannot be improved, due to the geometry of the public road.

Forward visibility of stationary right turning vehicles for other westbound drivers on the A907 would be approximately 175 metres.

- 1.7 The proposal is unacceptable; as it will result in an increase in vehicle turning manoeuvres at a junction with sub-standard visibility splays which is located on an unrestricted road outwith the established built-up area, all to the detriment of road safety.

- 1.8 In addition, TDM have concerns with the large workshop building that is proposed within the curtilage of the northern dwelling. It is a very large workshop to only be used for domestic purposes and if a business operated from the site, this would increase the number of vehicular turning manoeuvres at the junction of the access to the site and the A907.

2.0 CONCLUSIONS

2.1 The proposals are unacceptable to TDM, as they would result in two additional dwellings being served by a junction onto an A class road (60mph speed limit) which has sub-standard visibility splays in both directions, all to the detriment of road safety.

3.0 RECOMMENDATIONS

3.1 Refusal for the above road safety reasons.

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: 05/02/2024

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

Number: 03451 555555 extension 480211

Agenda Item 5(6)

**Bogside Farm, Bogside, Blairhall, Alloa
Application No. 23/03279/FULL**

Further representations

Response to Application Ref. 23/03279/FULL - Bogside Farm, Bogside, Blairhall, Alloa

Jarrad Cody, Bath Castle Bogside, FK10 3QD, Tel: [REDACTED]

Dated 14/6/2024

As resident of the neighbouring property, Bath Castle, I would like to provide additional input into the appeal, having reviewed the notice of review document, provided by the architect on behalf of the applicant.

My previously raised concerns, prior to the council's decision to refuse, still remain in large part my concern around this application. In terms of my official position, as a neighbouring resident I am still not content with the application elements, however this relates primarily to the northern outbuilding. I appreciate that the size was reduced in height since my original concerns were raised but the total height and material of this building is certainly much larger and different to any others along the street. The architect makes a comparison to Bogside farm outbuildings, however this is a working farm and not on this street.

The following two images show the only two other comparable outbuildings on this street which both demonstrate significantly lower height and are both wood clad material, not steel. All other comparisons are of a smaller nature, such as tool sheds and cannot be compared to the footprint of the northern building; Circa 13m long, 12m wide and over 4m high which is still a substantial building.



Figure 1: Ragnar Outbuilding (Smaller footprint)



Figure 2: Bath Fore Wood outbuildings (note lower height)

My concerns on this outbuilding building relates to its uses. As per original planning application, it is referenced that the applicant wish to use this to “work from home”, which has a business connotation. What is the nature of this work? What noise will it generate (a particular concern as single glaze sash/case windows in Bath Castle are unlikely to receive permission to upgrade to minimise noise), what traffic will this work generate, will there be any other safety implications of material or customers coming to/from the site. The applicant acknowledges that the quarry is reducing down in the near future, which is a big positive for residents, albeit recent news to me for the benefit of my family (3yo daughter) but I equally do not wish this positive news to be offset by introduction of new hazards.

It is worth noting that this plot would not be a farm plot, which would otherwise justify a large outbuilding the same as Bogside farm, something raised in the response by the architect.

With regards to setting of Bath Castle, I remain surprised that the architect has chosen to justify this themselves rather than requesting Historic Environment Scotland comment on the application. From my perspective, justifying that the setting will not be impacted due to vegetation, recently grown certainly does not form appropriate evidence that listed setting hasn't been impacted. Will there be a protection order for that vegetation so that it will be there forever to form screen? During winter when the leaves are not present, the line of site to the building is clear from the proposed access point to the castle, where the northern outbuilding will be constructed. Again, I don't understand why HES were not consulted other than to avoid a valid known issue.

The following image show the view from the proposed access to the site, towards my property, B-Listed Bath Castle. The red box indicates the rough area where the northern outbuilding will be sited, whilst the blue box shows Bath Castle. The castle is clearly visible from this point on the road during winter whilst the vegetation is sparse. The reduced height may have minimised the impact but I would expect there still to be an impact, however marginal.

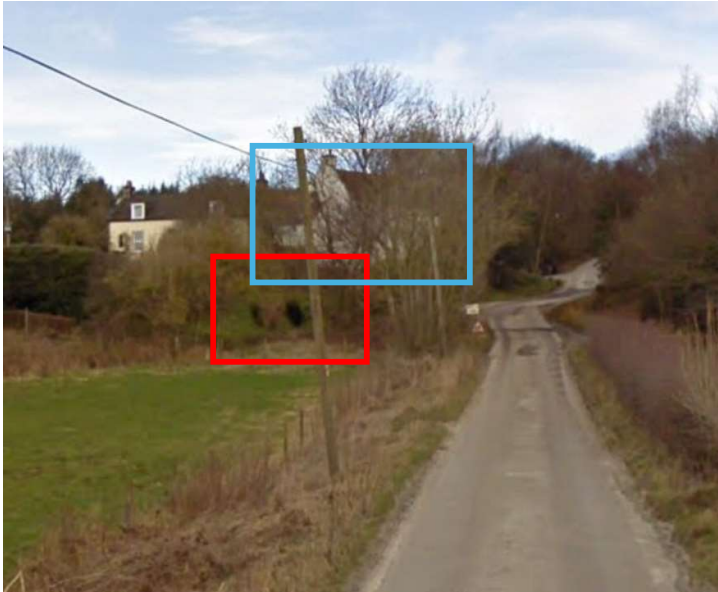


Figure 3: View from Proposed access towards B-Listed Bath Castle

Although the architect response stated that only bath cottage could be seen from the SE Corner, the photo itself (taken so far back so difficult to see) is misleading and clearly shows that Bath Castle is in the line of site to where the northern outbuilding will be sited. Image below from the Architects response includes the blue box which shows the edge of Bath Castle on the left hand side. Bath Castle is itself only 1m away from the side of Bath Cottage, but this building in the image (white sections seen through the vegetation) is itself Bath Castle.



Figure 4; Architects image from SE Corner, shows Bath Castle through vegetation

The following photo is a recent photo from my bedroom window down towards the site. The vegetation, in the summer months, would indeed provide a partial screen, but again it demonstrates that the position of the outbuilding would likely impact the setting. The view is more prominent from the western side of the building, although photos are difficult to demonstrate. This also highlights my concerns over the nature of this northern outbuilding and the noise that will be generated. On a previous application for Bath Castle HES refused double glazing windows on what is now my ground floor southern bedroom, which was subsequently removed from my application to allow my own planning for other work to proceed. It is therefore unlikely that I could obtain consents in the future and given both bedrooms sit on this side of the building, any noise/dust/lighting are of a big concern to me as I would be unable to protect myself from this.



