

Review Decision Notice

Decision by Fife Planning Review Body (the FPRB)

- Site Address: Site at The Former Ironworks, Station Road, Auchtermuchty, Fife
- Application for review by Mr T Carswell against the decision by an appointed officer of Fife Council
- Application 23/01208/FULL for Full Planning Permission for Extension to industrial unit (Class 5) and change of use of agricultural land to form associated hardstanding for yard and car parking including formation of SUDS infrastructure and erection of fencing
- Application Drawings:
01A - Location Plan/Block Plan, 10 - Supporting Statement, 09 - Sustainable Drainage Certificates, 04 - Proposed various - elevation, floor etc, 02 - Topographic Site Plan, 03 - Existing various eg elevation, floor etc, 05 - Additional Information, 06 - Low Carbon Sustainability Checklist, 07 - Drainage Plan, 08 - Drainage statement/strategy, 11 - Supporting Statement, 12 - Supporting Statement.
- No Site Inspection took place.

Date of Decision Notice: 10th May, 2024.

Decision

The Fife Planning Review Body (FPRB) reverses the determination reviewed by them and approves Planning Permission, subject to conditions, outlined below in section 4.0.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The above application for Planning Permission was considered by the FPRB at its meeting on 29th April 2024. The Review Body was attended by Councillors David Barratt (Convener), Jane Ann Liston, Altany Craik, Robin Lawson and Ken Caldwell.
- 1.3 The FPRB considered the request for new information to be relied upon by the appellant, comprising a Soil Survey and Land Capability for Agriculture Classification Report. They resolved to accept this new information, given that the author of the report, the James Hutton Institute, would be the organisation who would be consulted on this matter as the Governments advisors on soils.

2.0 Proposal

- 2.1 The application site extends to approximately 1.5 hectares, comprising an existing industrial building with associated hardstanding; an existing access road; and part of a grass field. It is located on Station Road, Auchtermuchty, situated on the south east edge of settlement. There are further industrial units to the east; a care home to the north; a tree belt, the Auchtermuchty Burn and skate park / open space beyond to the east. To the west and south there are fields.

2.2 This application seeks full planning permission for an extension to the existing industrial unit (Class 5) and change of use of the adjacent field to form associated hardstanding for the yard and car parking including formation of drainage infrastructure and erection of fencing. The extension would measure approximately 22 metres in width, 43 metres in length and 9.6 metres in height to the roof ridge. The hardstanding area would measure approximately 5100 sq.m, with screen planting proposed on the western boundary and an additional 2-metre-high palisade security fence. The Sustainable Urban Drainage System (SUDS) basin would be created on the eastern side of the hardstanding, which would drain to the Auchtermuchty Burn.

3.0 Reasoning

3.1 The FPRB assessed the principle of development with regard to the potential loss of prime agricultural land and development in the countryside against NPF4 Policy 1 (Tackling the climate and nature crises), NPF4 Policy 5 (Soils), NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings), NPF4 Policy 26 (Business and Industry), FIFEplan Policy 1 (Development Principles), FIFEplan Policy 5 (Employment Land and Property) and Policy 7 (Development in the Countryside). The FPRB found that:

- The proposed extension to the existing industrial unit would comply with the requirements of NPF4 Policy 26 and FIFEplan Policy 5 and was in accordance with the site's allocation as a Safeguarded Employment Area.
- The proposed area of hardstanding and Sustainable Urban Drainage System proposed on land out with the designated Auchtermuchty settlement boundary would comprise development in the countryside. In their assessment against FIFEplan Policy 7, they agreed that the proposal would comprise an extension to an established business as per Criterion 3 of Policy 7. They noted that the proposal would create new employment and acknowledged that weight should be attributed to this in making their decision.
- They concurred with the findings of the submitted Soil Survey and Land Capability for Agriculture Classification Report in that, overall, the site should not be classified as prime agricultural land, therefore, criteria within NPF4 Policy 5 and FIFEplan Policy 7 on the loss of prime agricultural land no longer apply and the reason for refusal in this regard is no longer relevant.
- That the proposed works in the countryside including the proposed yard, hardstanding area, parking, drainage and fencing would not result in unacceptable impacts to the overall landscape and environmental character of the countryside, complying with NPF4 Policy 29 and FIFEplan Policy 7.

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

3.3 Overall, the FPRB concluded that the proposal would be acceptable subject to the conditions noted below. They did not consider there to be any other matters for consideration or any material considerations which would outweigh the Development Plan position. The FPRB reversed the Appointed Officer's Decision, granting planning permission for the proposed development subject to conditions and agreeing to delegate the precise wording of these conditions to the Head of Planning and Head of Legal and Democratic Services.

4.0 Decision

4.1 The FPRB reverses the decision of the Appointed Officer and grants planning permission subject to the following conditions and reasons:

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

2. BEFORE ANY WORKS RE-COMMENCE ON SITE, the developer shall institute an accurate survey to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained. The survey shall contain details of the position, canopy spread, bole diameters, health, size and species of all trees within the curtilage of the site. No trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

Reason: In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during (demolition) construction works.

3. BEFORE ANY WORKS RE-COMMENCE ON SITE, a scheme of tree protection measures to protect trees within and adjoining the site during construction shall be submitted and approved in writing by Fife Council as Planning Authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of protecting the trees within and neighbouring the site.

4. BEFORE ANY WORKS RE-COMMENCE ON SITE, an extended habitat survey to include an assessment of both the habitats present and any potential for use of these by protected species shall be submitted and approved in writing by Fife Council as Planning Authority. Thereafter works shall be carried out in accordance with the approved survey and species protection plan, where applicable.

Reason: In the interests of protecting natural heritage.

5. BEFORE ANY WORKS RE-COMMENCE ON SITE, details of the biodiversity enhancement measures for the site shall be submitted for the written approval of Fife Council as planning authority. The development shall be implemented in accordance with the details approved through this condition.

Reason: In the interests of providing ecological enhancement of the site in accordance with Making Fife's Places Supplementary Guidance (2018).

6. BEFORE ANY WORKS RE-COMMENCE ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

7. BEFORE ANY WORKS RE-COMMENCE ON SITE, details of foul and surface water drainage proposals shall be submitted for the written approval of Fife Council as Planning Authority. Thereafter, the development shall be carried out in accordance with the details approved unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that adequate drainage facilities are provided on site.

8. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: In the interests of visual amenity and effective landscape management; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term.

9. PRIOR TO OCCUPATION OF THE DEVELOPMENT; confirmation that the approved SUDS has been constructed in line with current best practice shall be submitted to Fife Council. The required confirmation shall comprise the submission of a completed and signed Appendix 6 of Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements.

Reason: To ensure the approved SUDS infrastructure has been constructed in accordance with the approved plans and in accordance with current best practice.

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

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

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

Advisory notes

1. The length of the permission: This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended))

.....

Proper Officer

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

NOTICE TO ACCOMPANY REFUSAL ETC. TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8).

1. If the applicant is aggrieved by the decision of the planning authority -
 - (a) to refuse permission for the proposed development;
 - (b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission; or
 - (c) to grant permission or approval, consent or agreement subject to conditions,

the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

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