

North East Planning Committee

Due to Scottish Government guidance relating to COVID-19, this meeting will be held remotely.



Wednesday, 15th December, 2021 - 1.30 p.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest (s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 17th November, 2021. 3 – 8
4. **17/01288/FULL - BOWBRIDGE FARM, PEAT INN, FALFIELD** 9 – 14
Siting of static caravan (retrospective) associated with agricultural business and formation of vehicular access (renewal of full Planning Permission 15/01610/FULL).
5. **20/02315/FULL - 73 TAY STREET, NEWPORT ON TAY, FIFE** 15 – 22
Erection of garage and self-contained accommodation.
6. **20/02716/FULL - NORTH BANK FARM, LATHOCKAR, ST ANDREWS** 23 – 37
Change of use of land to allow for the siting of 35 retirement caravans, including landscaping and associated infrastructure.
7. **21/01596/FULL - DALGAIN CENTRE, BANK STREET, CUPAR** 38 – 54
Erection of combined 24-bedroom residential care and 12-unit one-bedroom one-person (1B1P) extra care housing building with associated vehicle parking, service areas and landscaped open space.
8. **21/02298/FULL - 4 ALFRED PLACE, CITY ROAD, ST ANDREWS** 55 – 61
Two storey extension, formation of dormers and installation of new window to rear of dwellinghouse and installation of replacement rooflight, railings and gate to the front of dwellinghouse.
9. **APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS**
List of applications dealt with under delegated powers for the period 1st to 28th November, 2021.

Note - these lists are available to view with the committee papers on the Fife.gov.uk website.

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

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services

Fife House
North Street
Glenrothes
Fife, KY7 5LT

8th December, 2021

If telephoning, please ask for:
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THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

17th November, 2021

1.30 p.m. – 5.10 p.m.

PRESENT: Councillors Donald Lothian (Convener), Tim Brett, John Docherty, Andy Heer, Jane Ann Liston, David MacDiarmid, Karen Marjoram, Tony Miklinski, Dominic Nolan, Bill Porteous, Jonny Tepp, Brian Thomson and Ann Verner.

ATTENDING: Alastair Hamilton, Service Manager - Development Management, Economy, Planning & Employability Services; Steven Paterson, Solicitor and Diane Barnett, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillors Bill Connor, Linda Holt and Margaret Kennedy.

310. DECLARATIONS OF INTEREST

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

311. MINUTE

The Committee considered the minute of meeting of the North East Planning Committee of 20th October, 2021.

Decision

The Committee agreed to approve the minute.

312. 20/02891/FULL - WOODLAND HOLIDAYS, KINCAPLE, ST ANDREWS

Councillor Nolan joined the meeting after the Planning Officer's detailed presentation of the application and, having not had the benefit of the presentation, was not entitled to participate in the debate or vote on this item.

The Committee considered a report by the Head of Planning relating to an application for the erection of 18 no. holiday lodges, reception and accommodation and installation of biomass plant with associated access, parking and landscaping.

Motion

Councillor Liston, seconded by Councillor MacDiarmid, moved to refuse the application on the grounds that the proposed development was contrary to:-

- (1) Scottish Planning Policy (2014), Policy 1 of the TAYplan Strategic Development Plan (2016) and Policies 1, 7 and 9 of the Adopted FIFEplan (2017) in the interests of safeguarding the visual amenity, the character and protecting the environmental quality of the designated St Andrews Green Belt as the form, scale and layout of the proposed development, by virtue of introducing a significant level of built form into the generally open area, would result in a density of development and urban appearance significantly out of character for the area - impacting negatively on the existing/

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existing established settlement and having a detrimental impact on visual amenity and environmental quality of the designated St Andrews Green Belt, undermining its objectives and character;

- (2) Scottish Planning Policy (2014), Policies 1, 3 and 7 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) in the interests of road safety and sustainable travel - due to the application site being located where more sustainable modes of transport were not readily and safely available, necessitating the need for the use of private vehicles to access local amenities; and
- (3) Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) in the interests of road safety having regard to the introduction of additional traffic movements utilising the local minor roads network onto the main public road and by virtue of limited visibility splays due to the increased movement of vehicular traffic as a result of the proposed development.

Amendment

Councillor Porteous, seconded by Councillor Miklinski, moved as an amendment to approve the application subject to:-

- (1) the 8 conditions and for the reasons detailed in the report; and
- (2) an additional condition relating to a Pre-Commencement Survey of potential bat roosts and badger setts in the woodland habitat.

Roll Call Vote

For the Motion - 8 votes

Councillors Docherty, Heer, Liston, Marjoram, MacDiarmid, Tepp, Thomson and Verner.

For the Amendment - 4 votes

Councillors Brett, Lothian, Miklinski and Porteous.

Having received a majority of votes, the motion to refuse the application was carried.

Decision

The Committee:-

- (1) agreed to refuse the application on the grounds that the proposed development was contrary to:-
 - (i) Scottish Planning Policy (2014), Policy 1 of the TAYplan Strategic Development Plan (2016) and Policies 1, 7 and 9 of the Adopted FIFEplan (2017) in the interests of safeguarding the visual amenity, the character and protecting the environmental quality of the designated St Andrews Green Belt as the form, scale and layout of the/

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the proposed development, by virtue of introducing a significant level of built form into the generally open area, would result in a density of development and urban appearance significantly out of character for the area - impacting negatively on the existing established settlement and having a detrimental impact on visual amenity and environmental quality of the designated St Andrews Green Belt, undermining its objectives and character;

- (ii) Scottish Planning Policy (2014), Policies 1, 3 and 7 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) in the interests of road safety and sustainable travel - due to the application site being located where more sustainable modes of transport were not readily and safely available, necessitating the need for the use of private vehicles to access local amenities; and
- (iii) Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) in the interests of road safety having regard to the introduction of additional traffic movements utilising the local minor roads network onto the main public road and by virtue of limited visibility splays due to the increased movement of vehicular traffic as a result of the proposed development.

- (2) agreed to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

313. **20/03277/FULL - MOUNTCASTLE QUARRY, MELVILLE LODGES, BOW OF FIFE**

The Committee considered a report by the Head of Planning relating to an application for the installation of 25 fishing platforms, pontoon, reception building, ranger's lodge and associated works.

Motion

Councillor Miklinski, seconded by Councillor MacDiarmid, moved to refuse the application on the grounds that the proposed development did not comply with Policies 1, 7, 12 and 13 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) in the interests of protecting the natural environment and biodiversity, as there was insufficient justification for development of this nature and, further, due to the detrimental impact of the proposed development on the natural environment, biodiversity and ecology due to its scale, layout, design and proposed use.

Amendment

Councillor Porteous, seconded by Councillor Brett, moved as an amendment to approve the application subject to:-

- (1) the 4 conditions and for the reasons detailed in the report;
- (2)/

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- (2) an additional condition restricting the development to 19 fishing platforms in the interests of protecting the countryside from overdevelopment; and
- (3) an Advisory in relation to signage and road markings in the interests of road safety.

Roll Call Vote

For the Motion - 7 votes

Councillors Docherty, Heer, Liston, Lothian, MacDiarmid, Nolan and Miklinski.

For the Amendment - 6 votes

Councillors Brett, Marjoram, Porteous, Tepp, Thomson and Verner.

Having received a majority of votes, the motion to refuse the application was carried.

Decision

The Committee agreed to:-

- (1) refuse the application on the grounds that the proposed development did not comply with Policies 1, 7, 12 and 13 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) in the interests of protecting the natural environment and biodiversity as there was insufficient justification for development of this nature and, further, due to the detrimental impact of the proposed development on the natural environment, biodiversity and due to its scale, layout, design and proposed use;
- (2) delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the full reason for refusal in order to ensure that a decision on the application was not unduly delayed; and
- (3) enforcement action requiring the application site to be restored to its original state prior to any development related to the application taking place.

Councillors Marjoram and Miklinski left the meeting following consideration of the above application.

The Committee adjourned at 3.40 p.m.

The Committee reconvened at 3.50 p.m.

314. 21/01264/FULL - 8 BELLS WYND, KINGSBARNES, ST ANDREWS

The Committee considered a report by the Head of Planning relating to an application for the erection of a one and a half storey dwellinghouse.

Motion/

Motion

Councillor Porteous, seconded by Councillor Docherty, moved to refuse the application on the grounds that the proposed development did not comply with Policies 1 and 14 of the Adopted FIFEplan (2017), Making Fife's Places Supplementary Guidance (2018) and the Kingsbarns Conservation Area and Management Plan in the interests of protecting visual amenity as it was considered that the proposed form, scale and design of the development was considered to be overdevelopment of the application site and would have a detrimental impact on the visual amenity of the designated conservation area.

Amendment

Councillor Brett, seconded by Councillor Lothian, moved as an amendment to approve the application subject to the 4 conditions and for the reasons detailed in the report.

Roll Call Vote

For the Motion - 4 votes

Councillors/

Councillors Docherty, Liston, MacDiarmid and Porteous.

For the Amendment - 7 votes

Having received a majority of votes, the amendment to approve the application was carried.

Decision

The Committee agreed to approve the application subject to the 4 conditions and for the reasons detailed in the report.

315. 21/01312/FULL - LAND TO SOUTH OF BELMORE, WESTFIELD ROAD, CUPAR

The Committee considered a report by the Head of Planning relating to an application for the erection of a dwellinghouse with associated car parking.

Decision

The Committee agreed to approve the application subject to the 8 conditions and for the reasons detailed in the report.

316. 21/01411/PPP - LAND 400 M SOUTH OF FARMHOUSE, TEUCHATS FARM, GREENSIDE, FIFE

The Committee considered a report by the Head of Planning relating to an application for Planning Permission in Principle for a single dwellinghouse for agricultural occupation.

Decision/

Decision

The Committee:-

- (1) noted, in relation to land stability and contaminated land, the application had been assessed against Scottish Government PAN33 (Revised) and not PAN33 as detailed in the report;
- (2) agreed to approve the application subject to the 2 conditions and for the reasons detailed in the report;
- (3) agreed that Condition 1 be amended to include, as standard, the requirement that the applicant submits a report relating to contaminated land, as part of the further planning application, to address any potential impacts on the site and the surrounding area should contamination be an issue; and
- (4) agreed to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to draft and formulate an appropriately worded amended Condition 1 to take cognisance of potential impacts on the site and surrounding area relating to contaminated land.

317. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the lists of applications dealt with under delegated powers for the period 2nd to 29th October, 2021.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 17/01288/FULL

SITE ADDRESS: BOWBRIDGE FARM PEAT INN FALFIELD

**PROPOSAL : SITING OF STATIC CARAVAN (RETROSPECTIVE)
ASSOCIATED WITH AGRICULTURAL BUSINESS AND
FORMATION OF VEHICULAR ACCESS (RENEWAL OF FULL
PLANNING PERMISSION 15/01610/FULL)**

**APPLICANT: MR & MRS PAUL & ALISON JOHNSON
4 MIDDLE SHADE ROAD ST ANDREWS SCOTLAND**

**WARD NO: W5R19
East Neuk And Landward**

CASE OFFICER: Jamie Penman

DATE 02/05/2017

REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application has received more than 5 representations which are contrary to the Case Officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL
CONSIDERATIONS**

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

1.1 Background

1.1.1 The application site forms the north-west corner of an agricultural field, to the east of the B941 and approximately 1km to the south of Peat Inn. The caravan approved by previous consent 15/01610/FULL, albeit temporary for two years, remains on site. There is an existing field entrance at the north-west corner of the field. An agricultural shed is located adjacent to the application site on land out with the application site, but within the control of the applicant.

1.1.2 The application is seeking a renewal of previously approved consent 15/01610/FULL, which was for the siting of caravan to be used for residential purposes, for a temporary period of two years. Previously approved application 15/01610/FULL also approved a new access, however, since this approval it has come to light that the visibility splays required at this junction cannot be provided.

1.1.3 The previous application was approved on the basis that the temporary caravan would allow for a continuous on-site presence, in order to support a new rural agricultural business and for animal welfare purposes. It was made clear through this decision that the use of any part of the site as a visitor centre, would require the benefit of full planning permission.

1.1.4 Planning history associated with this site includes:

13/03763/APN Prior notification for the erection of an agricultural building - Approved.

14/01107/FULL Siting of static caravan (Retrospective) - Refused.

15/01610/FULL Siting of static caravan (Retrospective) associated with agricultural business and formation of vehicular access - Approved

20/00236/FULL Formation of vehicular access - Approved

20/02765/FULL Formation of vehicular access (Section 42 Application to vary condition 1 of Planning Permission 20/00236/FULL to extend time period) - Approved

20/01065/FULL - Erection of dwellinghouse and garage with associated access and parking - Pending consideration

1.1.5 A site visit for this application has not been undertaken. A risk assessment has been carried out and it is considered, given the evidence and information available to the Case Officer, that this is sufficient to determine the proposal.

1.2 Procedural Issues

1.2.1 Since application 15/01610/FULL was approved, it has come to light that the junction approved through that consent cannot be implemented given that the required visibility splays cannot be provided. This will be discussed further below. It should be noted however that the applicant has had an alternative point of access approved under application 20/02765/FULL, therefore, the point of access being considered through this application, is no longer required.

2.1 Assessment

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

- Principle of Development
- Renewal of Planning Permission

2.2 Principle of Development

2.2.1 The principle for on-site accommodation on this site has already been established through the approval of the previous application under planning permission references 15/01610/FULL.