Figure 5; View from Bath Cast, upper floor, south east corner

Being a close nit community I can express that I have spoken to the surrounding residents and understand the applicant has not done this directly themselves, other than when questioned on an initial site visit what they were doing and since then through the planning system. This is a shame as the application comments references the need increase population on rural populations; This should not itself come at detriment to the current population and conversations are a good starting point to fit into the community, understand concerns and address these within the planning. From my understanding, the local residents, including myself all have concerns over the design, nature of work within the outbuildings, impact to water pressure, network, traffic etc. Likewise, the design of the houses has been acknowledged

by all of us, being different style to the house cluster of Bath Castle, Bath Farm Cottage and Bath Mill. The basic premise of building houses on the plot and welcoming new residents is not a vocalised concern, and certainly is not a main objection from myself, but the other factors have not been adequately addressed either.

I would like to summarise that I personally do not have any objections to the houses and welcoming new residents, but I appreciate the deciding factors by the council and will reiterate my concerns over the northern outbuilding, the impact to the area and the setting on the B-Listed property I live in as the current custodian. We are a family here, me my wife and my three year old daughter and are very welcoming, but I equally put significant importance around impact (noise etc) and safety first for my family. Perhaps more engagement is needed, including HES to mutually agree a solution that addresses these concerns but provides the applicant with what they are looking for, but I do not feel that this has happened.

I would welcome a conversation with the applicants or architects should they so wish to develop their application further for mutual understanding, but would also recommend that HES is consulted.

Kind Regards,

Jarrad Cody (& family)

Agenda Item 5(7)

**Bogside Farm, Bogside, Blairhall, Alloa
Application No. 23/03279/FULL**

Response to further representations

To the Local Review Body,

We have received a further representation from Mr. Cody and family and respond as below.

We are very keen to work and engage with the Local Authority as well as the neighbours and the community local to the application site.

As per our design statement and confirmed by Mr. Cody in his further representation, ancillary buildings exist to the front of the residential properties leading up to the application site. Figure 1 below is comparable to our proposed outbuildings in terms of height, form, orientation and length of elevation that faces the road. Figure 2 is also comparable in that the footprint of that outbuilding is larger than that of the northern/ southern outbuildings and is also in the same general pitched roof form in a linear plan. As is clearly evident in the area the proposed outbuildings to the front of the proposed dwellings shall follow the building pattern of the area, be subservient to the houses and be compatible overall with the surrounding landscape and area.

Mr. Cody raises the materiality of the outbuildings as an issue, we feel that proposed is in keeping within a rural setting across Scotland, with plenty of other buildings in the surrounding context also being clad in this materiality. The proposed outbuildings shall be clad in high quality metal and detailed well.



Figure 1





Figure 2

Historic Environment Scotland lists buildings, schedules monuments and designates places that are special to Scotland's story. We can confirm that Historic Environment Scotland's role in the planning system is to consult with the Local Authority on certain types of listed building consent applications and applications for conservation area consent, this application is for neither of these hence why consultation with Historic Scotland has not been undertaken. Furthermore, as per our design statement it was considered by the planning officer that the northern outbuilding would not affect the setting of the listed building where Ms. Baxter noted "I am willing to accept that the reduced height means the outbuilding would be unlikely to harm the setting of the listed building." This along with the screening between the application site and the listed building which we feel is clearly evident and adequately justified within this letter, our review statement and Mr. Cody's representation shall result in no harm to the setting of the listed building. We asked Historic Environment Scotland if they can provide comment on the planning application in the context of the listed building and they have come back with that submitted with this response noting that they have not been consulted by Fife Council as it is out with their remit.





Figure 3 – View towards Bath Castle from the application site where the northern outbuilding shall be located showing that it shall not be read in the context of the listed building due to the existing screening being retained/ enhanced and thus having no detrimental effect on the building or its setting.





Figure 4 – View further away from Bath Castle showing that it is not read in the context of the application site.





Figure 5 – View towards the application site from Bath Castle showing that the existing vegetation retained shall visually and physically screen the development from the listed building.

As noted within our design statement the outbuildings shall be used for storage primarily along with having a minor work from home element to them. The work from home element would relate to a small office space within the proposed outbuildings only and thus shall not have any form of detrimental effect on the neighbouring properties or surrounding area. We can confirm the outbuildings shall not form business



premises, shall not result in any detrimental noise or external lighting issues and shall not attract any members of the public (customers) or business related material deliveries (thus additional traffic). We would be happy to accept appropriate conditions limiting the use of the outbuildings to the above effect.

We trust the above is in order however should you require any further information, please do not hesitate to contact us.

Andrew Megginson

Andrew Megginson Architecture



Andrew Megginson

From: Heritage - LBC, CAC and Planning Technicians <LBC@hes.scot>
Sent: 19 June 2024 11:12
To: Andrew Megginson
Subject: FW: Contact Us

Thank you for your enquiry which has been passed to myself to respond.

We are a statutory consultee in the process. The planning departments know when they should consult us.

For planning applications, we would only be consulted when the works affect the following:

- development which may affect a historic garden or designed landscape;
- development which may affect the site of a scheduled monument or its setting;
- development which may affect a category A listed building or its setting;
- development (other than householder development) which may affect a historic battlefield;
- development of land which is situated within 800 metres of any Royal Palace or Park, and
- might affect the amenities of that Palace or Park; and
- development which may affect a World Heritage Site. (Note: Historic Environment Scotland has decided that consultation is not required for householder developments affecting World Heritage Sites.)

If the planning application falls within our remit, we will be consulted by the planning department.

If you have any other questions, please don't hesitate to contact me.

regards
Sarah Gosman

Sarah Gosman | Casework Technician | Heritage Directorate

Historic Environment Scotland | Àrainneachd Eachdraidheil Alba
Longmore House, Salisbury Place, Edinburgh, EH9 1SH
T: 0131 668 8981
E: sarah.gosman@hes.scot
www.historicenvironment.scot

To make sure that we reply to your enquiry or request quickly, we'd appreciate it if you could send it to one of our mailboxes. These are checked regularly during working hours. Please select the correct mailbox from this list:

- *Scheduled monument consent applications and related pre-application or post-application enquiries: ScheduledMonumentConsent@hes.scot*
- *Statutory consultations and any associated pre-application enquiries: HMConsultations@hes.scot*

- General enquiries not related to scheduled monument consent or statutory consultations: HMEquiries@hes.scot
- If you're not sure which mailbox to use please ring us on 0131-668-8716 and we will be happy to help you!



