

Wednesday, 12th January, 2022 - 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 15th December, 2021. 3 – 6
4. **20/02315/FULL - 73 TAY STREET, NEWPORT ON TAY, FIFE** 7 – 14
Erection of garage and self-contained accommodation.
5. **21/02110/PPP - LAND BETWEEN MILLFLAT AND LECKIEBANK ROAD, AUCHTERMUCHTY** 15 – 37
Planning permission in principle for residential development of 15 dwellinghouses, formation of new vehicular accesses and associated works.
6. **21/03220/FULL - COTTAGE, PILLARS OF HERCULES, FALKLAND** 38 – 42
Formation of access road, junction and car parking with associated landscaping, SUDS and erection of information hut (Section 42 Application to vary Condition 1 of 19/02723/FULL to reduce visibility splay from 6m to 3m).
7. **21/00692/FULL - THE INN AT KINGSBARNES, 5 MAIN STREET, KINGSBARNES** 43 – 51
External alterations including installation of dormer extension, rooflights, extraction vents, flue, bay window with patio doors and replacement windows and doors.
8. **21/00694/LBC - THE INN AT KINGSBARNES, 5 MAIN STREET, KINGSBARNES** 52 – 57
Listed Building Consent for internal and external alterations including installation of dormer extension, rooflights, extraction vents, flue, bay windows with patio doors and replacement windows and doors.
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 29th November to 26th December, 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

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5th January, 2022

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

15th December, 2021

1.30 p.m. – 4.15 p.m.

PRESENT: Councillors Donald Lothian (Convener), Tim Brett, John Docherty, Andy Heer, Margaret Kennedy, Jane Ann Liston, David MacDiarmid, Karen Marjoram, Tony Miklinski, 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 Barnet, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillors Bill Connor and Linda Holt.

318. DECLARATIONS OF INTEREST

Councillor Liston declared an interest in Para. No. 320. - '17/01288/FULL - Bowbridge Farm, Peat Inn, Falfield' - as she was personally acquainted with the applicant.

Councillor Brett declared an interest in Para. No. 323. - '21/01596/FULL - Dalgairn Centre, Bank Street, Cupar' - as he was a member of the Integration Joint Board, the commissioning body in relation to the application.

319. MINUTE

The Committee considered the minute of meeting of the North East Planning Committee of 17th November, 2021.

Decision

The Committee agreed to approve the minute.

Prior to consideration of the following item, Councillor Liston, having declared an interest, left the meeting at this point.

320. 17/01288/FULL - BOWBRIDGE FARM, PEAT INN, FALFIELD

The Committee considered a report by the Head of Planning relating to the siting of a static caravan (retrospective), associated with agricultural business, and formation of vehicular access (renewal of full Planning Permission 15/01610/FULL).

Motion

Councillor Porteous, seconded by Councillor Brett, moved to refuse the application on the grounds that the development proposal was contrary to Scottish/

2021 NEPC 194

Scottish Planning Policy (2014); Policy 1 of TAYplan Strategic Development Plan (2016-36); Policies 1, 7 and 8 of the Adopted FIFEplan (2017); and Making Fife's Places Supplementary Guidance (2018) as the proposed development at this rural/countryside location was not considered to be justified and essential to support the existing needs of the rural business.

Amendment

Councillor MacDiarmid, seconded by Councillor Marjoram, moved as an amendment to approve the application subject to the 2 conditions and for the reasons detailed in the report.

Roll Call Vote

For the Motion - 2 votes

Councillors Brett and Porteous.

For the Amendment - 9 votes

Councillors Docherty, Heer, Lothian, Marjoram, MacDiarmid, Miklinski, Tepp, Thomson and Verner.

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 2 conditions and for the reasons detailed in the report.

Councillor Liston re-joined the meeting following consideration of the above item.

321. 20/02315/FULL - 73 TAY STREET, NEWPORT ON TAY, FIFE

Decision

The Committee agreed to continue consideration of the application to a future meeting to allow Officers to take cognisance of further information which had been received.

322. 20/02716/FULL - NORTH BANK FARM, LATHOCKAR, ST ANDREWS

The Committee considered a report by the Head of Planning relating to an application for the change of use of land to allow for the siting of 35 retirement caravans, including landscaping and associated infrastructure.

Decision

The Committee agreed:-

- (1) to refuse the application on the grounds that the proposed development was considered to be contrary to:

- (a)/

2021 NEPC 195

- (a) Scottish Planning Policy (2014), Policies 1, 3, 7 and 11 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 (including public transport) are not readily and safely available thus necessitating the requirement/need for the use of private vehicles to access local amenities; and
 - (b) Scottish Planning Policy (2014), Policies 1, 7 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) in terms of safeguarding the visual amenity, character and environmental quality of the countryside location having regard to its form, scale and layout resulting in an overdevelopment of the Application Site as also a density of development which is out of keeping with the area's existing character; and
- (2) to delegate authority to the Head of Planning, in consultation with the Head of Legal and Democratic Services to finalise the terms of the two reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

Councillor Kennedy joined the meeting during consideration of the above item and, therefore, did not take part in the discussion or decision as she had not had the benefit of the full presentation.