2.2.2 The application site is located within the countryside as defined in the Adopted FIFEplan (2017). Policy 7 and 8 therefore applies and states that a temporary caravan, for a trial period of at least two years may be allowed in order to test the financial viability of the business. After this, consideration may be given to a permanent dwellinghouse.

2.2.3 This renewal application was originally submitted in 2017, however, as previously mentioned, concerns were raised regarding the approved point of access and the application was not progressed whilst this was investigated. An alternative, safer point of access has since been approved but is yet to be constructed. The point of access approved through this application which is subject to renewal is therefore not required.

2.2.4 The applicant continues to run an agricultural business on site, rearing alpacas, which continues to require a countryside location. The applicant has applied for planning permission for a dwellinghouse on site, however, concerns have been raised with this proposal and discussions are currently underway to have the application withdrawn and resubmitted at a later date. Concerns have also been raised regarding the use of the site as a visitor centre and whether this is ancillary to the agricultural use. Discussions with the applicant are currently ongoing. Notwithstanding, renewal of the previous consent, to allow the siting of the caravan for a further period of two years, would allow the applicant to remain on-site to provide care and security for the alpacas. It would also allow them to continue building a business case for a new dwellinghouse and allow them to remain on site whilst any future applications are considered. As such, no financial details with regard to the financial viability of the business have been requested. The proposal would, therefore, continue to be acceptable in principle and would comply with the Development Plan in this respect.

2.3 Renewal of Planning Permission

2.3.1 Scottish Government Circular 4/1998 indicates that in determining applications for renewals of earlier consents, it is necessary to consider whether the application should be refused because either; there has been a material change in planning circumstances since the original permission was granted, whether it is likely that as a consequence of the failure to begin the development that this would contribute unacceptably to uncertainty about the future development in the area, or whether the application is premature as the permission still has a reasonable time to run before expiring.

2.3.2 Should this application be approved, the development would not contribute unacceptably to uncertainty about future development in the area. Whilst this application to renew the 2015 application for full planning permission (15/01610/FULL) was submitted on 26.04.2017, approximately 15 months before it was due to expire, the permission did include a condition restricting the siting of the caravan for a temporary period of two years, which was due to expire in July 2017, approximately 3 months after the application was submitted. Notwithstanding, the 2015 permission has now fully expired, with this application for renewal of the permission being received before the expiry date. The application is therefore not considered to be premature.

2.3.3 Since the 2015 planning permission (15/01610/FULL) was approved, there have been changes to the Development Plan with the Adopted FIFEPlan (2017) now being used in the determination of planning applications with FIFEplan replacing the St Andrews & East Fife Local Plan (2012). In this instance, there are not considered to be any relevant policy changes sufficient to suggest that there should be any reconsideration of the decision to approve this proposal for a temporary caravan. In terms of neighbouring land uses and development, it is also considered that there has been no material change in planning circumstances since the original application was approved which would warrant the refusal of this application. The proposal is, therefore, meets the relevant policy requirements and the renewal of the application is acceptable subject to a condition requiring that the permission for the temporary caravan is for a period of 2 years as per the previous planning permission. A condition has also been added stating that the previously approved access, is hereby not approved. Previous conditions regarding parking and screening have also been removed as they are not considered necessary.

CONSULTATIONS

Development Plan Team - (North East Fife Area)	No objections.
Land and Air Quality, Protective Services	No comments.
Environmental Health (Public Protection)	No objections.
Transportation, Planning Services	No objections.
Transportation and Environmental Services - Operations Team	No response.

REPRESENTATIONS

7 objections and 47 support comments have been received:

Concerns raised which are material in the assessment of the proposal include:

- The site is being used as a visitor centre which is not acceptable or in line with the previous consent - Addressed in Section 2.2
- No financial details have been submitted - Addressed in Section 2.2
- Applicants have had long enough to demonstrate viability - Addressed in Section 2.2
- The business does not require a countryside location - Addressed in Section 2.2

Concerns raised which are not material in the assessment of the proposal include:

- Caravan/shed being used as office for plumbing business
- Caravan is unsightly
- No action been taken on stop notice
- Previous conditions have not been complied with
- Caravan not permanently occupied

Support comments received include:

- Business is focussed on alpaca products
- Caravan is necessary to allow overnight presence
- On site presence required for animal welfare
- Rural business should be supported
- Business benefits the local economy

- This will allow the business to expand
- Caravan is permanently occupied

CONCLUSIONS

The renewal of the 2015 planning permission (15/01610/FULL) is considered acceptable in meeting the terms of the National Guidance, Development Plan and other relevant material considerations. There has been no material change in planning circumstances since the previous permission was granted and it is considered that the development would not contribute unacceptably to uncertainty about the future development in the area. The proposal would, therefore, be acceptable subject to a condition requiring that the permission for the temporary caravan is for a further period of 2 years as per the previous planning permission.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. FOR THE AVOIDANCE OF DOUBT, the temporary caravan hereby approved shall be removed from this site and the site reinstated to its original condition within 2 years of the date of this consent.

Reason: In order to define the terms of the consent. The buildings and works are of a temporary nature and are only acceptable as a temporary expedient

2. The new access as shown on previously approved plan 01 - Approved Location & Block Plan (Drg No:PJ/01) is hereby not approved.

Reason: In the interests of road safety; to ensure the provision of adequate visibility at the junction of the vehicular access to the site and the public road.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Policy and Guidance
Scottish Planning Policy (SPP) (2014)
Planning Circular 4/1998

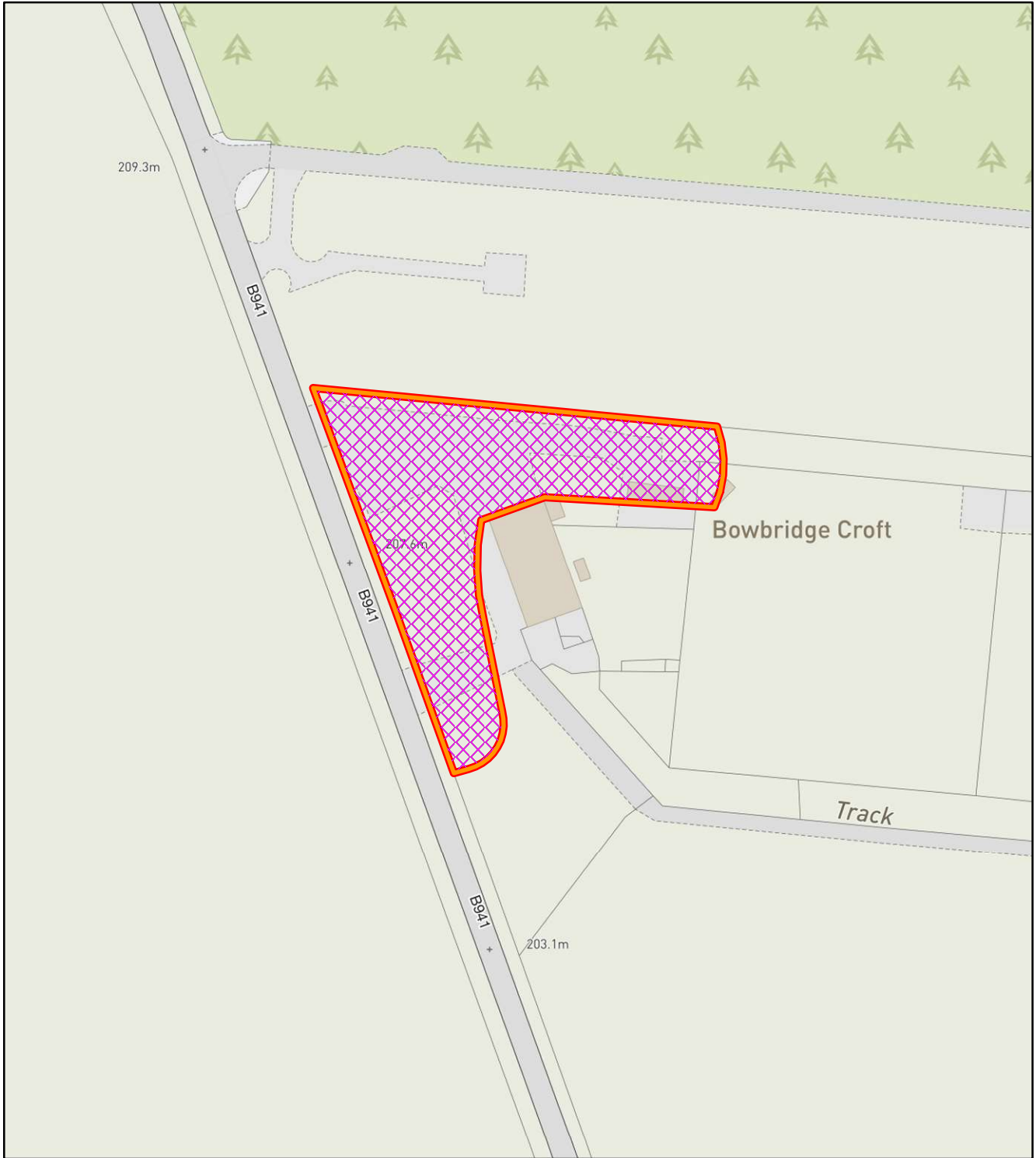
Development Plan
Adopted FIFEplan (2017)
Making Fife's Places Supplementary Guidance (2018)

Report prepared by Jamie Penman (Graduate Planner) 19/11/2021
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 6/12/21.

Date Printed 22/11/2021

17/01288/FULL

Bowbridge Farm Peat Inn Largoward



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Legend			
	Application Boundary		

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ITEM NO: 5

APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02315/FULL

SITE ADDRESS: 73 TAY STREET NEWPORT ON TAY FIFE

PROPOSAL : ERECTION OF GARAGE AND SELF-CONTAINED ACCOMMODATION

**APPLICANT: MR ADAM HENDERSON
73 TAY STREET NEWPORT ON TAY FIFE**

**WARD NO: W5R17
Tay Bridgehead**

CASE OFFICER: Andy Taylor

**DATE 04/02/2021
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The application has received more than 5 objections.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.0 Background

1.1 This application site, is within the grounds of 73 Tay Street which is located within the settlement boundary and conservation area of Newport on Tay. There is currently a detached single garage and off-street parking on the site and bound with stone walls. Located on the shoreline there are clear unrestricted views across the River Tay to the rear. The dwellinghouse is relatively modern with rendered walls, cement roof tiles and modern brown windows. The site has direct access from the B946.

1.2 This application is for full planning consent for the Erection of one and a half storey garage with self-contained accommodation within the upper level.

1.3 The only planning history on the property was Ref: 99/00374/EFULL for a conservatory extension on the dwellinghouse which was approved July 1999.

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

2.1 Assessment

2.1.1 The issues to be assessed against the Development Plan and other associated guidance are as follows:

- Principle of Development
- Design/Visual Impact on Conservation Area
- Residential Amenity Impact
- Road Safety Impact
- Low Carbon Fife

2.2 Principle of Development

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

2.2.2 As the proposal is situated within the settlement boundary of Newport On Tay, there is a general presumption in favour of development. As such, the principle of development on this site can be accepted. The overall acceptability of such a development, however, must also satisfy other FIFEplan policy criteria which includes but is not limited to, design, residential amenity and road safety; these issues will be discussed in detail below.

2.3 Design/Visual Impact on Conservation Area

2.3.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland (HES) Policy Statement (April 2019) and Managing Change in the Historic Environment (2010), FIFEplan policies 1, 10 and 14 apply in this instance. These policies indicate

development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance, the policies will be applied to assess the visual impact of the proposed development. Policy 14 specifically relates to the built historic environment. Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Area applies in this instance. Also, Newport-on-Tay Conservation Area Appraisal and Management Plan applies.

2.3.2 The proposal is to build a one and a half storey building with triple garage at ground level and ancillary accommodation on the upper level within the roof. The building roof has a pitch to the front with grey concrete tiles which matches the pitch and roofing materials of the existing dwelling. The automated door is finished in grey. The rear of the building has a gable roof incorporating Alu-clad timber doors and windows finished in black with glass balustrade on the balcony. The walls of the building are dry dash rendered. The building is set back from the existing house and is Subsidiary to the existing dwelling. Access to the upper accommodation is via an external stair.

2.3.3 Objections have been received with regards to the proposals concerned that the proposed building would have an adverse impact on the conservation area visually, is too large for the site, has inappropriate materials and will impact on the views across the River Tay. Tay Street consists of large traditional houses on the opposite side of Tay Street, whilst there is an eclectic mix of varying sizes and styles of housing along the same side of the road as the application site. As you travel further along Tay Street towards the north east the dwellings become more traditional. There are a number of detached garages within the immediate area constructed in similar materials to the proposed building. The dwelling (No 73) associated with this planning application is an example within the Newport-on-Tay Conservation Area Appraisal and Management Plan as being an unsympathetic modern dwelling (Section 6.1). It is acknowledged that the materials being proposed for the new building would not normally be acceptable within a conservation area, but it is considered that the proposed, scale, style and materials being used do in fact match the associated dwelling and are considered appropriate in this instance. In addition, the garage is being set back from the building line at a lower level with a flat asymmetric design mansard roof to lessen the impact and read as subordinate to the existing dwelling. It is accepted that the new building would partially block views across the River Tay, however, this is not material in the assessment of this application.