From: noreply@historicenvironment.scot <noreply@historicenvironment.scot>
Sent: 17 June 2024 20:51
To: Heritage - Designations <designations@hes.scot>
Subject: Contact Us

First name	Andrew
Last name	Megginson
Email	andrew@andrewmegginsonarchitecture.com
Phone	07583404422
Question	Listing and listed buildings - 10557
Message	Dear Sir or Madam, we are wondering if you could provide comment on a planning application for new dwellings in the countryside in context of a listed building out with the curtilage of the application site? If you can provide me with an email address I can send over the relevant information. Kind Regards, Andrew Megginson
Agree	True
Date	17 June 2024
Time	20:50:55

Review Statement

Planning application for the Erection of two dwellinghouses and outbuildings with associated infrastructure

Date: April 2024



Executive Summary

-The principal of development is in compliance with policy and the aims/ objectives of NPF4 along with FIFEplan where the proposal is situated within a building group as validated by AMA, a former consented planning application from Fife Council and the Natural Heritage officer at Fife Council. To this we are explicitly in line with policy 8 of FIFEplan as a site within an established and clearly defined cluster of five houses or more. Our proposal delivers high quality and sustainable rural homes in the right location in line with NPF4. As per the main outcomes required by NPF4 the development proposals shall increase the population of a rural area in Scotland with dwellings that are designed with later living and disability in mind that shall improve the health and wellbeing of the occupants. The proposal shall utilise high levels of insulation and renewable technologies. The proposal shall also have a hugely positive effect on biodiversity.

-The additional two houses, which shall utilise an existing junction used by the rest of the houses in the building group and along the existing access road, shall not result in a major increase in traffic and considering the previous justification for the former consented application on the application site and consented permission for Bath Fore Wood House it should be agreed to set aside the concerns raised by Fife Council's Transportation Development Management Team. The quarry which also uses this road shall be closing soon reducing the volume of traffic on the road. Furthermore, these minor concerns should not hinder the delivery of rural homes in line with planning policy that shall deliver a large net gain in terms of biodiversity.

-The proposals are informed by the existing building pattern, forms and layout of the building group and surrounding area where the proposed houses are to be 1.5 storey high utilising materials seen elsewhere in the building group and surrounding area. The outbuildings are also subservient to the dwellings, low in height and are of a form and materiality seen elsewhere in the surrounding area. The proposals are rural in nature and appearance and are congruous to the overall countryside resulting in no detrimental impact to the landscape setting.

-The B-listed property is not read in the context of the application site due to existing screening. The location of the proposed built form and existing/ proposed screening shall result in no impact on the setting of Bath Castle.

-The Natural Heritage officer did not object to the proposals in terms of biodiversity and natural environment. As is evident in our proposals the application offers proposals that shall largely enhance existing biodiversity and landscape attributes on the application site resulting in new network corridors linking several woodland areas along with new habitat for wildlife. As noted,



we shall be preparing a detailed landscape plan with an arboricultural consultant which will be provided to the full satisfaction of Fife Council.

-Our proposals have been informed by previous applications which are material in the justification of this proposed development.

Material Considerations

Contrary to the case officers decision report that there are "no relevant material considerations of sufficient weight to justify departing therefrom. (from the development plan)" it is considered that there are several material considerations which, when properly taken into account, may reasonably justify departing from the Development Plan in this specific case, namely :-

(1) Site visit;

-It is noted within the report of handling that no site visit was undertaken. We question how the case officer can make a fully informed decision on the application without visiting the site to which we feel they have misinterpreted many important aspects of the area and existing situation which has negatively obscured their conclusions of the proposals in the context of the site and surrounding environs.

(2) Planning History;

- 10/02081/PPP consent

-As can be seen in the approval papers of application 10/02081/PPP it was considered that the draft Dunfermline and West Fife Local Plan (2010) was a document that "carried significant weight as a material consideration" in the assessment of that application. The application was considered to comply with policy E16 and fall under "a site within an established and clearly defined cluster of dwellings of 5 houses or more". Under current policy there is a similar policy with almost the exact same wording and there have been no material changes to the site/ context where this conclusion in application 10/02081/PPP should remain same as previously approved by Fife Council. Furthermore to this, we are proposing a nature network to the west and north of the site that shall link woodland areas as discussed by Fife Council in application 10/02081/PPP. In terms of road safety under application 10/02081/PPP Fife Council previously agreed that "the additional traffic generated by two houses would not exacerbate any road safety issues." and that "It was not considered that the road safety aspect of the application merited the refusal of planning permission."

(3) Householder circumstances;



- the proposals are for the applicant and his elderly parents (70+) to live beside one another where the houses have been designed with later living and disability in mind.

(4) Disability;

- Proposals make appropriate provision for inclusive design.

(5) Biodiversity/ Green Network Enhancement;

- As part of the overall development proposals we are looking to achieve a large net biodiversity gain which we feel carries significant weight in terms of the acceptability of the application. We shall look to focus on creating a nature network to the west of the site (following the watercourse) which shall return to run along the northern boundary, linking to and strengthening habitat connectivity within and beyond the development.

- Reason for Refusal 5 is not considered fair and reasonable on this basis.

(6) Public Interest;

- It is considered material that there has been no local opposition, including that from the community council, to the proposal.

(7) Discussions with the case officer during the application process;

- We discussed the application with the case officer when it was live where only three concerns were raised at that time;

- Principle of development (reason for refusal 1).
- Road safety (reason for refusal 2).
- Visual impact (reason for refusal 3) where only the northern outbuilding was raised to be of issue in terms of visual impact. To this we reduced the footprint along with the height of the outbuilding to what it is now where the case officer noted that "I am willing to accept that the reduced height means the outbuilding would be unlikely to harm the setting of the listed building."

-We are raising this as we feel that the other two reasons for refusal (4 & 5) have simply been added to the decision notice where the case officer is trying all that they can to justify their unsubstantiated position with regards to the reasons for refusal.

(8) Additional Information / Planning Conditions;

- The applicant is more than willing to submit additional information where we have noted within our application papers and information that we would engage an arboricultural/ ecological consultant following any permission granted for the application to prepare a full



landscape design, including the proposed western and northern green network, similarly to the condition applied to the 10/02081/PPP consent in this regard.

- the applicant is also willing to have an external report prepared by a transport planning consultant to mitigate any issues foreseen with road safety if required however based on the nature of the development, fact that Devilla Quarry shall be closing down shortly (reducing the volume of traffic on the road significantly) and with the 10/02081/PPP and 13/01966/FULL consents in mind we feel the road safety aspect can be dismissed without any further information.

- It is contended that such matters can adequately be dealt with, in the standard process, as suspensive planning conditions.