The Committee adjourned at 3.03 p.m.

The Committee reconvened at 3.10 p.m.

Councillor Brett left the meeting prior to consideration of the following item, having earlier declared an interest.

Councillor Kennedy left the meeting prior to consideration of the following item.

323. 21/01596/FULL - DALGAIRN CENTRE, BANK STREET, CUPAR

The Committee considered a report by the Head of Planning relating to an application 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.

Decision

The Committee agreed to:-

- (1) approve the application:
 - (a) subject to the 14 conditions and for the reasons detailed in the report; and
 - (b)/

2021 NEPC 196

- (b) an additional condition relating to provision of a public footpath to facilitate active travel between the site and surrounding existing development and future development; and
- (2) delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to draft and formulate an appropriately worded planning condition and reason to properly reflect the additional condition outlined at (1) (b) above.

Councillor Brett re-joined the meeting following consideration of the above item.

Councillor Miklinski left the meeting during consideration of the following item.

324. 21/02298/FULL - 4 ALFRED PLACE, CITY ROAD, ST ANDREWS

The Committee considered a report by the Head of Planning relating to an application for a two-storey extension, formation of dormers and installation of a new window to the rear of the dwellinghouse and installation of replacement rooflight, railings and gate to the front of the dwellinghouse.

Decision

The Committee agreed to approve the application unconditionally.

325. 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 1st to 28th November, 2021.

ITEM NO: 4

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 off-street parking on the site bound by a mix of stone, brick and decorative concrete 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 closest being between 71 and 73 Tay Street. 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. The Newport-on-Tay Conservation Area Appraisal and Management Plan states "that views and vistas within, across and out towards the conservation area contribute much to the special character and appearance. In relation to the Newport-on-Tay conservation area the views of the river provide not just the reason for so many of the villas but provide important links elsewhere when see through gaps. In addition, there are specific views and vista which contribute to the special character and appearance." In assessment of the application, it is acknowledged that the new building would partially the block limited "glimpsed" views across the River Tay, however, this is would only be from directly in front of the proposed garage, it would not create any visual issues across the Tay or for large housing across the other side of Tay Street. There are clear views across to the Tay Bridge within close proximity of the proposed garage.

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 window/door openings to the rear of the proposed 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 size of the proposed garage relative to the remaining garden ground, 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 will not 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) 4/1/22.

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:	5
APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE	REF: 21/02110/PPP
SITE ADDRESS:	LAND BETWEEN MILLFLAT AND LECKIEBANK ROAD AUCHTERMUCHTY
PROPOSAL :	PLANNING PERMISSION IN PRINCIPLE FOR RESIDENTIAL DEVELOPMENT OF 15 DWELLINGHOUSES, FORMATION OF NEW VEHICULAR ACCESSES AND ASSOCIATED WORKS
APPLICANT:	MR AND MRS JOSH AND LOUISE FEAJKINS JENKINS 13 DARLINGTON ROAD RICHMOND ENGLAND
WARD NO:	W5R16 Howe Of Fife and Tay Coast
CASE OFFICER:	Scott Simpson
DATE REGISTERED:	04/08/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

more than 5 letters of representation have been received which are contrary to officer's recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval requiring a legal agreement

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 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special

regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.0 BACKGROUND

1.1 Site Description

1.1.2 The application relates to a grassed area of land measuring approximately 1.2 hectares which is located between Leckiebank Road and Millflat, and within the Auchtermuchty Settlement Boundary as designated within the Adopted FIFEplan (2017). The site is allocated as a Housing opportunity site (AUC 002 - Land west of Millflat) within the FIFEplan with an estimated capacity for 30 dwellings. This allocation states that a drainage impact assessment and transport statement to identify the most suitable access points will be required, whilst no development should be within 10 metres of any boundary trees/hedgerows. The site is surrounded by dwellinghouses to the south, east and west with an agricultural field to the north-west. The site is also bound by an approximately 2 metre high stone wall on the southern and part of the south-eastern boundary, an approximately 2.5 metre high hedge along the eastern boundary, an approximately 1.2 metre high stone wall with a hedgerow and a post and wire fence behind it on the western boundary and a post and wire fence along the northern boundary. A number of mature trees are located along the western boundary with some trees located near the centre of the site. The existing dwellinghouse (Lochybank, 3 High Road) located adjacent to the south-western part of the site is a Category C Listed building. This listing includes the garden walls and gate piers. The site is located on land which is classed as a built up area as per the James Hutton Institute Soil Survey of Scotland and is not classed as agricultural land. Core paths also run adjacent to the site along Leckiebank Road (Core Path Code: P306/01 - Auchtermuchty Leckiebank Circuit and High Road) and High Road (Core Path Code: P310/01 – Auchtermuchty Common).