2.3.4 In light of the above, the application proposal would be deemed to comply with FIFEplan (2017) Policies 1, 10 and 14 in this instance.

2.4 Residential Amenity Impact

2.4.1 Policies 1 and 10 of the Adopted FIFEplan (2017), and Fife Council Customer Guidelines on Daylight and Sunlight (2018) apply in terms of residential amenity.

2.4.2 Policy 1 of the Adopted FIFEplan (2017) advise that a development proposal will be supported if it is in a location where the proposal use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. Policy 10 advises that development is required to be implemented in a manner that ensure that existing uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, construction impacts, ground stability, potential losses of privacy, sunlight, or daylight etc. Fife Council Customer Guidelines on Daylight and Sunlight advises that the design of residential environments must seek to ensure that adequate levels of natural light can

be achieved within new development and that unacceptable impacts on light to nearby properties are avoided.

2.4.3 Objections have been raised in relation to construction traffic issues given the location of the site and possible land stability issues for neighbouring properties during construction. With regards to the possibility of stability issues, no assessment and details have been submitted with the application. When dealing with planning applications, Local Authorities have an important role in considering land stability by minimising the risk and effects of land stability on properties, infrastructure and the public whilst working alongside a number of other departments including Building Standards and Regulations. Given the location of the house at the slope, Building Standards and Safety may require a slope stability risk assessment report or similar to be undertaken and submitted by an appropriately qualified person such as chartered member of a relevant professional institution while applying for a Building Warrant. With regards to construction traffic issues, there is unrestricted off-street parking to the front of the building. Given the small scale of the proposal, it is unlikely that major disruptions would be anticipated. However, it should be noted that this is not a material planning consideration, with any residential amenity impacts arising as a consequence of the construction period should be dealt with by Environmental Health Officers under the Control of Pollution Act 1974.

2.4.4 In regard to daylight and sunlight, due to the path of the sun, the distance to adjacent properties and the general position of the proposed garage, there would not be a significant loss of sunlight to neighbouring garden ground or daylight to neighbouring windows as a result of the proposal. On this basis, the proposal would meet the terms of residential amenity as set out in the Local Development Plan policy and Fife Council's Planning Customer Guidelines on Home Extensions and Daylight and Sunlight respectively.

2.4.5 The proposal is therefore considered acceptable in terms of overshadowing and overlooking, would be compatible with its surrounds in terms of land use and would be in compliance with the Development Plan and relevant guidance.

2.4.6 The proposal would include the installation of new window/door openings to the rear of the building and these would look out on to the applicant's own garden ground area and across the River Tay. As such, no significant privacy concerns would be raised in this instance.

2.4.7 Due to the small scale of the proposed extension to the existing garage, no concerns would be raised with regard to the over development of garden ground. The ground is currently used for parking which effectively is being replaced by the triple garage.

2.4.8 In light of the above, the proposal would raise no significant residential amenity impacts and is therefore considered to comply with FIFEplan Policies 1, 10 and other related guidance in this instance.

2.5 Road Safety Impact

2.5.1 FIFEplan policies 1, 3 and 10 apply in this instance. These policies indicate development will only be supported where it has no road safety impacts. In this instance the policies will be applied to assess what impact the proposed development would have on the general road safety of the surrounding area. Making Fife's Places Transportation Development Guidelines also apply.

2.5.2 Transportation Development Management (TDM) were consulted and initially had issues with regards to the proximity of the garage to the road, i.e. not 6m from the footpath and the fact that it would be difficult for cars to leave the site in a forward gear. However, following a number of revisions, TDM have welcomed the repositioning of the garage ensuring that there will be no inconvenience to pedestrians as vehicles won't overhang the footway and better manoeuvrability. The swept paths provided by the applicant show that to leave the site in a forward gear would require multiple manoeuvres, TDM have confirmed that it does not have to be done in one go.

2.5.3 In light of the above, the proposal would be deemed to comply with FIFEplan Policies 1, 3 and 10 in this instance.

2.6 Low Carbon

2.6.1 SPP (paragraph 154), Policies 1 and 11 of FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply with regards to the low carbon requirements expected of this proposal. Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning applications are required to be supported by a Low Carbon Checklist to demonstrate compliance with Policy 11.

2.6.2 The applicant has not submitted a low carbon checklist. However, the design statement submitted includes a section on a number of measures being undertaken to ensure an energy efficient build such as triple glazing, long life roof and cladding with low maintenance costs and the timber frame is a renewable resource.

CONSULTATIONS

Transportation, Planning Services	No objection
Scottish Water	No objection

REPRESENTATIONS

18 objections have been received in relation to this planning application objecting on the following grounds;

- adverse impact on the conservation area and unsympathetic with the historic surrounds (See Section 2.3.3)
- Adverse impact on view across the River Tay (See Section 2.3.3)
- Potential for causing ground stability issues for neighbouring properties (See Section 2.4.3)
- Potential for the building to be used as an air B&B, tourist or other rental accommodation.

The application is for accommodation associated with No 73 Tay Street, making assumptions that it may be used for other purposes is not considered material in the assessment of this application.

- Contrary to the Newport On Tayport Conservation Area Appraisal (See Section 2.3.3)

- Garage and accommodation too large for the site
(See Section 2.3.3)

- Adverse impact on adjacent housing prices
This is not a material planning consideration.

- No need for garage and accommodation
This is not a material planning consideration.

- Inappropriate building materials
(See Section 2.3.3)

- Issue with construction traffic
(See Section 2.4.3)

CONCLUSIONS

The proposal is considered acceptable in terms of form, scale, layout, detailing and choice of materials. It would have no significant detrimental impact on the surrounding area and would create no significant residential amenity issues. The issues raised in the letters of objection have been considered and addressed, therefore the proposal is considered to be compliant with FIFEplan Local Development Plan (2017) and other guidance.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. FOR THE AVOIDANCE OF DOUBT, the proposed garage/ancillary accommodation hereby approved shall only be used for domestic purposes which are incidental to the enjoyment of the dwellinghouse as a domestic garage/ancillary accommodation and not as a permanent separate dwellinghouse. Furthermore, the garage/ancillary accommodation shall not be sold, let or rented or otherwise disposed of other than as part of the existing dwellinghouse on site.

Reason: In order to retain full control over the development and to avoid the creation of an additional permanent dwellinghouse.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Guidance:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
Historic Environment Scotland Policy Statement (April 2019)

Historic Environment Scotland's Managing Change in the Historic Environment

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Planning Guidance (2018)

Local Guidance:

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

Fife Council's Planning Customer Guidelines on Garden Ground (2016)

Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings (2011)

Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018)

Other

Newport-on-Tay Conservation Area Appraisal and Management Plan

Report prepared by Andy Taylor, Case Officer and Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 6/12/21.

Date Printed 19/11/2021

20/02315/FULL

73 Tay Street Newport on Tay



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Legend	
	Application Boundary
	
	
 Economy, Planning & Employability Services	

ITEM NO: 6

APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02716/FULL

SITE ADDRESS: NORTH BANK FARM LATHOCKAR ST ANDREWS

PROPOSAL : CHANGE OF USE OF LAND TO ALLOW FOR THE SITING OF 35 RETIREMENT CARAVANS INCLUDING LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.

**APPLICANT: MR WILLIAM STEWART
CARAVAN PARK NETHER COUL AUCHTERARDER**

**WARD NO: W5R19
East Neuk And Landward**

CASE OFFICER: Jamie Penman

DATE REGISTERED: 27/01/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application has received more than 5 representations which are contrary to the Case Officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.1 Background

1.1.1 This application relates to an area of land measuring approximately 1.9Ha and is located within the countryside to the north side of the A915, from Largoward to St Andrews. More specifically, the site is located approximately 4 miles to the south of St Andrews and is associated with and within the same ownership, as the adjacent holiday park located to the east. The site mostly comprises of modern and traditional farm buildings, some of which have been demolished. None of the buildings are listed. The site is bound by open countryside and agricultural fields to the west, with the Cameron Reservoir located approximately 300 metres from the northwest of the site and is a Special Protection Area (SPA), RAMSAR Site and Site of Special Scientific Interest (SSSI). There is a farmhouse and row of 4 cottages to the south of the site. The site is accessed by an existing junction on to the A915 and through the internal road network of the adjacent holiday park.

1.1.2 This application is for full planning permission for the change of use of land to allow for the siting of 35 residential retirement caravans and other associated infrastructure works. The proposal would be aimed at people aged over 50 and would result in the clearance of a redundant farm site. The proposed caravans would be distributed across the site and include parking areas. Large areas of open space and tree planting are proposed.

1.1.3 A site visit has not been undertaken for this application. A risk assessment has been carried out and it is considered, given the evidence and information available to the Case Officer, that this is sufficient to determine the proposal.

1.1.4 Planning history associated with this site includes:

06/02854/EOPP - Planning Permission in Principle for commercial leisure development including retail, exhibition, cafe/restaurant, visitor centre, craft workshops, 15 dwellinghouses, 20 holiday units, access road, drainage infrastructure and demolition of existing buildings - Approved March 2010

11/06407/FULL - Variation of time expiration of submission date (further 2 years) for matters specified following granting of application Ref: 06/02854/EOPP - Approved March 2011

15/00727/ARC - Approval of matters specified in conditions for commercial leisure development including retail, exhibition, café/ restaurant, visitor centre, craft workshops, 15 dwellinghouses, 20 holiday units, access road, drainage infrastructure and associated demolition of existing buildings, conditions 2 (a), (b) and (c) and Condition 5 of application 06/02854/EOPP - Approved March 2016

1.2 Procedural Issues

1.2.1 When the application was first received, the description read "Siting of 49 retirement caravans including landscaping and associated infrastructure (amendment to 15/00727/ARC)". Through discussions with the applicant's agent, this was amended to read "Change of use of land to allow for the siting of 35 retirement caravans including landscaping and associated infrastructure". The revised proposal description was also reworded to be clearer and more precise, but ultimately, the nature of the proposal description, has not significantly changed. Re-notification of neighbours/consultees was therefore not required.

1.2.2 With regard to The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the proposal is a Local Application therefore no pre-application consultation was required. The statutory neighbour notification procedure was undertaken by the Planning Authority with the proposal also being advertised in the local newspaper.

2.1 Planning Assessment

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

- Principle of Development
- Design and Visual Amenity
- Residential Amenity Impact
- Road Network and Sustainable Transport
- Natural Heritage Impact
- Flooding and Drainage Impact
- Loss of Agricultural Land
- Contamination and Land Stability
- Sustainability
- Planning Obligations

2.2 Principle of Development

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

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

2.2.3 Representations have raised concerns regarding the principle of development. The application site is part of LDP allocated site LWD035 which is for a visitor centre, 20 holiday units and 15 dwellinghouses. This is in addition to the adjacent holiday park which is under construction. The application proposal would be an extension of the existing caravan park and would be located on part of the allocated site, which already has approval for 15 dwellinghouses. The principle of residential development has therefore already been accepted on this site. The application proposal, whilst for the permanent occupation of caravans (rather than dwellinghouses), is therefore acceptable on this site, in line with the allocated land use. Whilst it is noted that in simple numerical terms, the proposed 35 caravans is greater than the site allocation of 15 dwellinghouses, it is accepted that due to the smaller size of the caravans, the site can accommodate a greater level of this type of development. It is also anticipated that the application proposal would result in a development of a similar scale of what has already been approved based on the number of people which would be likely be generated by this development, given that the 15 dwellinghouses would likely attracts families of around 3-4 people, where the caravans (aimed at those over 50), are likely to attract between 1-2 people. It must be noted that if this site did not have an LDP allocation and an extant permission for permanent residential use, the use of caravans for permanent accommodation would likely be unacceptable, however, holiday accommodation use would likely be acceptable.

2.2.4 Furthermore, as the application site is located within the countryside, FIFEplan (2017) Policy 7 applies and states that development in the countryside will only be supported where it is for the extension of established businesses. In all cases, the development must be of a scale and nature compatible with surrounding uses, well-located in respect of available infrastructure and contribute to the need for any improved infrastructure and located and designed to protect the overall landscape and environmental quality of the area.

2.2.5 The applicant's supporting statement details that the proposed development would also provide financial support for the business during the winter months, where demand for the holiday lodges on the adjacent site is not as high.

2.2.6 In light of the above, the principle of development can be accepted given that it is an allocated site for residential purposes and that it would be development in the countryside which would support an existing rural business, thereby complying with FIFEplan (2017) Policies 1 and 7.

2.3 Design and Visual Amenity Impact

2.3.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance, the policies will be applied to assess the visual impact of the proposed development on the surrounding area. Policy 13 also applies and aims to protect and enhance landscape character and views. Making Fife's Places 2018 also applies.

2.3.2 Representations have raised concerns regarding the visual impact of the development on the countryside and surrounding area. No details of the proposed caravans have been provided however, it is understood that they would measure approximately 13m by 6m. Further detail on their design can be secured through condition. The caravans would be located on ground which has previously been developed and currently include redundant agricultural buildings, some of which are derelict and have started to be removed from the site. Limited views of the site would be possible from the adjacent A915 road and the surrounding countryside environment. Where views are possible, the development would be viewed within the context of the existing holiday park. Furthermore, the proposed caravans would be considered to have a low-level impact in terms of their scale and massing. Whilst the existing buildings on site, may or may not be derelict, they are currently unused and are likely to fall into a state of disrepair. As such, the proposal would provide a visual enhancement through the removal of the farm buildings. A landscaping scheme has been provided and shows tree planting across the site, which will help soften possible views of the development site and help to integrate it into the landscape. No significant concerns would therefore be raised in terms of the development's impact on the immediate or wider countryside setting.