This review Statement has been prepared by Andrew Megginson Architecture, on behalf of Ben McNeice, for a planning application for two new dwellings, outbuildings and associated infrastructure at Bogside.

The application site is within a building group located approximately 3km west of the settlement boundary of Blairhall and 5km east of the settlement boundary of Clackmannan, the application site measures circa 6,000sqm and comprises a collection of residential and agricultural land uses. The site is within a clearly defined gap within the cluster of houses with residential development/ plots bounding the site to two sides at the north and south. At the rear (west), the site follows the existing boundary lines of the bounding residential development/ plots which also follows a watercourse at this side of the site. A road to the east bounds the application site along with the other houses within the building group. There are several different house types in the building group.



Figure 1 – Site aerial.





Figure 2 – Site plan of the proposals.



The reasons for refusal of the planning application are stated below;

1. In the interest of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need in principle for a residential development in this location is not considered fully justified and would therefore be contrary to Policies 16 and 17 of NPF4 and Policies 1, 7 and 8 of the Adopted FIFEplan (2017).
2. In the interests of road safety; the development would result in the intensification of use of an existing access on an unrestricted distributor road outwith established built-up areas and with substandard visibility splays, to the detriment of road safety. As such, the development is contrary to Policy 13 of NPF4 and Policy 1 and 3 of the adopted FIFEplan (2017) and there are no relevant material considerations of such weight as to justify allowing a relaxation of Fife Council's standards in this regard.
3. In the interests of visual amenity; the proposed development due to its suburban design and appearance would appear incongruous in its rural setting to the detriment of the landscape character and views of the area and having a significant detrimental impact on the visual amenity of the area generally. As such, the proposal would be contrary to Policy 14 and 17 of NPF4 and Policies 1, 8 and 10 of the Adopted FIFEplan Local Development Plan (2017).
4. In the interest of protecting the setting of the listed building; the proposed development by virtue of its close proximity and built form would have an adverse impact on the setting of the listed building to the north. As such, the proposal would be contrary to Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017).
5. In the interests of natural heritage/biodiversity; insufficient information has been submitted to demonstrate that the proposed development would conserve, restore and enhance the biodiversity of the site. The proposal is therefore considered contrary to Policy 3 of NPF4 and Policies 1 and 13 of the adopted FIFEplan (2017).

Reason for refusal 1

Policy 9 of NPF4 states that "Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP." To this we are directed to policy 8 within the current FIFEplan which states that "Development of houses in the countryside will only be supported where: It is for a site within an established and clearly defined cluster of five houses or more". The Chief Planner's letter



confirms that NPF4 needs to be assessed in the round and in full context of the Adopted Development Plan. The Adopted Development Plan includes the Adopted FIFEplan which states the above policy 8 within it which carries significant weight in relation to the acceptability of the housing proposals to the application site.

As can be seen in the approval papers of application 10/02081/PPP it was considered that the draft Dunfermline and West Fife Local Plan (2010) was a document that "carried significant weight as a material consideration" in the assessment of that application. The application was considered to comply with policy E16 and fall under "a site within an established and clearly defined cluster of dwellings of 5 houses or more" (see figure 3 below). Under current policy there is a similar policy (see figure 4) with almost the exact same wording and there have been no material changes to the site/ context where this conclusion in application 10/02081/PPP should remain same as previously approved by Fife Council. Furthermore to this, we are proposing the same number of houses and are proposing a nature network to the west and north of the site that shall link woodland areas as discussed by Fife Council in application 10/02081/PPP. As we have shown in the design statement the proposal is for an infill of an area within a building group that has potential for large biodiversity gains. The building group is clearly defined by woodland (see figure 7), the two plots created within the infill are very comparable in size and frontage to other house plots in the building group, the application site respects and follows the existing boundary lines of the houses to the north and south and the proposed houses shall be of a similar scale and orientation to other dwellings in the group. In terms of NPF4 the policy (policy 17) intent is "To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations." It further states that "LDPs should set out tailored approaches to rural housing" and "Plans should reflect locally appropriate delivery approaches.". As above we are strictly in line with FIFEplan so we are delivering high quality homes in the right location. We follow point i in this policy in that although the site is not allocated for housing within the LDP, it is in line with policy for housing in the countryside within the LDP which directs housing on appropriate sites such as the application site and the development is suitably scaled, sited and designed to be in keeping with the character of the area. NPF4 is required by law to contribute to the following 6 outcomes where we have justified our proposal against these;

- *Meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people.* As noted within our design statement one of the dwellings is for an older person where the houses have been designed with later living and disability in mind.



- *Improving the health and wellbeing of people living in Scotland.* The development will provide two families with houses in a beautiful area of countryside with large amenity areas and access to core paths which shall improve their health and wellbeing.
- *Increasing the population of rural areas of Scotland.* The development is within a rural area so complies with this outcome.
- *Improving equality and eliminating discrimination.* As above the houses have been designed with disability in mind eliminating discrimination to this regard.
- *Meeting any targets relating to the reduction of emissions of greenhouse gases.* The development will be insulated to a high level and will use renewable technologies for energy.
- *Securing positive effects for biodiversity.* As shown in our plans and information, the development will have a hugely positive effect on biodiversity connecting several woodland areas.

POLICY E16: HOUSING DEVELOPMENT IN THE COUNTRYSIDE

The development of housing in the countryside will only be permitted where it:

- (a) is required for the operational needs of an agricultural, horticultural, woodland, forestry or other business supported by Policy E15 and will be located as an integral part of the business; or
- (b) is for affordable housing of modest, limited scale which meets an identified need; or
- (c) is for a site within an established and clearly defined cluster of dwellings of 5 houses or more; or
- (d) is for the renovation of a substantially complete building (i.e. external walls are complete and sound to wallhead level) last used as a house; or
- (e) provides for the rehabilitation and/or conversion of complete or substantially complete existing buildings of traditional long life construction (but excluding proposals involving substantial demolition/rebuilding); or
- (f) is for the demolition and replacement of a house: -
 - (i) which cannot otherwise be brought up to modern standards at a reasonable cost; or
 - (ii) where the replacement would be of exemplary siting and design resulting in an overall enhancement to the landscape and environmental quality of the area; or
- (g) secures the development of a derelict site with ruinous buildings where this would result in an overriding benefit in terms of visual and environmental improvement.

Note: this policy does not apply in land designated as green belt.