1.2 Proposal

1.2.1 The proposal seeks planning permission in principle for a residential development, formation of new vehicular accesses and associated works. The submitted indicative drawings show a proposal for 15 dwellings with these dwellings located to the north of 2 Leckiebank Road. A new access would be formed onto High Road with an access also being formed onto Millflat at the junction with Lochiebank Crescent. A proposed footpath is also shown linking High Road with Millflat with an open space area measuring approximately 2755 square metres located on the eastern side of the site perpendicular to the proposed access road which exits onto High Road. The proposed access from High Road would be taken through the existing stone wall with a gap of approximately 22 metres being formed. The stone removed from the gap would be re-used to form curved returns into the site at either side of the access.

1.3 Planning History

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

- Full planning permission (18/02298/FULL) for erection of 30 dwelling houses, access and associated works was withdrawn on 25th June 2019.
- An EIA screening opinion (21/01428/SCR) for residential development was provided 24th May 2021. This Planning Authority considered that an environmental impact assessment was not required for the proposed residential development on the application site.

1.4 Application Procedure

1.4.1 A physical site visit has not been undertaken for this planning application. All necessary information has been collated digitally to allow the full consideration and assessment of the proposal. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The current Covid restrictions also mean that Fife Council is unable to guarantee that site notices will be displayed on every relevant application site and a site notice has not been displayed at this application site, however, all site notices are published at www.tellmesotland.gov.uk/notices.

2.0 ASSESSMENT

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

- Principle of development
- Design, Scale and Finishes/Visual Impact on Setting of Listed Building
- Residential Amenity
- Garden Ground
- Road Safety
- Waste Management
- Drainage/Flood Risk
- Low Carbon
- Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats
- Core Paths
- Air Quality
- Infrastructure and Planning Obligations
 - Education
 - Green Infrastructure and Open Space
 - Affordable Housing
 - Public Art

2.2 Principle of Development

2.2.1 The Scottish Planning Policy (2014) (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.

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 Policy 2 of the FIFEplan states that housing developments will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing in the Plan or on other sites provided the proposal is compliant with the policies for the location. The FIFEplan also states that where a shortfall in the 5 year effective housing land supply is shown to exist within the relevant Housing Market Area, housing proposals within this Housing Market Area (HMA) will be supported subject to satisfying each of the following criteria:

1. the development is capable of delivering completions in the next 5 years;
2. the development would not have adverse impacts which would outweigh the benefits of addressing any shortfall when assessed against the wider policies of the plan;
3. the development would complement and not undermine the strategy of the plan; and
4. infrastructure constraints can be addressed.

2.2.4 Consideration must also be given to SPP and TAYplan (2017). Policies 123-125 of the SPP (Maintaining a 5-year Effective land supply) state in this regard that policies 32-35 of the SPP may become relevant. These policies set out that where there is a shortfall in the 5-year effective housing land supply, development which contributes towards sustainable development will be a significant material consideration. The recent Case Law of *Gladman v Scottish Ministers* (2020) sets out that there is a tilted balance towards approving applications which address a shortfall in the 5-year effective housing land supply and contribute towards sustainable development and these should be approved unless the development would cause significant impacts which would outweigh this tilted balance.

2.2.5 To monitor the maintenance of a five-year supply of housing land, Fife Council publishes an annual audit of housing land supply. The latest Housing Land Audit 2020 (HLA20) sets out a schedule of all effective housing sites expected to deliver new homes in the next seven years. It also sets out a position statement in relation to each HMA in Fife which measures the existing land supply against the five year housing supply target set by the two Strategic Development Plans. The site is located within the Cupar and North West Fife Housing Market Area (Cupar HMA) and Fife Council's Housing Land Audit 2020 (August 2021) advises that there is a small housing shortfall (-49) in the 5-year effective housing land supply in the Cupar HMA. The proposed development, therefore, lies within an area where a small shortfall in the 5-year effective housing land supply exists.

2.2.6 Objections received state that the village of Auchtermuchty does not need 15 new homes and the proposal would result in the loss of greenspace. The letters of support received state that Auchtermuchty is in need of new homes and the proposal would address a housing crisis in Scotland. They also state that the area is allocated in the Development Plan for residential development and the Scottish Government reporter approved this allocation through the local development plan process, whilst, the proposal is for 15 dwellings, but it should be for 30 as per the Local Plan. They also consider that the proposal could result in more trade for businesses. The matters relating to the principle of development and housing need are assessed below.