2.3.3 In light of the above, no significant concerns would be raised with regard to the development's visual impact and would therefore be deemed to comply with FIFEplan (2017) Policies 1, 10, 13 and Making Fife's Places.

2.4 Residential Amenity Impact

2.4.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported where it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance the policies will be applied to assess the impact the proposed development would have on existing levels of residential amenity. This includes, but is not limited to, privacy, daylight and sunlight and garden ground. PAN 1/2011 also applies and

establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise.

2.4.2 It should be noted that LDP policies and Fife Council planning customer guidance on matters around residential amenity have been drafted with the view that they would be applied to dwellinghouses, not caravans. Whilst these standards could be applied to caravans, it would not generally be expected that the same level of residential amenity, normally associated with a dwellinghouse, could be achieved or would be expected by the occupier, given that this is a form of communal living. Furthermore, due to land ownership issues on caravan sites, where the occupier normally owns the caravan, but not the land it is sited on or the land surrounding it, land cannot be tied to the caravan and subsequently be made private. Notwithstanding, no significant residential amenity concerns would be raised with this proposal.

2.4.3 The application site is located approximately 100m to the north of the A915 therefore the impact of road noise on levels of residential amenity must therefore be considered. A noise impact assessment has been submitted in this regard which concludes that daytime external and night-time internal noise levels can be met. It notes that very low exceedances in daytime internal noise levels are predicted (maximum 0.2db), however, given their low level, these exceedances would not be deemed significant in this instance. Fife Council's Environmental Health Team has been consulted on this application and advised that they have no objections to the proposed development.

2.4.4 The proposal provides no private amenity space for each caravan, however, large areas of open space have been provided, which is acceptable. No significant residential amenity concerns would be raised in this regard.

2.4.5 Representations have raised concerns regarding the potential privacy impacts created by the development. The proposed caravans would be located close to one another, where privacy standards normally applied to dwellinghouses, would not be met. As previously discussed, however, given the application is for caravans, normal privacy standards have not been applied in this instance. Given the nature of the proposal, no significant concerns would be raised in this regard. Separation distances (approximately 100m) between the neighbouring cottages which front the A915 would be acceptable. Furthermore, privacy impacts with the neighbouring farmhouse can be avoided through the introduction of screening along the southern boundary of the site. This can be secured by condition. Concerns have also been raised regarding odour impacts when the cess pit is emptied, however, given that this is only likely to occur infrequently, no significant concerns would be raised in this regard.

2.4.6 In light of the above, the proposal would raise no significant residential amenity concerns and would therefore comply with FIFEplan (2017) Policies 1 and 10.

2.5 Road Network and Sustainable Transport

2.5.1 FIFEplan policies 1, 3 and 10 apply in this instance. These policies indicate development will only be supported where it has no road safety impacts. In this instance the policies will be applied to assess what impact the proposed development would have on the general road safety of the surrounding area. Making Fife's Places Transportation Development Guidelines also apply.

2.5.2 The site is accessed by an existing junction on to the A915 and through the internal road network of the adjacent holiday park. Each caravan pitch would have two allocated parking spaces and the wider network would have visitor parking spaces.

2.5.3 Representations have raised concerns regarding the road safety impacts associated with the development and that it is not within a sustainable location. Fife Council's Transportation Development Management Team (TDM) has been consulted on this application and have advised that they have assessed the proposal in a similar way to that of a standard residential development. TDM has objected to the application given the application site is in an unsustainable location and that there is a presumption against the intensification of existing accesses on unrestricted distributor roads out with established built up areas.

2.5.4 The applicant considered the above response and advised that as part of the wider holiday park development, the facilities that are now available/soon to be available include a shop, bar/restaurant, gym, pool, hairdressers etc. They advise that this provides day to day facilities/services/supplies for the owners of the retirement caravans and that these facilities are to be made available to the retirement caravan owners. It is also noted that a bus service, albeit limited, is available on the adjacent A915. The extant consent for 15 dwellinghouses should also be noted in that permanent residential accommodation has already been accepted on this site.

2.5.5 TDM have also confirmed in their consultation response that there is significant spare capacity in the A915/access junction, which would cope with additional traffic.

2.5.6 Whilst the response from Transportation is noted, the development would have no significant impact on existing levels of road safety, given the limited increase in vehicular numbers which would likely be generated by the development, when also taking into account what has already been approved on this site. It is accepted that the site is generally not located within a sustainable location, however, it is noted that local amenities will be provided on the adjacent site and there are public transport links available. On balance, given the above and that the principle of residential use has already been accepted on this site, no significant sustainability concerns would be raised in this instance.

2.5.7 The proposal would therefore comply with FIFEplan (2017) Policies 1,3 and 10 and Making Fife's Places (2018).

2.6 Natural Heritage Impact

2.6.1 FIFEplan Policies 1 and 13 of the Adopted FIFEplan supports proposals where they protect or enhance natural heritage and access assets, including designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest; designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas; woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; carbon rich soils (including peat); green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

2.6.2 Representations have raised concerns regarding the potential natural heritage impacts associated with the development. The application site is located approximately 300m from the Cameron Reservoir which is a Special Protection Area (SPA), RAMSAR Site and Site of Special Scientific Interest (SSSI). NatureScot has been consulted in this regard and has advised that the wider site has been subject to previous consultations and the focus of NatureScots comments was centred on the increased visitor pressure from the development on Cameron Reservoir and

potential impacts on pink-footed geese. Previous responses concluded that Cameron Reservoir would not be adversely affected based on the conclusions of the approved visitor management plan being actioned. The consultation response concludes by noting that this development would not adversely affect the Cameron Reservoir Special Protection Area, based on the previously approved visitor management plan. An updated visitor management plan can be secured by condition.

2.6.3 The proposed development would result in tree removal which includes an area of category C trees, which have a life expectancy of between 10-20 years (sitka spruce, scots pine, larch, Norway spruce and beech trees). It is also indicated that 4 other trees, located out with the application site would be removed. These are all category C and R trees and are in poor health. Given the level of compensatory planting which is proposed across the wider site and the type/nature/condition of the trees to be removed, no significant concerns would be raised with regard to the loss of these trees.

2.6.4 Previous consents for this site have been subject to conditions requiring a series of surveys to be undertaken, prior to any development commencing on site. These include surveys for otter and badger. A condition was also included requiring recommendations included in the submitted bat report to be undertaken. A preliminary ecology appraisal was submitted with this application which detailed that evidence of barn owls, red squirrel and nesting birds was identified within and around the site. The survey does not consider badger or otter, however, previous surveys for this site have identified suitable habitat within close proximity. The submitted bat survey identifies two trees out with, but close to the application site and three buildings within the application site, which have potential bat roost features. It should be noted that this site does have an extant permission and can be developed at any time. A condition should, however, be added securing the resurvey of the site and surrounding area for species including badger, otter, barn owl, red squirrel, birds and bats. The condition should also secure mitigation measures where required. The condition should also require further surveys to be undertaken if development does not commence within a specified timeframe.

2.6.5 Fife Council's Natural Heritage Officer was consulted on this application and advised that an Ecological Impact Assessment should be submitted for this application, however, the development and its surrounding context is not of a type or scale which would require such an assessment to be undertaken. The Natural Heritage Officer has advised that further surveys are recommended.

2.6.6 In light of the above, the application site can be developed whilst ensuring no significant impacts of natural heritage, subject to condition. The proposal would therefore comply with FIFEplan (2017) Policies 1 and 13.

2.7 Flooding and Drainage Impact

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

2.7.2 Representations have raised concerns regarding the potential drainage and flooding issues associated with the development. A flood risk and drainage assessment has been submitted with this application. It concludes by noting that the site is a 'no risk' or 'low risk' of flooding and a

surface water management strategy has been proposed which demonstrates that surface water run-off can be accommodated in the existing phase 1 suds pond. Foul drainage would also drain to a cess pit which has been provided as a temporary foul drainage solution within earlier phases of the holiday park development. Both the suds pond and cess pit are within the ownership of the applicant. Fife Council's Structural Services Team have been consulted on this proposal and have advised that they have no comments to make.

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

2.8 Loss of Agricultural Land

2.8.1 FIFEplan Policy 7 states that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available, for small-scale development directly linked to a rural business, for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

2.8.2 Representations have raised concerns regarding the development of agricultural land. The application site is defined as non-prime agricultural land and would therefore raise no concerns.

2.8.3 The proposal would therefore comply with FIFEplan (2017) Policy 1 and 7.

2.9 Contamination and Land Stability

2.9.1 PAN 33 (Revised) advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to contaminated and unstable land.

2.9.2 Previous applications for this site included conditions for appropriate contaminated land survey to be undertaken. Some information has been submitted, however, further surveys were to be undertaken upon demolition of the buildings on site. Fife Council's Land and Air Quality Team has been consulted and has advised that a site-specific contaminated land study should be secured along with any required remedial measures and verification report. This can be secured by condition.

2.9.3 The site is located within a Coal Authority Low Risk Area. As such, the Coal Authority do not need to be consulted, nor does a coal mining risk assessment need to be submitted. The site will be subject to the Coal Authority's standing advice.

2.9.4 On the basis of the above, submission of further site investigation reports and any subsequent remediation strategy and validation reports could be secured via conditions in order to demonstrate compliance with PAN 33(Revised) and Policy 10.

2.10 Sustainability

2.10.1 FIFEplan Policy 1 Development Principles requires new development provide energy generation and generation in the layout and design and contribute to achieving an area's full potential for electricity and heat from renewable sources. Policy 11 Low Carbon Fife supports new development to incorporate low carbon energy schemes.

2.10.2 Given the proposal is for a change of use of land to allow for the siting of caravans, the proposal would be exempt from Policy 11.

2.11 Planning Obligations

2.11.1 FIFEplan policies 1 and 4 apply and advise that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. The contributions will mitigate development impact by making a contribution to existing infrastructure or providing additional capacity or improving existing infrastructure; or providing new infrastructure. FIFEplan Policy 4 sets out a list of the types of development which are exempt from the payment of contributions, which includes the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement.

2.11.2 Given the proposal is for the siting of caravans, no affordable housing contribution is required in this instance. Fife Council's Affordable Housing Team have been consulted and have raised no significant concerns.

2.11.3 Given the proposal is for retirement caravans and a condition is attached which restricts occupancy to people aged over 50, there would be no significant education impact in this instance.

2.11.4 The proposal is not located within a strategic transport contribution area, therefore no contribution is required in this regard.

2.11.5 The proposal has provided open space within the site which is acceptable.

2.11.6 The proposal would not be expected to contribute towards a public art scheme.

CONSULTATIONS

Transportation, Planning Services	Objects to the proposal.
Trees, Planning Services	No response.
Structural Services - Flooding, Shoreline and Harbours	No comments.
Environmental Health (Public Protection)	No objections.
Natural Heritage, Planning Services	Further surveys required.
Parks Development and Countryside	No response.
Land and Air Quality, Protective Services	Further surveys required.
Transportation and Environmental Services - Operations Team	No response.
Housing and Neighbourhood Services	No affordable housing contribution required.

Community Council
Scottish Water
NatureScot

Objects to the proposal.
No objections.
No objections.

REPRESENTATIONS

14 objections and 13 support comments have been received. The Cameron Community Council have also objected to this proposal as a Statutory Consultee.

Concerns raised which are material in the assessment of the proposal include:

- Proposal would involve the development of farmland - Addressed in Section 2.8
- The site is not derelict- Addressed in Section 2.3
- No public sewage system - Addressed in Section 2.7
- Not in-keeping with rural area- Addressed in Section 2.3
- Farm steading may be listed - Addressed in Section 1.1
- Proposal is not compliant with LDP- Addressed in Section 2.2
- No consultation with community - Addressed in Section 1.2
- Road safety impacts at junction with A915 (increased traffic and 60mph speed limit of road)- Addressed in Section 2.5
- No services in the local area- Addressed in Section 2.5
- Proximity of caravans to neighbouring houses - Addressed in Section 2.4
- Not an amendment to previously approved application - Addressed in Section 1.2
- Development out of scale compared to surrounding villages - Addressed in Section 2.2
- Environmental Impacts on Cameron Reservoir - Addressed in Section 2.6
- Residential amenity impacts with emptying of septic tanks - Addressed in Section 2.4
- No sustainable energy generation - Addressed in Section 2.10
- Conflicting response from Housing Services - Addressed in Section 2.11

Concerns raised which are not deemed material in the assessment of the proposal and have therefore not been addressed, include:

- Impact on broadband speeds
- Not a safe environment for children as its close to Cameron Reservoir
- No demand for permanent housing in area
- Impact on health services
- Occupant should pay council tax
- Poor road condition in surrounding area
- Proposal should be considered dwellinghouses, not caravans
- Proposal should be for holiday use only

Support comments received include:

- Proposal would help the elderly
- Proposal will support local businesses
- Local amenities are provided on the adjacent site
- Proposal will provide support to existing business
- Proposal would have a positive visual impact
- There is a need for this type of development in the surrounding area

CONCLUSIONS

The proposed development is considered to be in accordance with the Adopted FIFEplan Local Development Plan (2017), in that it would provide permanent residential accommodation, albeit in a caravan, on a site that has been identified as being suitable for permanent residential accommodation. Whilst the number of caravans would be greater than the site allocation, the application proposal would be of a similar scale and nature of the allocation. Through consideration of design, residential amenity, road safety, natural heritage, flooding/drainage and contaminated land impacts, no significant concerns have been raised. Overall, the proposal is considered acceptable and would be in accordance with SPP and the Adopted FIFEplan (2017) Local Development Plan, subject to conditions.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. The occupancy of all retirement caravans hereby approved, shall be restricted to persons aged 50 and over and shall operate as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

Reason: In order to define the terms of this consent.