Figure 3 – Housing in the countryside policy within the Adopted Dunfermline and West Fife Local Plan (2012)



Policy 8: Houses in the Countryside

Development of houses in the countryside will only be supported where:

1. It is essential to support an existing rural business
2. **It is for a site within an established and clearly defined cluster of five houses or more**
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes)
7. A shortfall in the 5 year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes)
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes) or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 below

In all cases, development must be:

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

Figure 4 – Current housing in the countryside policy within the FIFEplan (2017)

As per policy 16(f) of NPF4 our proposal is consistent with other policies within NPF4, namely policy 17 (Rural Homes) and FIFEplan, namely policy 8. With regard to the mention of 20 minute neighbourhoods the existing building group situation and pattern should be taken into account as a large material consideration. At present the housing group and wider area have a reliance on the private car where it is understood there are no bus routes that go past the housing group along the A907 however walking and cycling in the area are options where there is a core path (a former railway line, see figures 8-10) which runs between Clackmannan and Blairhall connecting the site to these two settlements. The proposals shall match the existing level and quality of interconnectivity to that of existing situation of the surrounding area. As is part of the building warrant process, each house shall be fitted with an electric car charging point.





Figure 5 – OS extract showing the application site outlined in red (left) with no outline to the right. Residential plots are shown in yellow where there is clear definition that the application site lies between these and thus is part of the existing housing cluster. The rear boundary of the application site also follows the existing watercourse which allows it to align with existing rear boundaries of the existing houses again reinforcing that this site is part of an overall cluster.

Policy 1 of the Adopted FIFEplan (2017) sets out that development proposals will be supported if they are in a location where the proposed use is supported by the development plan and where they comply with other plan policies. Policy 7 states that developments in the countryside will only be supported where, among other circumstances, it is for housing in line with Policy 8. As above we have demonstrated that the proposals are to a site within an established and clearly defined cluster of five houses or more. The application site is located in a clearly defined gap within the building group and is contained by well established boundaries (built/ residential development to the north and south, the road to the east and the watercourse and existing rear boundary, which follows the line of the existing residential boundaries, to the west. The western and northern boundaries shall also be enhanced with the



proposed green network) and the proposals shall be visually connected through the form and pattern of development.

It should be noted that the Natural Heritage officer's views were that the application "relates to the construction of two 1.5-storey dwelling houses and their respective outbuildings on an agricultural field within an already established cluster development – with development following the extant building line of the cluster.". The case officer confirms within their report of handling that built/ residential development is located to either side of the application site stating that two dwellings are "situated immediately to the south of the site, followed by 1.5 storey Bath Fore Wood House further to the south.", confirming three dwellings total to the south. The case officer then states that "To the north of the site is the B-listed Bath Castle and Bath Farm Cottage", confirming two dwellings to the north totalling five dwellings to either side of the application site and thus the application site being within a building group. As per figure 7 it can be read that the five dwellings forming this group are contained within well established boundaries with the road to the east, woodland to the north and south and the watercourse and existing trees to the west of the building group. These features enclose and connect the site with the building group resulting in the proposals falling within NPF4 and FIFEplan policy.

The application site being located within an existing cluster of houses is also verified by a former application (13/01966/FULL) for the erection of a dwelling which is now known as Bath Fore Wood House to the south of the proposals. Fife Council for this application "considered that the application site was located within the middle of an established cluster of more than 5 dwellinghouses and that the site therefore met one of the criteria set out in Policy E16. The FPRB were therefore content that the principle of the development accorded with the relevant criteria of the development plan."

We feel our proposals generally match in with the below diagram (figure 6) as modified from figure 8.2 in FIFEplan policy where the rear boundaries tie in, the cluster is defined to the north and south by woodland in our case and the road to the east along with the boundaries to the west aligning.



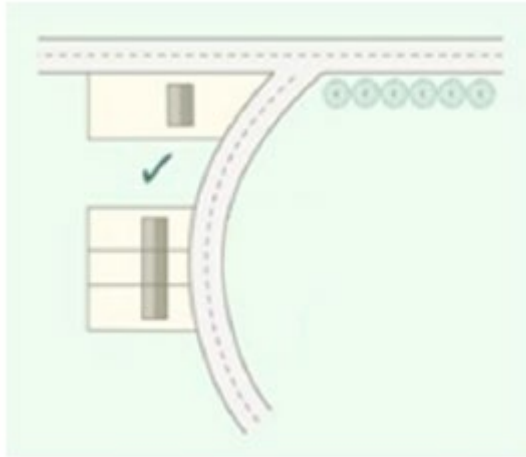


Figure 6 – Altered diagram from 8.2 in FIFEplan policy.