2.2.7 As the proposal lies within the settlement boundary for Auchtermuchty as defined in the Adopted FIFEplan (2017) there is a presumption in favour of development subject to satisfactory details. The site is also allocated as a housing opportunity site (AUC 002 - Land west of Millflat) within FIFEplan with an estimated capacity for 30 dwellings and would contribute to a small housing shortfall (-49) within the Cupar HMA. The proposal for a housing development on this site would, therefore, comply with the Development Plan in this respect and would be acceptable in principle. The overall acceptability of such a development must, however also meet other policy criteria and these issues are considered in detail below.

2.3 Design, Scale and Finishes/Visual Impact on Setting of Listed Building

2.3.1 The SPP (Placemaking) advises that planning should take every opportunity to create high quality places by taking a design-led approach and planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place. These six qualities are distinctive; safe and pleasant; welcoming; adaptable; resource efficient and easy to

move around and beyond. This is further expanded upon within the Scottish Government Policy document *Designing Streets* which states that an emphasis should be placed on design providing a sense of place and taking cognisance of the history and context of the surrounding area and design should connect and relate to the surrounding environment.

2.3.2 Scottish Planning Policy (SPP) (2014) and the Historic Environment Scotland Policy Statement (2019) advises that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

2.3.3 Historic Environment Scotland's *Managing Change in the Historic Environment's* Guidance Note on Setting sets out the general principles that should apply to developments affecting the setting of historic assets or places including listed buildings. The guidance advises that it is important to identify the historic assets that may be affected, define the setting of each asset, and assess the impact any new development may have on this. The guidance states that development proposal should seek to avoid or mitigate detrimental impacts on the setting of historic assets.

2.3.4 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, whilst Policies 1 and 14 advise that proposals will not be supported where it is considered they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest.

2.3.5 *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 development proposals can be evaluated to ensure compliance with the six qualities of successful places. The six qualities require places to be: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around.

2.3.6 The submitted indicative layout shows a proposal for 15 dwellings with these dwellings located to the north of 2 Leckiebank Road. A new access would be formed onto High Road with an access also being formed onto Millflat at the junction with Lochiebank Crescent. A proposed footpath is also shown linking High Road with Millflat with an open space area measuring approximately 2755 square metres located on the eastern side of the site perpendicular to the proposed access road which exits onto High Road. The indicative layout provides an overview of the uses proposed and sets out design principles for future development on the application site in relation to the location of the proposed uses; vehicular and pedestrian accesses; connectivity and landscaping. Given that this is an application for planning permission in principle, only an indicative site layout has been submitted. It is, however, possible to assess the proposed design principles and indicative layout of the proposal against the six qualities of successful places, however, it should be noted that detailed design matters would be fully assessed under any future applications for approval of matters specified in conditions.

2.3.7 The agent has submitted a planning statement which advises that the indicative layout, landscaping, design of the proposed units and construction materials would be subject to a further application if planning permission in principle is granted. They advise that the layout is purely indicative to show that 15 dwellings could be accommodated on the site and that this shows how links to facilitate footpath connections to the core path can create a permeable layout and easy connection to adjacent areas of the town. They have also submitted a conservation statement from an architect which advises that the proposed dwellings on the site would have no significant impact on the setting of the listed building and that the proposed access within the stone wall

facing onto High Road would be re-built in a way which would maintain views of this solid wall when viewed obliquely from High Road. They consider that this would retain the overall character of this stone wall with no significant detrimental impact. The agent considers that the submitted information demonstrates that a proposal for 15 dwellings on the site would be acceptable in principle.

2.3.8 Fife Council's Urban Design Officer has advised that there is considerable scope for achieving a successful form of development on this site, however, any subsequent ARC application should appropriately evidence how the design and layout is derived by an analysis of the site and its context, and how it addresses the above policy context, including the six qualities of successful places. They advise that this should be borne from a robust assessment of the local settlement and landscape context (including a Landscape and Visual Appraisal and a Design and Access Statement with further evidence being required in relation to the arrangement of buildings, spaces, access and movement routes to address the key design principles, reflecting the wider landscape and townscape context, and thus derived from a robust appraisal process. They conclude that detailed design and visual impact cannot be fully assessed at the PPP stage, however, any future ARC applications should address the points raised within their consultation response to ensure compliance with the relevant urban design policy context.

2.3.9 Objections advise that the proposal would result in the destruction of a beautiful historically significant wall on High Road and that the proposal would not reflect the character of the area. The supporting letters advise that the plan size is small and sympathetic to the size of the land. These matters are fully assessed below.