2. Before any of the caravans are sited, full details of the external finishing materials of the caravans 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 visual amenity.

3. Before any development commences on site, a landscaping plan 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 development shall be completed in accordance with the details approved through this condition.

Reason: In the interests of visual amenity and biodiversity.

4. Vegetation (including trees) clearance shall not take place at any time between March and August (inclusive) in any calendar year unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of natural heritage; to ensure nesting birds are protected.

5. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report,

no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at www.fifedirect.org.uk/contaminatedland.

Reason: To ensure potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

6. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 5. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) 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 works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer 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 - or the approved revised Remedial Action Statement - and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

Reason: To provide satisfactory verification that remedial action has been completed to the planning authority's satisfaction.

7. 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.

8. Before any development commences on site, a tree protection plan and full details of any required protective fencing shall be submitted to Fife Council as Planning Authority for prior written approval. The approved details shall be implemented on site before any development commences and be maintained in a sound, upright condition throughout the duration of construction phase.

Reason: In the interest of natural heritage; to ensure trees which are not to be felled, are protected during constructions works.

9. Before any development commences on site, further surveys to establish the presence of badger, otter, barn owl, red squirrel, bats, birds or any other protected species within or close to the site, shall be undertaken and submitted to Fife Council as Planning Authority. Where impacts on any identified species are identified, a mitigation/protection plan shall be submitted to Fife Council as Planning Authority for prior written approved. The development shall then proceed in accordance with the approved details. If the development does not commence within 1 year of the survey date, the site shall be resurveyed.

Reason: In the interest of natural heritage; to ensure any species that may be present within or close to the application site are protected.

10. Before any development commences on site, full details of all boundary treatments shall be submitted to Fife Council as Planning Authority for prior written approval. The development shall then proceed in accordance with the approved details.

Reason: In the interest of visual and residential amenity.

11. Before any caravans hereby approved are occupied, an updated visitor management plan which considers potential impacts on the Cameron Reservoir Special Protection Area shall be submitted to Fife Council as Planning Authority, for prior written approval. Where any mitigation measures are identified, the development shall proceed in accordance with the approved details.

Reason: In the interest of protecting natural heritage; to ensure that potential impacts on the Cameron Reservoir Special Protection Area are mitigated.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Policy and Guidance:
SPP - Scottish Planning Policy (2014)
PAN 33 Development of Contaminated Land (Revised)
PAN 1/2011 Planning and Noise

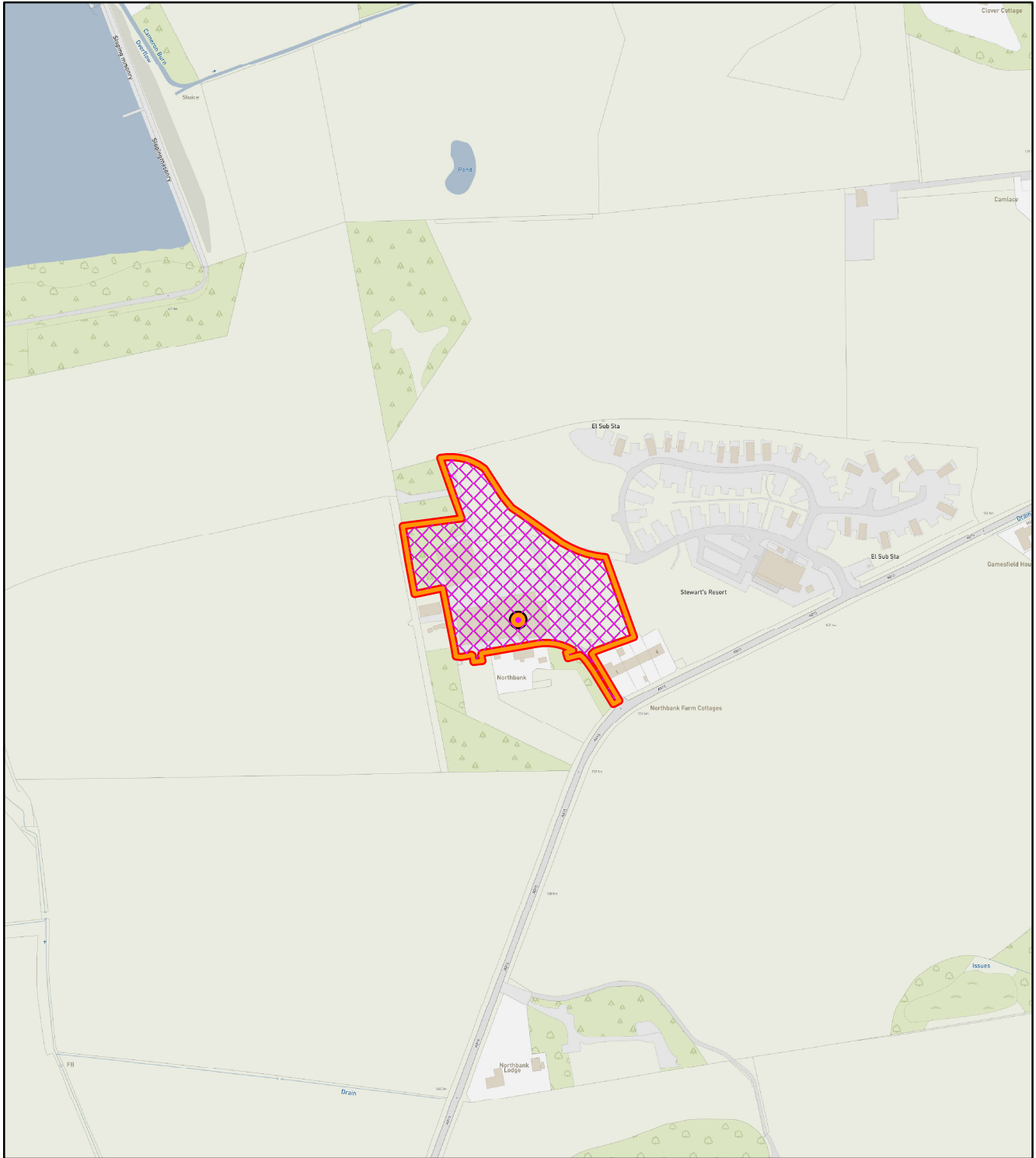
Development Plan:
Adopted FIFEplan Local Development Plan (2017)
Making Fifes Places Supplementary Guidance (2018)

Report prepared by Jamie Penman – Graduate Planner
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 6.12.21

Date Printed 03/12/2021

20/02716/FULL

North Bank Farm Lathockar St Andrews



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Legend			
	Application Boundary		

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/01596/FULL

SITE ADDRESS: DALGAIRN CENTRE BANK STREET CUPAR

PROPOSAL : ERECTION OF COMBINED 24-BEDROOM RESIDENTIAL CARE AND 12-UNIT ONE-BEDROOM ONE-PERSON (1B1P) EXTRA CARE HOUSING BUILDING WITH ASSOCIATED VEHICLE PARKING, SERVICE AREAS AND LANDSCAPED OPEN SPACE

**APPLICANT: FIFE COUNCIL
BANKHEAD CENTRAL 1 BANKHEAD PARK GLENROTHES**

WARD NO: W5R20
Cupar

CASE OFFICER: Andy Taylor

DATE 23/06/2021
REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

There have been more than 5 objections received.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 BACKGROUND

1.1 This application relates to the former Dalgairn Adult Education Centre site which has now been demolished. The site covers 0.9 Ha and located to the north of Cupar on Bank Street within the settlement boundary. The application site sits opposite Adamson Hospital, sits north of Dalgairn housing estate with a number of scattered detached dwellings to the north at a raised level. Access to the site is shared with Dalgairn Lodge from Bank Street with a significant mix of mature trees and shrubbery bounding the site.

1.2 This application for planning permission is for the erection of a combined 24-bedroom residential care and 12-unit one-bedroom one-person (1b1p) extra care housing building with associated vehicle parking, service areas and landscaped open space. The proposed building includes, 24-bedroom residential care facility, shared services hub, 10 place day services facility with associated support rooms and 12 x one bedroom one person apartments with communal and staff support facilities.

1.3 There is no previous recent planning history on this site. The proposal was considered by the Policy and Coordination Committee of Fife Council to agree the principal of the redevelopment under the remit of that committee subject to the project obtaining the necessary consents.

2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design/Visual Impact
- Contamination
- Residential Amenity
- Low Carbon
- Transportation and Road Safety
- Flooding and Drainage
- Trees
- Natural Heritage and Protected Species

2.2 Principle of development

2.2.1 The Scottish Government's Scottish Planning Policy (SPP) (2014), TAYplan Strategic Development Plan (2017), Policy 1 of the Adopted FIFEplan Local Development Plan (2017) and PAN 82 Local Authority Interest Developments apply with regards to the principle of development for this proposal.

2.2.2 SPP advises that new residential development should be concentrated within existing settlements and encourage the re-use of redundant or vacant buildings and the re-use of brownfield sites. The document also aims to promote high quality design and the protection of the existing urban character.

2.2.3 TAYplan (2017) is the Strategic Development Plan for North-East Fife. The proposal is not considered to be of a strategic nature or to raise planning matters of strategic significance. Therefore, the policies of TAYplan are not considered to be directly relevant in this instance and

the principal assessment will take place against the provisions of FIFEplan Local Development Plan (2017).

2.2.4 Policy 1 of FIFEplan (2017) advises that development proposals will be supported Part A of this Policy sets out that the principle of development will be supported if it is either:

- a) within a defined settlement boundary and compliant with the policies for the location; or
- b) in a location where the proposed use is supported by the LDP.

Fife Council will use this policy as a starting point to assess the principle of development. The assessment will be made against the background of a presumption in favour of development that contributes to sustainable development introduced by Scottish Planning Policy. The other subject based policies in the Plan will also be applied where relevant in determining the acceptability of development.

2.2.5 Policy 2 of FIFEplan (2017) contains specific requirements for the development of care homes. The policy states that the Council, in consultation with other appropriate organisations, will seek to ensure that there is a justified distribution of nursing and residential care provision based on assessed local health and social care needs throughout Fife. Such provision, covering both new development and change of use, should be in or adjacent to existing predominantly residential areas, but should not lead to a concentration of such facilities. The establishment of residentially based care in the community facilities in other areas will only be supported where a good residential environment can be assured and where there are no other locations available, or where other special circumstances prevail. All proposals must:

1. have good access to community facilities, emergency services and public transport;
2. provide a good residential environment;
3. be of a scale and character appropriate to the surrounding area; and
4. have suitable access for elderly people and those with mobility problems.

Additionally, there should be no land uses in the surrounding area that would adversely impact on the amenity of the proposed facility.

2.2.6 In the supporting text for Policy 2, it is recognised that the welfare of vulnerable members of society is of paramount importance to the Council. Additionally, as per the National Records of Scotland (NRS) 2010 "Low Migration Variant" projection for Fife, it is anticipated that the number of people of pensionable age in Fife will continue to rise; between 2010 and 2035, the number of people in Fife aged 65 years and more is expected to increase by 41,000 from 64,000 to 105,000. Despite these projected increases, the number of long stay places available in hospitals is reducing, increasing the need for community care residential facilities. Lastly, the supporting text advises that locations for nursing and residential homes should be conducive to ease of access by residents and visitors alike.

2.2.7 In consideration of the provisions within Policy 2, it is reasoned by the Planning Authority that the application site is located within a residential context. With regard to the concentration of care facilities within an area, it is noted that FIFEplan does not provide any definition to what would constitute overprovision. The supporting documents state that the Cupar Care Community would be the second development in Fife Council's care home replacement programme and provide a replacement to Northeden home which is seen as being outdated.

2.2.8 Planning Advice Note (PAN) 82 provides advice to planning authorities and others on the expected standards of assessment of planning applications. In addition, at a meeting on the 24th of January 2019, the proposal was agreed by members with the option to proceed to design stage.

2.2.9 Whilst the location of a care home at the application site is broadly considered to be acceptable in simple land use, the proposed development must also comply with the additional policy requirements within Policy 2. It is recognised that the application site is located within a predominately residential area, however it is within proximity to the Cupar town centre, making it accessible to the town centre with bus stops also available within the immediate area. Furthermore, the proposed care home would make use of the existing grounds of the former Dalgairn Centre to provide a secured large rear garden/amenity area for residents of the proposed care home, with paved paths for ease of access. It is deemed that the internal layout of the building would ensure that those with mobility problems would be able to safely access the care home. Emergency vehicles can access the site. It is therefore considered that the proposed development would comply with criteria 1, 2 and 4 of Policy 2. With regard to criterion 3, which relates to the scale of the development and impact on the character of the surroundings, this shall be explored in detail in the subsequent paragraphs of this report.