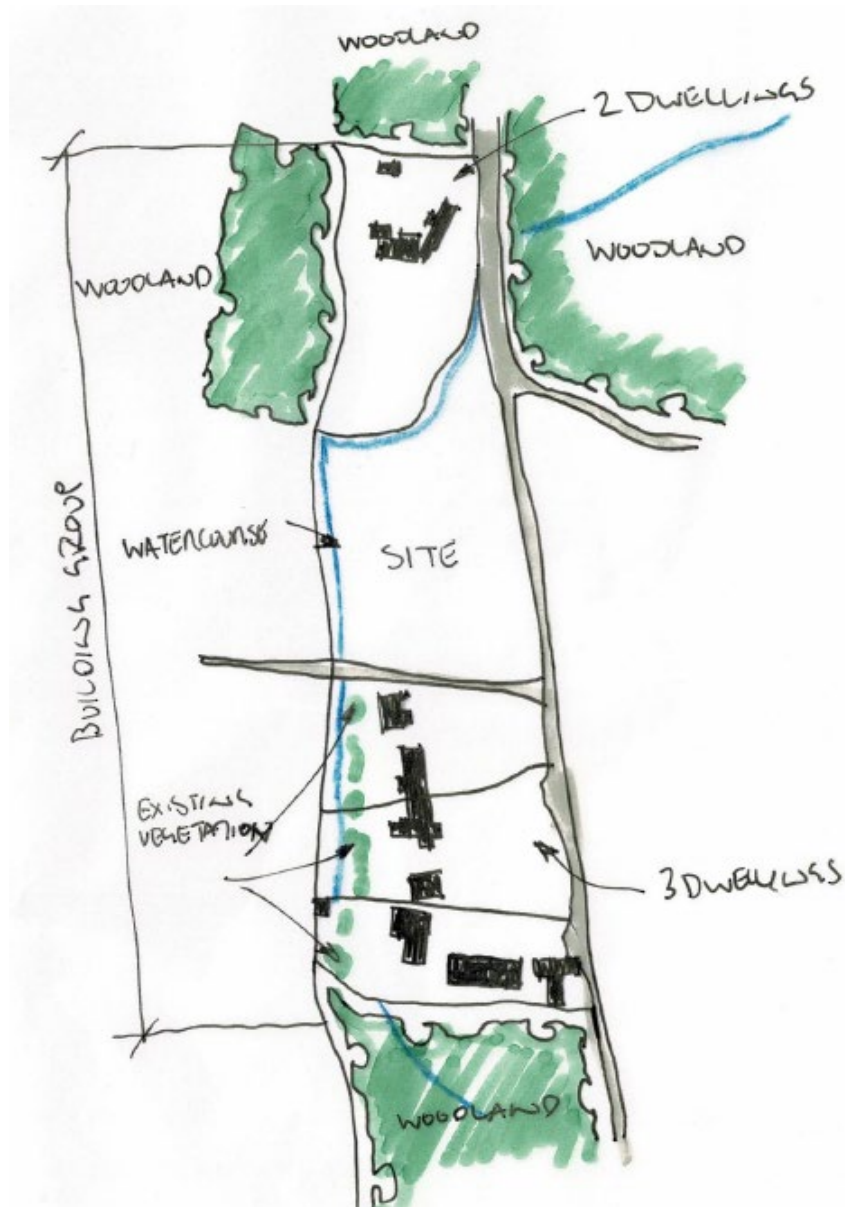


Figure 7 – Sketch diagram displaying the cluster which is defined and contained to the north and south by existing woodland, the road to the east and a continuous boundary line and watercourse to the west. Furthermore, the proposed western trees and hedging will also tie in with that existing to the west of the southern dwellings where the landscape belt would link the grouping of three and grouping of two houses resulting in the site being within a defined cluster of more than 5 houses.

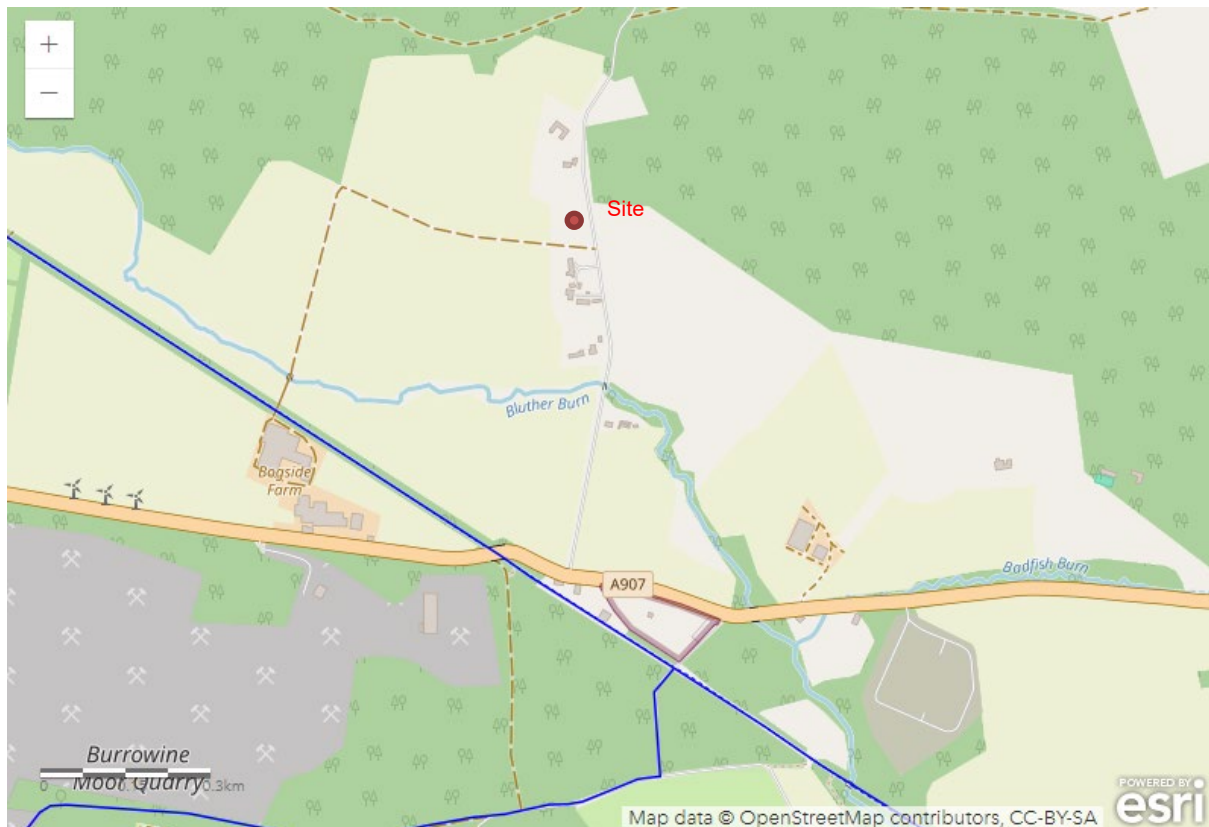


Figure 8 – Plan showing core path (blue) which can be accessed easily from the application site





Figure 9 – View of core path on bridge heading towards Blairhall



Figure 10 – View of core path on bridge heading towards Clackmannan



Reason for refusal 2

The case officer acknowledges within their decision report that “an additional two dwellinghouses is unlikely to result in a major increase in traffic.”. Furthermore, it can be considered that there does not seem to be any further appropriate housing development sites along the existing access road which we feel is material in the acceptability of the proposal in relation to road safety, i.e. the proposal shall not contribute to any large increase in traffic and shall use an existing access road/ junction as the existing dwellings in the existing building group and other houses along the access road. It can also be seen that there have been no accidents at the junction from crashmap.co.uk. The closure of Devilla Quarry will also result in a decrease in traffic using the access road which should be seen as positive in relation to the application proposals. As discussed under application 10/02081/PPP Fife Council previously agreed that “the additional traffic generated by two houses would not exacerbate any road safety issues.” and that “It was not considered that the road safety aspect of the application merited the refusal of planning permission.”. As there has been no change to the site in terms of additional dwellings or other aspects resulting in additional traffic we trust that the Local Review Body can come to the same conclusion as application 10/02081/PPP where this previous justification along with many other instances where road safety issues have been overruled at case officer and Local Review Body level by Fife Council in the past should be considered. As noted earlier in this statement we are happy to gain a report from a transport planning consultant who has noted to us that they did not consider that drivers would be passing the junction of the access road onto A907 at the speed limit of 60mph (which is what the Transportation Development Management team shall have used to determine the visibility splays) due to the road geometry and noted they would have a speed survey carried out on the A907 and work out the 85%ile speeds which with the aforementioned in mind would allow calculations to be conducted to inform bespoke visibility splays specifically for the junction in discussion which would likely reduce the visibility splay requirements. We are happy to have a report carried out and have this subject to any permission that may be granted to the planning application however we trust this could be avoided in this instance with the information and details stated above and below.