2.3.10 The submitted indicative drawings demonstrate that fifteen dwellinghouses could be accommodated within the application site and that a proposal could be designed to respect the character and appearance of the surrounding area. The proposed layout of the dwellings on the site is, however, not considered to be the best or only solution in terms of urban design and it is considered that improvements could be made to the layout, for example, the site layout shows two cul-de-sacs with cars being very dominant at the front of the proposed houses. This could be improved in terms of connectivity and the parking strategy by connecting the roads and designing the proposal so that car parking is more discretely located. A draft condition has, therefore, been attached to this recommendation which advises that the submitted layout and indicative plans are not, hereby, approved. Further details relating to the proposal's visual impact, in the form of a Design and Access Statement which includes 3D visualisations and photomontages from relevant viewpoints, should also be submitted with any future ARC applications to fully demonstrate the visual impact and to allow this matter to be fully assessed. This information should also demonstrate that any future proposal would have no significant detrimental impact on the setting of the adjacent listed building and upon the overall landscape setting of the site.

2.3.11 The proposed curved entrance onto High Road through the stone wall, which is considered important to the character of the surrounding area, would also have no significant detrimental visual impact on the site or the surrounding area. The formation of this access would also allow this allocated site to be brought forward which would contribute to a small housing shortfall. Overall, the proposed indicative layout shows that a residential development of 15 dwellings could be accommodated on the site, in line with the allocation in the FIFEplan, however, the layout is not considered to be the best or only solution in terms of urban design. It is also considered that a residential development could be designed on this site which could comply with the six qualities of a successful place, which would have no significant detrimental impact on the setting of the adjacent listed building and which would respect the character and appearance of the surrounding area. The matters relating to the detailed design of the site would, however, be fully assessed

through any future ARC application and a number of conditions are recommended requiring that any future application appropriately evidences how the design and layout is derived by an analysis of the site and its context and how it addresses the above policy context, through the submission of a Design and Access statement and Landscape and Visual Appraisal. The proposal subject to these conditions would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

2.4 Residential Amenity

2.4.1 Policies 1 and 10 of the FIFEplan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight advise that new development should not lead to the loss of privacy or sunlight and daylight. Policy 10 also states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. Fife Council's Minimum Distance between Window Openings 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 windows are at an angle to each other.

2.4.2 Fife Council's Environmental Health Public Protection team (PPT) have no objections to the proposed residential development.

2.4.3 Objections advise that the proposal would result in loss of privacy for the surrounding area and the back of 17 Millflat, whilst it would also result in increased noise levels and disturbance from construction vehicles.

2.4.4 The indicative drawings demonstrate that a residential development could be accommodated on the site with no significant impact on the surrounding area in terms of privacy and daylight/sunlight levels. A proposal could, therefore, be designed so that it would comply with the aforementioned policies and guidance. There would also be no significant impact on the surrounding area in terms of noise as the proposal is for a residential use which is fully compatible with the existing residential area. These issues would, however, be assessed in more detail as part of any future ARC application and a condition is recommended requiring that evidence be submitted with any future application demonstrating that the detailed design would comply with Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Fife Council's Minimum Distance Between Windows Guidance. It is also considered that any construction disturbance caused as a result of the proposal would be temporary in nature and any developer should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that PPT can also deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. A condition requiring the submission of a scheme of works to mitigate any potential effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration resulting from the construction of the proposed development is, however, also considered to be appropriate and a condition is recommended regarding this matter. The proposal subject to conditions would, therefore, be compatible with and would have no significant detrimental impact on the amenity of the site or the surrounding area. The proposed development would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

2.5 Garden Ground

2.5.1 Policies 1 and 10 of the FIFEplan and Fife Council's Planning Customer Guidelines on Garden Ground advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space and that a building footprint of 1:3 will be required.

2.5.2 In this case, the indicative site layout plan shows that a residential development could be accommodated on a site of this size which could comply with the above guidance. A proposal could, therefore, be designed to comply with the above garden ground guidance, however, these issues would be fully assessed as part of any future ARC application. The proposal would, therefore, be acceptable in principle and would comply with the Development Plan Policy in this respect.

2.6 Road Safety

2.6.1 Policy 1, Part C, Criterion 2 of the Adopted 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 the Adopted FIFEplan advise that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.6.2 A Transport Statement (TS) has been submitted which has considered the impact of the proposed development on the surrounding public road network. The TS has considered person trips, not car trips and covered access by all modes of transport including walking, cycling, public transport and private cars, to show how the site would be developed to encourage the use of sustainable modes of transport and to discourage short car journeys. The TS advises that accessibility to the site by all modes of transport is good and that the proposed development would have no significant effect on the surrounding road network during the traditional AM and PM peak hours based on the trip generation associated with the proposal.