2.2.10 In conclusion, the proposed care home development at the site, is considered to be acceptable in principle, and compatible with the policy context referred to above. The overall acceptability of such a development must however meet other relevant policy criteria referred to in paragraph 2.1 of this report. These issues will be considered in detail below.

2.3 Design/Visual Impact

2.3.1 Policies 1 and 10 of the Adopted FIFEplan advises that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area.

2.3.2 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.3 The proposed building consists of a simple pitched roof, rectangular, 2 storey building sat in the centre of the application site. Several 3D visualisations have been provided with the design statement which allow a good understanding of the visual impact of the building on the site and surrounds. The external finishes to the main building are terracotta coloured rendering with grey concrete flat tiles and a light grey brick base course. Windows, doors and louvres are putty coloured to blend well with the external walls. The existing retaining walls on site are to be kept and repaired where necessary. The development includes substantial landscaped gardens and off-street parking located on the south-western corner of the site with plant and machinery located to the rear. Objections have been received regarding the loss of a rural outlook for neighbouring housing and lack of adequate boundary treatments. The proposals include significant landscaping and although it is acknowledged that the building would be a bit higher than that of the previously demolished Dalgairn Centre, the existing trees and shrubbery will still provide an attractive setting.

2.3.4 The proposed development overall is considered to be visually acceptable and would have no detrimental visual impact on the site or the surrounding area in terms of its height, scale or massing. The proposed development would, therefore, comply with the Development Plan in this respect

2.4 Contamination

2.4.1 Policies 1 and 10 of the Adopted Local Plan advise that development proposals must not have 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. Where risks are known to be present, appropriate mitigation measures should be agreed with the Council and where remediation strategies should be agreed prior to the determination of any planning application.

2.4.2 Fife Council's Land and Air Quality Team (LAQT) has been consulted and have recommended that if the application is approved a number of conditions be imposed in relation to dealing with contamination.

2.5 Residential Amenity

2.5.1 Planning Advice Note (PAN) 1/2011: Planning and Noise, Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017), Fife Council Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) and World Health Organisation (WHO) Guidelines for Community Noise (1999) apply in terms of residential amenity.

2.5.2 The above FIFEplan policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They advise that development proposals should be compatible with their surroundings in terms of their relationship to existing properties, and that they should not adversely affect the privacy and amenity of neighbours regarding the loss of privacy; sunlight and daylight; and noise, light and odour pollution.

2.5.3 Third party representations have raised concerns regarding noise from the proposed development and traffic, littering and overlooking.

2.5.4 PAN 1/2011 promotes the principle of how noise issues should be taken into consideration with determining an application. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It is recommended that Environmental Health Officers and/or professional acousticians should be involved in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments. The PAN recommends that Noise Impact Assessments (NIAs)/acoustic reports are submitted to aid the planning authority in the consideration of planning applications that raise significant noise issues. The purpose of a NIA is to demonstrate whether any significant adverse noise impacts are likely to occur and if so, identify what effective measures could reduce, control and mitigate the noise impact.

2.5.5 Fife Council Environmental Health Officers have been consulted and have stated that they have no objections to the proposals however all mechanical plant, machinery and equipment shall comply with NR25 in bedrooms (during the night) and NR 30 in all habitable rooms (during the day), when measured within any relevant noise sensitive property, with windows open for ventilation. This will be subject to an appropriate condition being imposed. In addition, they have recommended that restricted hours of construction be considered. However, Environmental Health (Protective Services) can control noise from construction sites by serving a notice under the Control of Pollution Act 1974, Section 60. This notice can specify the hours during which work may be carried out should issues arise.

2.5.6 Concerns regarding the noise and littering from staff and visitors gathering in the car park and garden ground and other external areas have been submitted. Whilst these concerns are noted, it is considered that the noise from staff members and visitors talking within the curtilage of the care facility are not likely to be detrimental to the amenity of neighbouring properties. Firstly, it should be noted that no external staff area is proposed as part of the application. Secondly, normal human speech is calculated as being around 50 decibels (WHO, 1999, page ix). Littering by staff visitors would be an issue for the Care facility to manage, including the provision of litter bins etc.

2.5.7 As per Fife Council Customer Guidelines on Daylight and Sunlight (2018), sunlight is considered to be the rays of light directly from the sun from a southerly direction, whereas daylight is the diffuse light from the sky that can come from any direction. The guidance considers these two forms of natural light as follows; sunlight received by residential properties' main amenity spaces; and daylight received by neighbouring windows serving habitable rooms. The guidance details the 25 degree and 45-degree assessments to measure the impact of loss daylight as a consequence of a development. This guidance states that proposed developments should allow for the centre point of neighbouring properties' amenity spaces to continue to receive more than two hours of sunlight (calculated on 21st March).

2.5.8 Fife Council's Minimum Distance between Window Openings (2011) guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the angle between the windows increases - these guidelines are also used in the instance of windows neighbouring private and public open spaces.

2.5.9 Given the residential environment within which the application site sits, there are a number of adjacent houses that could potentially be affected by the proposal on Upper Dalgairn.

2.5.10 In relation to the window-to-window distances from the proposed new building, it is determined that no adverse loss of privacy would arise. A site plan detailing the relationship of the proposed development and the windows of neighbouring properties has been submitted. This assessment confirms that all of the windows of the proposed development would be sufficiently distant/angled to pass the minimum requirements expected by Fife Council with regard to minimum distances between windows of neighbouring properties. The accuracy of this assessment, including the location of the windows of neighbouring properties, has been corroborated by the Planning Authority.

2.5.11 In relation to the overlooking of private amenity spaces of neighbouring properties, it is considered by the Planning Authority that given the layout of the proposed building and distant from adjacent housing and the extent of existing screening offered by the existing trees and shrubbery along the boundaries of neighbouring properties particularly on Upper Dalgairn, that the main amenity spaces of neighbouring properties would not be detrimentally overlooked. There may be a slight element of overlooking into the garden grounds of properties 51 to 54 Upper Dalgairn but at such a distance of approximately 30m it is not of material significance to refuse the application on this basis alone.

2.5.12 No comprehensive external lighting details have been submitted with this application which is quite common. A condition shall be imposed to ensure that a suitable external lighting scheme is provided which will not adversely impact on neighbouring properties prior to the care facility coming into use. Should this planning application be approved, if after completion of the development, complaints of nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. If a nuisance is established, then

works/further works may be required under separate environmental legislation to abate any lighting nuisance.

2.5.13 In conclusion, the proposed development would not lead to a detrimental loss of residential amenity for neighbouring properties with regard to privacy, overlooking, and overshadowing, nor would it lead to any adverse levels of noise or light pollution. The proposed development is thus deemed to be acceptable in meeting the above policies and guidance and would not materially impact on the residential amenity of neighbouring properties.

2.6 Low Carbon

2.6.1 SPP (paragraph 154), Policies 1 and 11 of FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply with regards to the low carbon requirements expected of this proposal.

2.6.2 SPP (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. To achieve this, planning authorities should seek to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:

- Energy efficiency;
- Heat recovery;
- Efficient energy supply and storage;
- Electricity and heat from renewable sources; and
- Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

2.6.3 Policy 11 (Low Carbon) of the FIFEplan (2017) states that planning permission will only be granted for new development where it has been demonstrated that:

- The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
- Construction materials come from local or sustainable sources;
- Water conservation measures are in place;
- Sustainable urban drainage measures will 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; and

o Facilities are provided for the separate collection of dry recyclable waste and food waste.

All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

2.6.4 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning application applicants are expected to submit a completed sustainable building statement (Appendix B of the Supplementary Guidance). The Supplementary Guidance also sets out criteria for when an Air Quality Impact Assessment is required to be submitted for an application (Appendix D).

2.6.5 An energy strategy was submitted as part of this application. The strategy has stated that the care village has been designed with an expected lifespan of 60 years and care has been taken to ensure that running costs of the building are as low as possible. A 10% betterment of building standards is targeted for external wall values. Lighting shall consist of low energy LED luminaires providing a minimum of 65 lamp lumens per circuit watt. The use of natural daylight, automatic daylight and presence controls in compliance with building regulations.

2.6.6 Within the care facility there are 12 x residential self-contained flats which will be supplied via a small district heating scheme. Heat interface units will provide low carbon heating and hot water. In addition, the facility will benefit from integrated photovoltaic panels and air source heat pumps. It is estimated that the system as proposed will save 39 tonnes of Co2 per year.

2.6.7 The application therefore complies with the Development Plan and supplementary guidance in this regard.

2.7 Transportation and Road Safety

2.7.1 Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to this proposal.

2.7.2 Policy 1 of FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments including visibility splays.

2.7.3 Objections relating to an unacceptable increase in traffic have been received. Fife Council Transportation Development Management (TDM) Officers were consulted on this application to provide comment on transportation/road safety matters. TDM confirm that the applicant has submitted a document showing a level of parking that has been agreed with Transportation Development Management. In addition, the applicant has also indicated within this document that there will be provision made available for a Drop off area, 3 cycle spaces and 1 motorcycle space. Electric charging points shall be provided as per the standards stated within the current Fife Council Parking Standards. TDM have confirmed that a Traffic Management Plan outlining details of the construction phase(s) of the development shall be required. The Traffic Management Plan should include details of the location of any site compound, parking for labour and construction traffic and details of any impacts on the road and footway network in terms of closures/disruptions etc. The development would then require proceeding in accordance with the terms of the approved Traffic Management Plan. An appropriate condition shall be imposed.

2.8 Flooding and drainage

2.8.1 Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's 'Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note' and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

2.8.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SUDS. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a number of criteria, including that they will not individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. The Council's 'Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note' sets out the Council's requirements for information to be submitted for full planning permission to ensure compliance. Finally, CAR requires that SUDS is installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.8.3 Objections in relation to existing utilities including sewerage and water facilities have been received. Fife Council has no recorded incidents of flooding on this site whilst the SEPA map shows that the proposed location is not susceptible to flood risk. A flood risk assessment is therefore not required to be submitted as part of the application. The development is of a size that will require a SUDS. Details of drainage, calculations and design have been provided as part of the application. Fife Council Structural Services (Flooding, Shoreline and Harbours) were consulted on this application to provide comment on matters of flood risk and drainage. Upon initial review of the application, Structural Services advised that they required revised calculations and an appendix 8 checklist with relevant documents and confirmation of adoption and maintenance from Scottish Water. In addition, a maintenance schedule for the SUDS and Appendices 1 and 2 completed by appropriately qualified professionals. These documents have now been submitted.

Upon review of the additional information, Structural Services confirmed that they had no further comments in regard to the application. It is therefore deemed that the proposed development would be acceptable with regard to flood risk and drainage.

2.8.4 In conclusion, the proposed development would not give rise to any flood risk concerns, whilst the proposed drainage layout and SuDS are deemed to be appropriate by Fife Council Structural Services. As such, it is determined that the application would comply with the aforementioned policies, national legislation and local guidance.

2.9 Trees

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

2.9.2 Policies 10 and 13 of FIFEplan and Making Fife's Places Proposed Supplementary Guidance Document (2017) set out that development proposals will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height.

2.9.3 Concerns were raised in the objections regarding the lack of plans to dealing with "untidy" trees and future maintenance for trees on site and that no Arboricultural Report has been submitted. An Arboricultural Report has been submitted with regards to the significant number of trees within and outwith the application site. Fife Council's Tree Professional (TP) has been consulted. The TP has stated that protection of the trees to the north and the south of the site

would be better protected as groups rather individually during construction. The TP has also raised some concern over the removal of T967 a Cherry Category A tree. Further details have been submitted. The new footpath is considered not acceptable as it will impact tree roots, however it could be constructed with a 'no dig' method of construction and details of this would require to be submitted and supervised by an arborist. The TP has raised some concerns about the areas where the development requires to enter the tree protection zones identified and has recommended a condition be imposed. The TP has also raised the fact that details of supervision are required.

2.9.4 In conclusion, the supporting information submitted with the application demonstrates that while there may be a level of impact upon protected trees within the development site, these can be mitigated against, in accordance with the above policies.

2.10 Natural Heritage and Natural Species

2.10.1 Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.10.2 Policy 13 of the FIFEplan (2017) states that where a proposed development will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Where adverse impacts on existing assets are unavoidable the Planning Authority 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. Where the proposed development would potentially impact on natural heritage assets (including species), a detailed study must be undertaken by a suitably qualified person detailing the potential impact of the development.

2.10.3 Issues have been raised in relation to the new facility adversely impacting on wildlife around the area. The applicant has submitted a Preliminary Ecological Appraisal (PEA) report dated April 2019. The desk study reports on a Phase 1 habitat survey including consideration of protected species, and preliminary bat roost assessment undertaken at the site. Based on the findings the requirement for further surveys of the Dalgairn Centre for bat roosts was highlighted, and a series of recommendations made to protect nesting birds, wildlife from entrapment in excavations, and lighting impacts during construction. The PEA also provides a list of measures for incorporation into the development to provide for biodiversity (biodiversity enhancement).