The above is also further validated when Fife Council approved permission (13/01966/FULL) for Bath Fore Wood House within the same building group as the application site. The Transportation Development Management team raised concerns on that application for a new dwelling where Fife Council “considered that the visibility looking east at the junction onto the A907 afforded adequate visibility and that to the west of the junction onto the A907 the natural sharp bend of the road naturally reduced the speed of vehicles approaching on the A907.”. Fife Council “therefore agreed to set aside the concerns raised by Fife Council’s Transportation Development Management Team.”.



Reasons for refusal 3 and 4

Firstly, the case officer is incorrect in noting the proposals as two storey. As confirmed by the Natural Heritage officer and fact that it is clear in the proposal plans that the first floor is located within the roof level, as seen with the elevations and coomb lines on the first floor plans of the proposed houses, the proposals are in fact 1.5 storeys high. Secondly, the materials are of traditional/ standard finish of typically rural homes and there are no new materials introduced that can't be seen to other dwellings in the building group. The white masonry walls shall tie in with the white masonry walls to the three houses south of the application site along with Bath Castle to the north. Slate for the roofs shall match in with slate seen on the roofs of Bath Farm Cottage, Bogside Cottages and other houses/ buildings in the surrounding area. Stone is seen as a finishing material to Bath Farm Cottage, Bath Fore Wood House and other properties in the area so the stone basecourse proposed is justified. The openings and fascias are proposed to be grey aluminium to then provide the dwellings with a contemporary look with the overall materiality scheme allowing the proposals to fit in with the building group and surrounding area. In terms of the height of the proposals we are in line with Fife Council commenting in the previous application that the first floor accommodation should be located within the roof space. Furthermore, there are other dwellings in the building group and surrounding area that are taller than those proposed resulting in new dwellings that are comparable in scale to others and not competing with others locally.



Figure 11 – Bath Fore Wood House has concrete roof tiles, stone and white rendered walls.





Figure 12 – White masonry walls and slate make up the materiality of Bogside Cottages. Further to this the semi-detached cottages have different coloured/ styled windows to one another.



Figure 13 – Bath Castle with white masonry walls with stone walls and slate existing to Bath Farm Cottage



Overall, the houses take on a contemporary but rural form/ style from the front however at the rear we look to add more modern features to make best use of the sites views to the west. The houses have been positioned relatively deep into the site following the building line of the houses to the south allowing them to take on a grand stance in the site whilst still allowing a generous rear garden. Formed in an L-shape the houses form a harmonious arrangement to each other allowing them to be connected within the site but still providing adequate privacy. Sitting back in the site, following the building line of the houses to the south, shall also reduce the impact of the houses with the site also sloping downwards towards the western boundary. We strongly refute that the proposed dwellings are suburban in design and appearance.



Figure 14 – Visualisation of one of the 1.5 storey proposed dwellings.

Two outbuildings have been formed to the front of the houses. Similarly to the above in the houses following the build lines of adjacent houses, the outbuildings are located to the front curtilages of the houses similarly to the building pattern seen elsewhere in the area where outbuildings, sheds and the like can be seen forward of the main houses. The two outbuildings will primarily provide storage buildings to the houses and also allow the applicants to work from home within these. The storage/ work from home units are located in the corners of each plot and shall be screened by existing and proposed vegetation. The two outbuildings shall be lower in height of the lower L-shaped part of the house resulting in both outbuildings being subservient to the houses where the houses shall easily be interpreted/ viewed between the two. The outbuildings footprint areas make up less than 4% of the application site area with the houses making up just under 10% leaving over 85% of the site remaining as open space largely consisting of soft landscaping. This clearly shows that the outbuildings will be subservient to the dwellings, compatible within the surrounding landscape/ area along with not dominating the site.



At present all dwellings up to the application site have outbuildings of varying scales, forms and appearances, there is no distinct, consistent architectural language associated between the dwellings nor the outbuildings in this group. As is usual within a rural setting there are agricultural style shed buildings sparsely scattered around the countryside, including locally to the building group, resulting in the proposed outbuildings being congruous to the character of the surrounding area. Out with the building group one would not have to travel far to see more of these types of buildings whether or not located in the open countryside or adjacent to dwellings or farms where they vary in scales. Furthermore, the proposed outbuildings follow the building pattern of the building group and are no larger than other outbuildings within the building group and beyond most notably the outbuildings to the front of Bath Fore Wood House with the largest measuring 200m² in footprint against the 150m² footprint of the proposed northern outbuilding. It is acknowledged that the case officer only has issue with the northern outbuilding where it is noted by them that the main concerns would be that it is not subservient to the existing dwellings and incongruous to the area generally. As discussed above the outbuilding is lower in height (2m+) to the lower garage section of the houses and with the position of the houses in relation to the outbuilding would easily be seen to be stepping down conveying a visual subservience. The position of the outbuilding being in the NE corner of the application site shall further express subservience with it being visually separate to the house and sitting behind the garage by some distance with this position being informed by the building pattern of other outbuildings in the building group. The form and materiality then matches other agricultural style shed buildings in the area but to a more domestic scale appropriate in the context of the dwellings and surrounding area. Furthermore, the existing and proposed trees/ vegetation shall provide appropriate screening to both outbuildings.





Figure 15 – Photo showing outbuilding to front of Bogside Cottages, as per figure 12 it can also be seen that a garage sits in front of the cottage to the south.



Figure 16 – Outbuildings forward of Bath Fore Wood House





Figure 17 - Outbuilding to front of Ragnar (south of the application site).



Figures 18 & 19 – Fir Cottage and Bogside Farm to the SW of the building group showing dwellings in the context of an agricultural building, albeit of a larger scale, validating that the proposed development is compatible with other development in the area.

As we have noted in the initial section of this statement, the planning officer confirmed that the northern building, as reduced in footprint and height, would not be harmful to the listed building stating “I am willing to accept that the reduced height means the outbuilding would be unlikely to harm the setting of the listed building.”. As per our proposal plans the dwellings are set back largely within the site where the southern outbuilding is located to the SE corner of the application site adjacent to another outbuilding in the NE corner of Bogside Cottages (northern cottage) resulting in the views towards the B-listed Bath Castle being retained as existing. Saying this however we do not feel that the development proposals will be seen at all in the context of Bath Castle. As per figures 20/ 21 and 23/ 24 below taken from the SE corner of the site and centre of the site respectively on the road, Bath Castle cannot be seen from these areas, only part of Bath Farm Cottage, due to the existing screening. It is only when you are past the application site that Bath Castle becomes fully visible where you can see the extent of existing vegetation to the south of the property screening it from the application site side (figures 13 & 22). The fact that Bath Castle is not read in the context of the application site as one travels up the road due to the existing vegetation that shall be retained and enhanced/ added to (further screening the development from the B-listed property) will not result in any detrimental impact on the setting of Bath Castle.