2.6.3 Fife Council's Transportation Development Management team (TDM) have advised that the indicative layout shows two cul-de-sacs, however, Fife Council's current Transportation Development Guidelines discourages cul-de-sacs and advocates multiple access points in new developments to maximise connectivity to the existing built up surrounding areas. They consider that the site could be designed to have a through road linking Lochiebank Crescent and High Road which would benefit existing residents at the north end of Lochiebank Crescent by providing a choice of routes through the public road network. They advise that they have no objections to the proposal subject to conditions relating to road safety matters which shall include the following:

- the provision of two linked points of vehicular access from High Road and Lochiebank Crescent.
- the High Road carriageway fronting the site being widened to a minimum of 5.5m.
- The provision of a 2 metres wide footway on the High Road frontage of the site.
- the provision of visibility splays of 2.4 metres x 25 metres at the proposed vehicular accesses.
- adequate wheel cleaning facilities being provided and maintained throughout the construction works.

2.6.4 A number of objections have been received regarding road safety and these advise that the proposal would result in an increase in traffic and traffic congestion which the existing road network could not cope with. They also advise that the proposal would have a detrimental impact on on-street parking as parking is scarce in the surrounding area, the proposal would result in an increase in accidents occurring especially for children as the traffic would pass a playpark and the existing road network is already dangerous with narrow footpaths. They further advise that no road report has been submitted, five housing units using access from Lochiebank Crescent is unacceptable in terms of Fife Council's roads standards, there is a lack of visibility at the proposed access onto High Road and these cannot be achieved and the access serving ten dwellings from Old High Road is not acceptable as more than four houses are shown taking access from the end of an adoptable cul-de-sac. They also consider that the right angle visitor parking situated close to the access junction at Old High Road is poorly located and the current proposal does nothing to overcome TDM's recommendation for refusal in relation to application reference 18/02298/FULL. The supporting comments advise that the proposed extra car parking would be helpful, the two entrances would address traffic flow and the draft layout seeks to address highway safety with internal paths which would also improve walker and biker safety on Millflat. They also advise that pedestrian safety would be improved as Pedestrians would be removed from Millflat due to link between Lochiebank Crescent and High Road whilst link to core path would remove pedestrians from part of Leckiebank road. These concerns and comments relating to road safety are fully assessed below.

2.6.5 The applicant has provided a robust TS which demonstrates that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings demonstrate an acceptable layout in terms of access. The proposed development would be easily accessible via a range of sustainable transport modes and there is capacity to accommodate the traffic generated by the proposal on the local road network with a sufficient amount of parking able to be provided on site for each dwellinghouse. TDM also have no objections to the proposal subject to the submission of further information as set out in section 2.6.3 above and conditions are recommended regarding these matters. It is considered that a proposal could be designed to comply with these road safety conditions, therefore, there would be no detrimental impact on the site or surrounding area in terms of road safety. The proposed development subject to conditions would, therefore, provide the required on-site transport measures to minimise and manage future levels of traffic generated by the proposal and would, in principle, comply with the Development Plan in this respect.

2.7 Waste Management

2.7.1 Policies 1 and 10 of the Adopted FIFEplan states that development proposals must not have a significant detrimental impact on amenity in relation to the operation of existing or proposed waste management facilities.

2.7.2 It is considered that there is sufficient space within the curtilage of the proposed site to accommodate the required bin storage facilities, however, this matter would be fully assessed at the ARC stage. A condition is also recommended requiring that details of the proposed location of the bin storage areas is submitted with any future ARC application. It is, therefore, considered that the proposal subject to this condition would be acceptable in principle and would comply with the Development Plan in this respect.

2.8 Drainage/Flood Risk

2.8.1 Policies 1 and 3 of the FIFEplan state that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.8.2 Policy 12 of the FIFEplan advises that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere, that they will not reduce the water conveyance and storage capacity of a functional flood plain or detrimentally impact on future options for flood management and that they will not detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use.

2.8.3 Objections advise that the development could interfere with private water pipes which run across the site, whilst the development could result in flooding and the existing sewers and drainage system are not sufficient to cope. They also consider that drainage issues could cause significant pollution and there has been flooding in the area in the past. The concern relating to the existing private water pipes is not a material planning consideration in this instance as access to or the impact on existing drainage pipes would be a civil matter between the relevant parties. The matters relating to flooding, surface water management and drainage are fully assessed below.

2.8.4 The agent has submitted a surface water management plan which demonstrates that a surface water management solution could be accommodated on the site. Fife Council's Flooding, Shorelines and Harbours Team advise that they have no further comments at this stage, however, they request that full surface water management details be submitted at the ARC stage. The site is also not located within a flood risk area as shown SEPA's flood risk maps. Conditions are recommended requiring that a full surface water management plan including Fife Council's SUDS certification documents would be submitted with any future ARC application. These matters would be fully assessed at the ARC stage and it is considered that the proposal has demonstrated that the site could incorporate measures to ensure that it would be served by adequate infrastructure and services to deal with surface water run-off.