2.10.4 No further survey information or updated report was submitted following the demolition of the previous building. No details of any further bat surveys have been submitted although site inspection confirmed that the building has now been demolished. The remaining recommendations in the PEA report (Table 6, 2-5) should be secured by condition. In addition, the recommendations regarding wildlife and artificial lighting, PEA Section 1.5 Optional Biodiversity Measures, should be secured by condition. A Landscaping Layout plan has been provided and details the planting which includes tree, wildflower, and wetland planting. The plan shows existing trees which are to be retained but not the shrubs. The PEA report describes that there is an overgrown hawthorn hedge along the east boundary and a variety of shrubs along the south boundary. The report notes that these provide nesting habitat for birds, and they will provide other biodiversity benefits. The hawthorn hedge should be retained although it is accepted that this will

need some management. Also, the existing shrubs along the south boundary should be retained and new planting provided for any boundary areas not already screened. As well as providing for wildlife this will ensure screening of the garden fences along the whole of the south boundary.

2.10.5 In conclusion, the proposed development is considered to be acceptable with regard to the above FIFEplan Policies and national legislation, and, providing suitable mitigation and protection measures are secured, would not lead to the harm of protected species.

CONSULTATIONS

Scottish Water	No objections
Trees, Planning Services	Comment received
Transportation, Planning Services	Approve with conditions
Structural Services - Flooding, Shoreline and Harbours	No objections on SUDS/drainage.
Land and Air Quality, Protective Services	Comments and recommendations regarding contamination
Environmental Health (Public Protection)	Comments on plant and machinery and potential for construction issues.
Natural Heritage, Planning Services	Comments regarding wildlife

REPRESENTATIONS

Eleven representations have been received in relation to this planning application, one general comment, one in support and nine objecting on the following grounds.

1. Increase in traffic.
(See Section 2.7.3)
2. Additional impact on existing water, gas and sewerage.
(See section 2.8.3) with regards to concerns regarding the impact on gas supplies, this is not material in the consideration of this planning application.
3. No plans to deal with "untidy" trees.
(See Section 2.9.3)
4. Overlooking of neighbouring amenity spaces/garden ground/house windows.
5. Littering.
(See Section 2.5.6.)
6. Noise disturbance, both traffic and visitors.
(See Section 2.5)
7. Adversely impact on neighbouring garden wildlife.
(See Section 2.10)

8. Need for fencing between parking and gardens.
(There is no requirement in this instance for fencing due to existing trees/shrubbery and existing fencing, particularly on the southern edge of the site.
9. No public footpath included on the site.
A public footpath has since been added to the proposals following discussions.
10. Loss of rural outlook.
(See Section 2.3.3.)
11. Loss of property value.
Loss of property value is not a material planning consideration.
12. Lack of natural screening and inadequate boundary treatments.
(See Section 2.3.3.)
13. Lack of future landscaping management, trees.
(This objection was submitted prior to the Arboricultural Report and conditions for future maintenance has been imposed).
14. No Arboricultural Report.
(See Section 2.9.3) A report was received later in the assessment process, and which has been passed to Fife Council's Tree Professional.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the Development Plan, National Guidance and relevant Council Planning Policy Guidelines. The proposal is compatible with its surrounds in terms of land use (Policies 1 and 2 of FIFEplan); would not cause any material detrimental impacts on surrounding residential properties, road network and natural environment (Policies 1, 3, 10 and 13 of FIFEplan); is considered acceptable in terms of its design, scale, position and impact on the immediate area.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following conditions and reasons:

1. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the local planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at www.fifedirect.org.uk/contaminatedland.

Reason: To ensure potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

2. THE FACILITY HEREBY APPROVED SHALL NOT BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 5. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement — or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site — all development work on site (save for site investigation work) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the local planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement — or any approved revised Remedial Action Statement — a Verification Report shall be submitted by the developer to the local planning authority.

Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement — or the approved revised Remedial Action Statement — and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

Reason: To provide satisfactory verification that remedial action has been completed to the Planning Authority's satisfaction.

3. 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 local planning authority shall be notified in writing within 2 working days.

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

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

4. Prior to the first operations of the proposed development, off street parking and turning areas, shall be provided as shown on Drawing No. E 2735: L(90)02 in accordance with the current Fife Council Transportation Development Guidelines. For the avoidance of any doubt, one of these car parking spaces shall include the provision of an electric car charging facility. The parking spaces shall be retained throughout the lifetime of the development for the purposes of providing off street parking.

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

5. Prior to the first operations of the proposed development, there shall be provided within the curtilage of the site, 3 No. Sheffield style cycle stands, 1 No. space to accommodate parking for a motorcycle.

Reason: In the interest of road safety; to provide adequate parking spaces for alternative modes of transport.

6. Before development starts on site, a Traffic Management Plan relating to the construction phase of the development shall be submitted for the prior written approval of Fife Council as Planning Authority. The Traffic Management Plan shall include details of construction timescales, the location of any site compound, parking for labour and construction traffic and details of any impacts on the road network in terms of road closures etc. to ensure that the impact of the construction phase of the development creates minimal disruption to the normal operation of the surrounding road network. The Traffic Management Plan shall include the type and size of construction vehicles to be used and shall detail how these will access the site. The development shall proceed in accordance with the terms of the approved Traffic Management Plan.

Reason: In the interest of road safety; to ensure that the transportation effect of the construction of the development is planned.

7. For the lifetime of the development, the total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms; when measured within any noise sensitive property, with windows open for ventilation.

For the avoidance of doubt, daytime shall be 0700-2300hrs and night-time shall be 2300-0700hrs.

Reason: In the interests of residential amenity; to ensure adjacent residential dwellings are not subjected to adverse noise from plant equipment.

8. PRIOR TO ANY WORKS COMMENCING ON SITE, details of the specification (including manufacturer's brochure) and location of external lighting shall be submitted for approval in writing by the Planning Authority. The external lighting shall be installed prior to the care home being brought into use and shall be retained throughout the lifetime of the development.

Reason: In the interests of residential amenity and road safety; to ensure the provision of adequate external lighting.

9. All recommendations made within Table 6 (Sections 2-6) of the Preliminary Ecological Appraisal (April 2019) as prepared by Bradley Associates shall be adhered to and implemented unless as otherwise agreed in writing by Fife Council as Planning Authority and undertaken as agreed thereafter.

Reason: In order to ensure good practise measures regarding wildlife on the site are applied.

10. Optical biodiversity measures as recommended within the Preliminary Ecological Appraisal (April 2019) as prepared by Bradley Associates, Section 1.5 shall be adhered to unless as agreed in writing by Fife Council and undertake as agreed thereafter.

Reason: To encourage and protect wildlife within and around the application site.

11. Appropriate electric car charging points shall be provided in accordance with the current Transportation Development Guidelines.

Reason: In the interests of providing adequate parking spaces for sustainable modes of transport.

12. PRIOR TO ANY WORKS COMMENCING 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, the extent and profile of any areas of earthmounding, and the phasing of these works, shall be submitted for approval in writing by the Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

13. PRIOR TO ANY WORKS COMMENCING ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by the Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

14. BEFORE ANY WORKS START ON SITE, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during (demolition) (development) operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In order to ensure that no damage is caused to the existing trees during (demolition and) development operations.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Guidance:

Scottish Planning Policy (2014)

PAN 1/2011: Planning and Noise

World Health Organisation Guidelines for Community Noise (1999)

PAN 33: Development of Contaminated Land (2000)

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)

BS 5837:2012 Trees in relation to Design, Demolition and Construction

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

Planning Advice Note (PAN) 82: Local Authority Interest Developments

Development Plan:

TAYplan Strategic Development Plan (2017)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Low Carbon Fife: Supplementary Guidance (2019)

Other Guidance:

Fife Council Planning Customer Guidelines - Daylight and Sunlight (2018)

Fife Council Planning Customer Guidelines - Minimum Distances between Window Openings (2011)

Fife Council Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note

Fife Council Transportation Development Guidelines

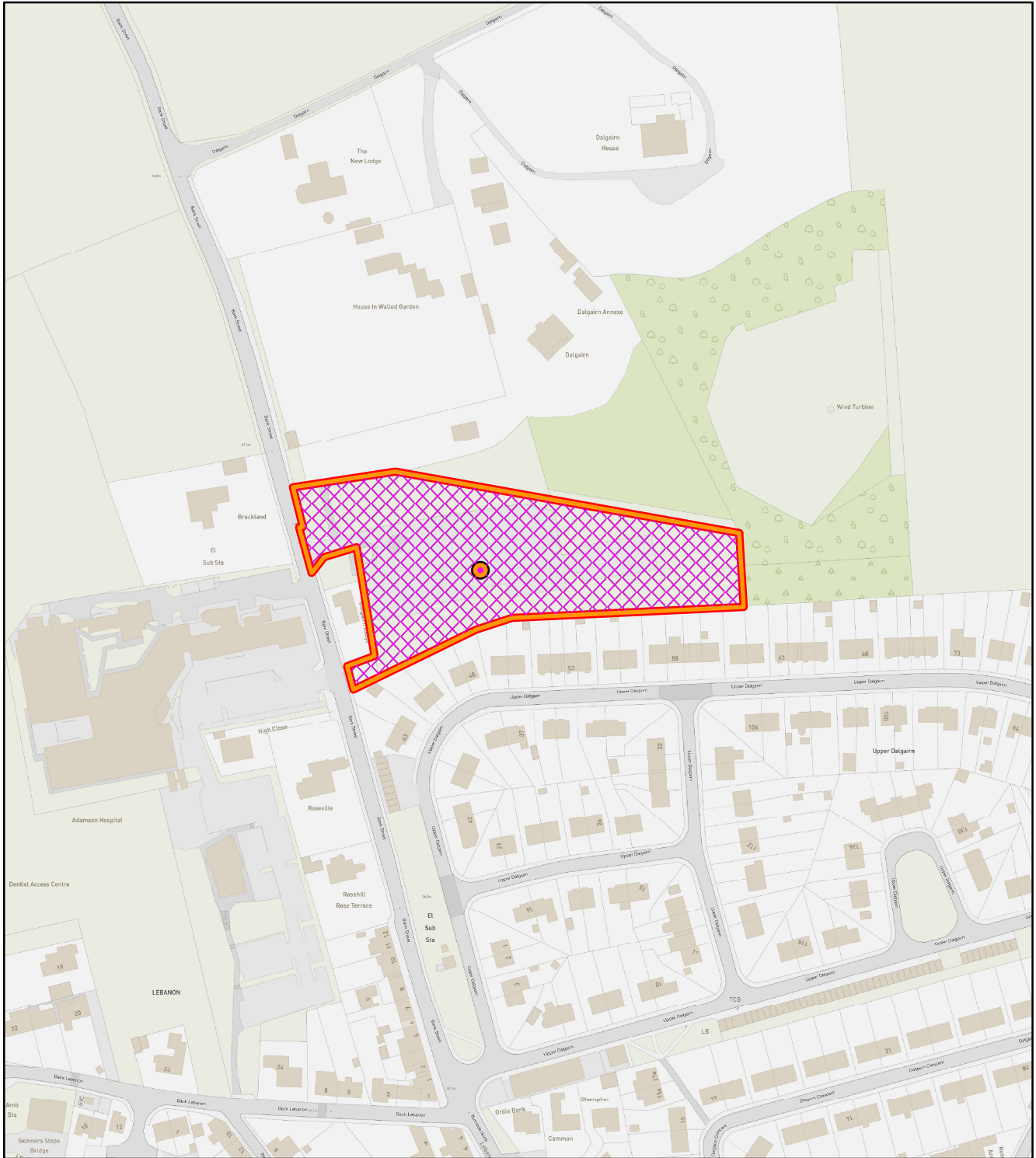
Report prepared by Andy Taylor, Case Officer and Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 6/12/21.

Date Printed 22/11/2021

21/01596/FULL

Dalgairn Centre Bank Street Cupar



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Legend			
	Application Boundary		

ITEM NO:	8
APPLICATION FOR FULL PLANNING PERMISSION REF:	21/02298/FULL
SITE ADDRESS:	4 ALFRED PLACE CITY ROAD ST ANDREWS
PROPOSAL:	TWO STOREY EXTENSION, FORMATION OF DORMERS AND INSTALLATION OF NEW WINDOW TO REAR OF DWELLINGHOUSE AND INSTALLATION OF REPLACEMENT ROOFLIGHT, RAILINGS AND GATE TO THE FRONT OF DWELLINGHOUSE
APPLICANT:	DR RAJ KUMAR RESTON HUNTINGDON ROAD CAMBRIDGE
WARD NO:	W5R18 St. Andrews
CASE OFFICER:	Kristie Hung
DATE REGISTERED:	12/08/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The Royal Burgh of St Andrews Community Council has objected as a statutory consultee.

SUMMARY RECOMMENDATION

The application is recommended for:

Unconditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority

should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.0 BACKGROUND

1.1 The application site relates to a two-and-a-half storey dwellinghouse which forms part of a traditional terrace with adjoining neighbouring properties on either side. The dwelling's external finishes comprise of pitched roof clad in slates, stone facing and white timber windows and doors. The property has a small area of garden ground to the front with a further private garden ground to the rear. The category B listed building Gibson House and its grounds lie to the rear of the application site. The site has no associated off-street parking. The dwelling is not listed but it is located within the Outstanding Conservation Area of St. Andrews and contributes significantly to the character of the wider Conservation Area.