Figure 20 – Photo looking north from the SE corner of the application site.



Figure 21 – Photo looking north from the middle of the application site.



Figure 22 – Photo of Bath Castle





Figure 23 - View towards Bath Castle from the application site where the northern outbuilding shall be located showing that it shall not be read in the context of the listed building due to the existing screening being retained/ enhanced and thus having no detrimental effect on the building or its setting.





Figure 24 - View further away from Bath Castle showing that it is not read in the context of the application site.





Figure 25 - View towards the application site from Bath Castle showing that the existing vegetation retained shall visually and physically screen the development from the listed building.



Reason for refusal 5

It should firstly be noted that the Natural Heritage officer did not object to the application however simply requested that further details be provided. As is clearly shown our intention is to provide a green network along the southern, western and northern boundaries (amongst other landscaping proposals within the site) which shall connect existing woodland areas which contain the existing building group (as discussed by Fife Council in application 10/02081/PPP). With regard to the previous permission the "FPRB considered that if the western [and northern?] boundary of the site was formed using a tree belt then the woodland setting of the two groupings to the north and south would be linked. This tree belt would link the grouping of three and grouping of 2 houses and then the site would be within a defined cluster of more than 5 houses. The FPRB considered this to be in compliance with the terms of policy E16 part (c) (now policy 8 under the current LDP). Crucial to this assessment was the depth and quality of the tree planting to ensure that the trees provided both a strong boundary and an opportunity for biodiversity and additional natural habitat in the area. The Council is keen to see the development of wildlife corridors wherever possible and the potential exist here to link the woodland areas around the existing houses and the wider woodland to the north east. It was therefore considered that the development would comply with the emerging policy and that as this was a significant material consideration it was sufficient to allow the terms of the Development Plan to be set aside."

As noted above we shall be preparing a full landscape design relating to the proposed tree and hedgerow planting along with the addition of bird and bat boxes where appropriate which would be prepared alongside an arboricultural consultant where appropriate species (guided by the extant species mix of the woodland and other parts of the building group), management, etc. would be put forward. Similarly to the previous permission we would happily accept a condition to any permission granted to prepare such a landscape design to the full satisfaction of Fife Council. A full landscape design was required as a condition to the previous planning permission, 10/02081/PPP, on the site and is stated below.

"A tree planting strip within and abutting the western boundary of the site and returning along the northern boundary outwith the domestic gardens of each house. The scheme shall include the full details of the numbers, species and height at time of planting of all trees and other plants. A long term maintenance scheme for the tree planting shall be included. The tree planting shall be designed in a way that promotes biodiversity and ensures the provision of a wildlife corridor linking with other woodland planting in the area."





Figure 26 – Existing aerial to left with annotated aerial to right showing the existing nature network outlined in green and the proposed nature network in red that will link four woodland areas by following the existing watercourse.

Policy 3, Part A of NPF4 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. Furthermore, Part C states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

Policy 13 of the adopted FIFEplan 2017 state that development proposals will only be supported where they protect or enhance natural heritage and access assets including (but not limited to) woodlands, trees and hedgerows that have a landscape, amenity or natural conservation value and landscape character and views. Furthermore, Policy 13 stated that development proposals must provide an assessment of the potential impact on natural



heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets.

As outlined above, NPF4 requires all development proposals to contribute to an overall biodiversity enhancement of the site. As part of the overall development proposals we are looking to achieve a large net biodiversity gain which we feel carries significant weight in terms of the acceptability of the application. To maximise biodiversity, native species of local or Scottish origin trees shall be specified for landscaping. Also used shall be native species-rich hedgerows along with integrated bat roost boxes and integrated bird boxes. We shall look to focus on creating a nature network to the west of the site (following the watercourse) and north, linking to and strengthening habitat connectivity within and beyond the development. Further to this we shall look to enhance the remainder of the open site with planting to the southern boundary as well as the boundary to the east which is based on an understanding of the existing characteristics of the site and its local, ecological context following landscape characteristics of the dwellings either side of the application site.

No existing trees or biodiversity/ habitat on the site shall be affected by the proposals. Overall we shall deliver hugely positive effects from the development in terms of biodiversity and create/ strengthen nature networks.

With the above and the application submission documents and information the following conclusions can be made;

-The principal of development is in compliance with policy and the aims/ objectives of NPF4 along with FIFEplan where the proposal is situated within a building group as validated by AMA, a former consented planning application and the Natural Heritage officer at Fife Council. To this we are explicitly in line with policy 8 of FIFEplan as a site within an established and clearly defined cluster of five houses or more. Our proposal delivers high quality and sustainable rural homes in the right location in line with NPF4. As per the main outcomes required by NPF4 the development proposals shall increase the population of a rural area in Scotland with dwellings that are designed with later living and disability in mind that shall improve the health and wellbeing of the occupants, along with utilising high levels of insulation and renewable technologies. The proposal shall also have a hugely positive effect on biodiversity.

-The additional two houses, which shall utilise an existing junction used by the rest of the houses in the building group and along the existing access road, shall not result in a major increase in traffic and considering the previous justification for the former consented application on the application site and consented permission for Bath Fore Wood House it should be agreed to



set aside the concerns raised by Fife Council's Transportation Development Management Team. Furthermore, these minor concerns should not hinder the delivery of rural homes in line with planning policy that shall deliver a large net gain in terms of biodiversity.

-The proposals are informed by the existing building pattern, forms and layout of the building group and surrounding area where the proposed houses are to be 1.5 storey high utilising materials seen elsewhere in the building group and surrounding area. The proposals are rural in nature and appearance and are congruous to the overall countryside setting resulting in no detrimental impact to the countryside setting.

-The B-listed property is not read in the context of the application site due to existing screening. The location of the proposed built form and existing/ proposed screening shall result in no impact on the setting of Bath Castle.

-The Natural Heritage officer did not object to the proposals in terms of biodiversity and natural environment. As is evident in our proposals the application offers proposals that shall largely enhance existing biodiversity and landscape attributes on the application site resulting in new network corridors linking several woodland areas along with new habitat for wildlife. As noted, we shall be preparing a detailed landscape plan with an arboricultural consultant which will be provided to the full satisfaction of Fife Council.

Taking into account all of the above, we respectfully ask councillors to overturn the case officers decision and grant planning permission.



Appendix A – Maps showing that the building group has remained same since before the 2010 approval (first image below (2004)) to today (second image below (2024))



Appendix B – Approved block plan of the previously approved dwellings on the application site