2.8.5 Scottish Water advise that they have no objections to the proposal and have confirmed that there is sufficient capacity in the Lomond Hills Water Treatment Works and for a foul only connection in the Bowhouse Water Treatment Works to service the development.

2.8.6 The proposed development, subject to conditions relating to the submission of full surface water management details would, therefore, have no detrimental impact on future options for flood management, would incorporate adequate measures and services and would comply, in principle, with the Development Plan in this respect.

2.9 Low Carbon

2.9.1 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.

2.9.2 Policies 1 and 11 (Low Carbon) of the FIFEplan (2017) state that planning permission will only be granted for new development where it has been demonstrated that:

- 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 per cent of these savings from 2016 and at least 20 per cent 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
- 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.

2.9.3 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 and major developments are required to provide an energy statement of intention which sets out how the proposal will meet the requirements of Policy 11. In addition, applicants are expected to submit a completed sustainability development checklist (Appendix B of the guidance).

2.9.4 It is considered that any future detailed proposal could be designed to incorporate sufficient energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. This matter would, however, be fully assessed at the ARC stage and a condition is recommended requiring that full details of energy efficiency measures and energy generating technologies are submitted with any future ARC application. The proposal, subject to this condition, would therefore be acceptable in principle and would comply with Development Plan Policy in this respect.

2.10 Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats

2.10.1 Policies 1 and 13 of the FIFE plan state that development proposals will only be supported where they protect or enhance natural heritage and access assets including protected and priority habitats and species, green networks and greenspaces and woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Making Fife's Places Supplementary Guidance (2018) advises that 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.

2.10.2 The agent has submitted an arboricultural impact assessment report (AI report) which advises that there are at total of 12 trees and areas of scrub within and adjacent to the application site. These include a substantial prominent Sycamore (Category A) on the west boundary along with 2 well maintained hedgerows on the east and west boundary. The report sets out the required root protection areas, falling distances and necessary tree protection measures. The proposed tree protection measures include the erection of fencing around the construction exclusion zone which is detailed further in the AI report.

2.10.3 The submitted indicative layout shows that a development could be located on the site which would have no significant impact on the existing trees with the proposed dwellings being located outwith the root protection areas of all trees which have an amenity and landscape value. Plot 15 would, however, be located at the very edge of the falling distance associated with the mature Sycamore (T347) on the north-west corner and the drawings also show the removal of a mature Ash (Tag 355) on the north-east boundary which has been designated as a Category B tree of moderate quality and value. It is considered that the loss of this tree would be acceptable as long as this is mitigated through the planting of a replacement tree or trees of good quality. This matter would, however, be fully assessed at the ARC stage once a detailed layout has been submitted. Conditions are also recommended requiring additional tree planting on the site and that the proposed development is located outwith the root protection areas and falling distances of the trees to be retained. As this application is for planning permission in principle it would be appropriate to attach a condition requiring that an updated arboricultural assessment, including a tree protection plan and arboricultural method statement, is submitted with any future ARC application which takes into account the detailed design layout and any changes which may be proposed. The proposal subject to conditions would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

2.10.4 The objections advise that the proposal would have a negative impact on wildlife and would disturb bats. The objections also state that the loss of the hedgerow would result in the loss of wildlife and there are bats on the site.

2.10.5 An ecological assessment report (ER) has been submitted which includes an ecological survey of the site carried out in 2017 and May 2021. The report advises that the site walkover revealed the presence of a poor variety of habitats within the survey area with the site consisting of mostly arable and grass fields. The report advises that the site has some potential to support protected species in particular bats in the mature trees, breeding birds in the hedgerow and limited potential for badgers, however, no signs of protected species were identified during the surveys in 2017 or 2021. The report recommends that a pre-construction survey for badgers is carried out and that a bat roost survey would also be required if any mature trees are to be removed. The report concludes that the proposed development, subject to the recommended surveys, would have no adverse impact on protected species or habitats. Conditions are recommended requiring

that an updated Ecological report is submitted with any future ARC application which takes into account any changes and the detailed design of the proposal. This should also include a bat roost survey if any trees are proposed to be removed. Conditions are also recommended which require that a detailed landscaping plan is submitted at the ARC stage and this should show the planting of native species, possible green/living roofs and walls and bat and bird roost boxes/bricks. The site has also been surveyed for protected species as set out above and the proposal would have no significant impact on any protected species or wildlife habitats subject to the recommendations contained within the ER. A condition is also recommended requiring that all construction works should take place outwith the bird breeding season. It is considered, therefore, that the proposal would have no significant ecological impact on protected species, wildlife habitats or birds subject to the recommended conditions. The proposal subject to conditions would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

2.11 Core Paths

2.11.1 Policies 1 and 13 of the FIFEplan state that development proposals will only be supported where they protect or enhance natural heritage and access assets including core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

2.11.2 Core paths run adjacent to the site along Leckiebank Road (Core Path Code: P306/01 - Auchtermuchty Leckiebank Circuit and High Road) and High Road (Core Path Code: P310/01 – Auchtermuchty Common) and these do not run through the application site. These core paths are located on public roads, therefore, any obstructions would be controlled through other legislative requirements. The proposal would therefore be acceptable in principle and would comply with the Development Plan respect.