1.2 Full planning consent is sought for the erection of a two storey extension, formation of 2no. dormers and installation of new timber window to the rear of dwellinghouse and installation of replacement conservation rooflight, new railings and gate to front of dwellinghouse. This would involve the removal of the existing store and porch to the rear, which has a footprint of approximately 10 square metres. The proposed extension would have a larger footprint measuring approximately 17 square metres on the ground floor and approximately 6.4 square metres on the first floor. The ground floor flat roof extension would measure approximately 3 metres high with a roof lantern protruding 0.6 metres and a flue protruding 3.5 metres from the roof. The first floor extension would measure approximately 3 metres high. The ground floor extension would be finished in zinc with a sedum roof and timber doors. The first floor extension would be finished in natural stone to match the existing, zinc roof and metal faced timber windows and doors with glass barrier with stainless steel fixings.

2no. catslide dormers are proposed and these would be situated approximately 0.4 metres from the roof ridge, 0.4 metres from the gable end and 0.8 metres from the wall head. The dormers would measure 1.9 metres in height and would project 3 metres from the roof slope. Finishing materials include dark grey zinc roof and wall cheeks.

It is proposed to install new cast iron decorative railings (RAL 9010 matt) on the north, east and west elevation. A gate is also proposed to the east elevation. The railings and gate would have a height of 0.85 metres.

1.3 Planning history associated with the dwellinghouse can be summarised as follows:-
02/00567/EFULL - Change of use from dwellinghouse to office (Class 2) (no external alterations), approved on 18.04.2002
15/03927/FULL - Change of use from office (Class 2) to dwellinghouse (Class 9), approved on 18.01.2016

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

2.0 ASSESSMENT

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

- Design/Visual Impact on Conservation Area
- Residential Amenity
- Road Safety Impact

2.2 Design/Visual Impact on Conservation Area

2.2.1 Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Design and materials which will affect a Conservation Area shall be appropriate to both the character and appearance of the building or area and its setting.

2.2.2 Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (HEPS) (April 2019), Historic Environment Scotland (HES) Managing Change in the Historic Environment - Windows (2018), Extensions (2010), Policies 1, 10, and 14 of The Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018), Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018), Home Extensions (2016), Dormer Extensions (2016), St. Andrews Conservation Area Appraisal and Management Plan (2010) and St. Andrew's Design Guidelines (2011) apply to this application.

2.2.3 Scottish Planning Policy (2014) (Valuing the Historic Environment) advises that the design and materials of new development should be sensitively managed to avoid or minimise adverse impacts on the character and appearance of Conservation Areas to ensure that their special characteristics are protected, conserved or enhanced. Historic Environment Scotland's Managing Change guidance sets out the general principles that should apply when proposing new work on traditional buildings within Conservation Areas to ensure that their character and appearance are safeguarded against insensitive change or damage, and that the setting of adjoining sensitive sites are not adversely impacted upon.

2.2.4 FIFEplan Policies 1 (Development Principles), 10 (Amenity), and 14 (Built and Historic Environment) require new development to make a positive contribution to the immediate environment in terms of the quality of the development. Policy 14 (Built and Historic Environment) and Making Fife's Places - Supplementary Guidance (2018) state that the existing qualities of the historic environment should be safeguarded.

2.2.5 The proposals to the front of dwellinghouse are considered to be sympathetic to the character of the Conservation Area and would have no adverse impact to the wider streetscene in general. There are no concerns to the rear of dwellinghouse, although the distance to ridge and gable head are approximately 0.1 metre and 0.6 metre less than the minimum recommended distance set out in Fife Council's Approved Planning Customer Guidelines on Dormer Extensions, in this instance, it is considered acceptable as it would provide a balanced and symmetrical look. The proposed dormers would not result in a detrimental visual impact to the original building and creates a balanced design to the property without any adverse visual impact to the building and surrounding environment.

2.2.6 The Royal Burgh of St Andrews Community Council has objected to the proposal, in particular the flat zinc roof proposed on the first floor extension and dormers, and a more traditional method of roofing should be used. In response to the objection, the agent expressed that zinc is a high quality material which is durable which could last 65+ years and is used widely in St Andrews for extensions, new builds etc. The finishing materials proposed is considered sympathetic to the dwellinghouse and due to its location to the rear it would not have any additional adverse impact on the wider conservation area in this instance.

2.2.7 Fife Council's internal Built Heritage officer has been consulted and confirmed that the addition can be clearly read whilst being sympathetic in design and materials. There would be no adverse impact on the special architectural or historic character or appearance of the conservation area, and therefore the approval of the application is supported.

2.2.8 Taking all of the above into account, it is considered that the proposal respects the architectural and visual quality of the original property and the design is in keeping with the character and appearance of the St Andrews Conservation Area which is compatible with the relevant policies and guidelines. The proposals are considered to be acceptable.

2.3 Residential Amenity

2.3.1 Policies 1 and 10 of the Adopted FIFEplan (2017) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Garden Ground (2016) apply to this application.

2.3.2 Policy 1 of the Adopted FIFEplan (2017) advise that a development proposal will be supported if it is set in a location where the proposed use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. Policy 10 advises that development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, potential losses of privacy, overlooking, sunlight, or daylight, overshadowing etc.

2.3.3 The proposal would introduce new windows to the rear elevation. It is considered there would be no issues arising with regard to overlooking/loss of privacy given the views achievable from the proposed windows are already readily available from existing openings. It can be deemed that this development would have no significant impact on privacy, and as such, would be compliant with Fife Council's Planning Customer Guidance on Home Extensions and Policy 10 of FIFEplan in regard to privacy issues.

2.3.4 In regard to daylight and sunlight, due to the path of the sun, distance to adjacent properties and the position of the proposed works, the proposals would not result in the loss of significant amounts of sunlight to neighbouring garden ground or daylight to neighbouring windows. On this basis the proposal would meet the terms of residential amenity as set out in the Local Development Plan policy and Fife Council's Planning Customer Guidelines on Home Extensions and Daylight and Sunlight respectively. The proposals would be compliant with the BRE guidance for Daylight and Sunlight and would not impact adversely on neighbouring land in terms of overshadowing.

2.3.5 Fife Council Customer Guidelines on Garden Ground (2016) applies in this instance. Garden Ground guidelines advise that home extensions should not occupy more than 25% of the original private garden per dwelling house. The existing rear garden ground measures approximately 40 square meters and the proposals would take up approximately 17.5% of the original garden area. It is considered that there would still be adequate amenity space available for the enjoyment of the applicant.

2.3.6 The proposal is considered acceptable in this respect in terms of overshadowing, overlooking and garden ground, would be compatible with its surrounds in terms of land use and would be in compliance with the Development Plan and relevant guidance.

2.4 Road Safety Impact

2.4.1 Policies 3 and 10 of FIFEplan applies in terms of road safety impact. These policies indicate development will only be supported where it has no road safety impacts. In this instance the policies will be applied to assess what impact the proposed development would have on the general road safety of the surrounding area. Making Fife's Places Transportation Development Guidelines (2018) and St. Andrew's Design Guidelines (2011) also apply.

2.4.2 Fife Council's Transportation Development Management (TDM) team have been consulted and have objected to the proposals because they have assessed the application as splitting the dwellinghouse into three separate flatted dwellings. However, the agent has confirmed this is not the case and the dwellinghouse is for the applicant's own family use and the house is not to be sold as three separate flats or rented as individual units. Subsequently, the case officer has consulted TDM and it is confirmed that any road safety impacts are being assessed under one dwellinghouse. TDM stated that as the proposal introduces an additional bedroom to a five-bedroom dwellinghouse, Making Fife's Places Transportation Development Guidelines suggest that three off-street parking spaces should be provided within the curtilage of the site, which is the same amount as a four-bedroom dwellinghouse. There are currently no off-street parking available on site, as such, the existing dwellinghouse unlikely had designated parking space. It is therefore considered that as there is no additional requirement for additional parking spaces as existing, the proposal is considered acceptable given the town centre location and access to sustainable travel choices.

CONSULTATIONS

Scottish Water	No objections.
Land and Air Quality, Protective Services	A Biomass/Wood burning stove form has been requested and the agent has been notified.
Built Heritage, Planning Services	No objections.
Transportation, Planning Services	TDM objected to the proposal based on the dwellinghouse being separated into three flatted dwellings. Following clarification, the proposal is acceptable as a dwellinghouse.
Community Council	The Community Council has objected to the proposals.

REPRESENTATIONS

The Royal Burgh of St Andrews Community Council has objected as a statutory consultee, in particular the flat zinc roof on the first floor extension and dormers, this has been addressed in para 2.2.6 in the report.

CONCLUSIONS

The proposals are considered to be acceptable in meeting the terms of National Guidance, the Development Plan, and relevant Fife Council Planning Customer Guidelines. The proposals respect the character and appearance of the Conservation Area and are compatible with its

surrounds in terms of design, finishing materials and style and would not cause any detrimental impact on the St Andrews Conservation Area.

RECOMMENDATION

It is accordingly recommended that the application be approved unconditionally.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

In addition to the application the following documents, guidance notes and policy documents form the background papers to this report.

National Guidance

Scottish Planning Policy (2014) (Valuing the Historic Environment)
Historic Environment Policy for Scotland (HEPS) (April 2019)
Historic Environment Scotland (HES) Managing Change in the Historic Environment - Windows (2018), Extensions (2010)

Development Plan

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

Other Guidance

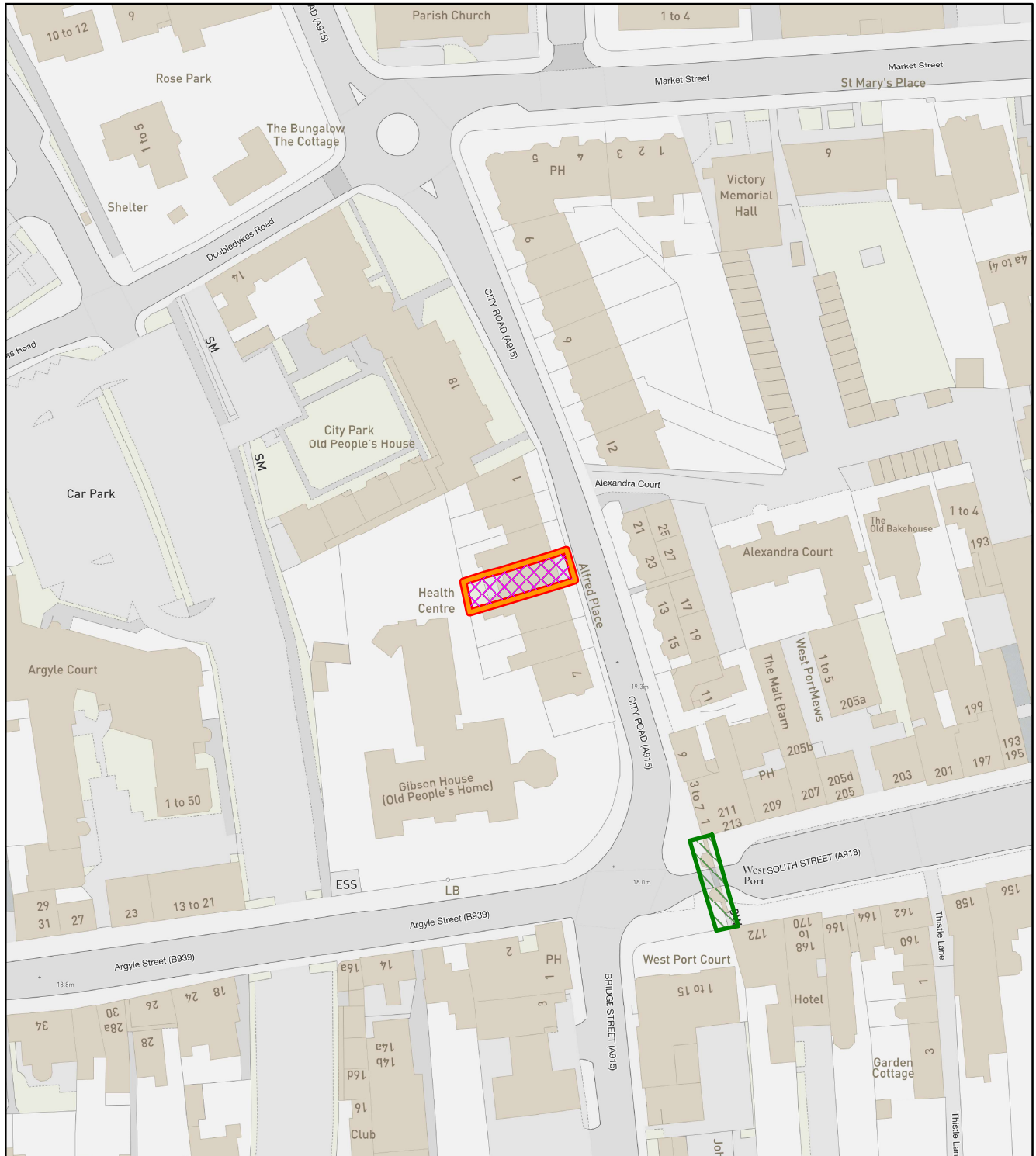
Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018), Dormer Extensions (2016), Home Extensions (2016), Daylight and Sunlight (2018), Garden Ground (2016)
St Andrews Conservation Area Appraisal and Management Plan (2010)
St. Andrew's Design Guidelines (2011)

Report prepared by Kristie Hung, Planning Assistant and Case Officer
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 6/12/21.

Date Printed 19/11/2021

21/02298/FULL

4 Alfred Place City Road St Andrews



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	