2.12 Air Quality

2.12.1 Policies 1 and 10 advise that proposals must have no significant detrimental impact on amenity in relation to Air Quality with particular emphasis on the impact of development on designated Air Quality Management Areas (AQMA). It also advises that an air quality assessment may be required for developments that are within AQMAs or where the proposed development may cause or significantly contribute towards a breach in air quality management standards. Development proposals that lead to a breach of National Air Quality Standards or a significant increase in concentrations within an existing AQMA will not be supported. Supplementary guidance will provide additional information, detail and guidance on air quality assessments, including an explanation of how proposals could demonstrate that they would not lead to an adverse impact on air quality.

2.12.2 Fife Council's Air Quality in Fife Advice for Developers advises that an air quality impact assessment (AQIA) is required where the construction and occupation of a proposed development has the potential to increase road traffic emissions and if the proposal would introduce ten new parking spaces or more and be for ten or more new residential units.

2.12.3 An air quality impact assessment which describes existing local air quality conditions and assesses the potential air quality impacts in the future as a result of the proposal could be conditioned to be submitted at the ARC stage in compliance with Fife Council's Air Quality in Fife Advice for Developers. The proposal, subject to conditions, would therefore be acceptable in principle and would comply with the Development Plan respect.

2.13 Infrastructure and Planning Obligations

2.13.1 Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out Scottish Government expectations on the role planning obligations will play in addressing the infrastructure impacts of new development. The circular requires that planning obligations meet all of the five tests as set out in paragraphs 14-25 of the circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects.

2.13.2 Policy 1, Part B, criterion 1 of the FIFEplan advises that development proposals must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure. Policy 4 of the FIFEplan advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments, other than a change of use to employment land or leisure site, will be exempt from these obligations if they are for the conversion or renovation of an existing building, particularly if it is listed and if they are for the re-use of derelict land/buildings or previously developed land.

2.13.3 Objections state that the proposal would be incompatible with existing infrastructure, that the primary school is oversubscribed, and that the development would have a detrimental impact on the education capacity of the school. They also advise that no new playpark is proposed whilst the doctor's surgery is already under pressure and could not cope with additional dwellings. The supporting comments advise that 15 new homes would make very little difference to the school or the doctor's surgery. The comments relating to the impact on the existing surgery are not considered to be a material planning consideration in this instance, however, Fife Council's Draft Planning Obligations Framework Guidance (2017) advises that a development for between 10 and 49 residential units is not required to contribute to or provide healthcare facilities. The proposal for 15 dwellings would also have no significant impact on the existing healthcare facilities within the surrounding area. There is also no requirement as per Making Fife's Places Supplementary Guidance for a development of this size to provide a play park on site. The matters relating to education capacity and infrastructure impact are fully assessed below.

2.13.4 Fife Council's Draft Planning Obligations Framework Guidance (2017) (POG) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance describes when planning obligations will be sought, where exemptions will apply and how methodologies will be applied when considering the impacts, a proposed development will have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art and employment land. The POG further advises that where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required.

2.14 Education

2.14.1 The POG advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers.

2.14.2 Objections state that there is currently no education capacity for the development.

2.14.3 Fife Council's Education Services have been consulted on this application and have advised that the application site is within the catchment area for Auchtermuchty Primary School, St Columba's Roman Catholic Primary School, Bell Baxter High School and St Andrew's Roman Catholic High School. This site is also within the Howe of Fife local nursery area. They advise that there is currently no capacity risk at Bell Baxter High School, St Columba's Roman Catholic Primary School or St Columba's Roman Catholic Primary School. They also advise that there is currently a critical capacity risk at Auchtermuchty Primary School within the next two years. They have no objections to the 15 dwellings, which have estimated first completions expected in 2023 with last house completions expected in 2024, as the projected 8 classes can be managed by the use of a multi-purpose classroom for a short period of time. There would, therefore, be no significant impact on the education capacity of this primary school as a result of the development. The proposal subject to the advised build rate would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

2.15 Green Infrastructure and Open Space

2.15.1 Policy 1, Part C, criterion 4 of the FIFEplan requires proposals to provide green infrastructure in accordance with the Green Network Map. Policy 3 of FIFEplan ensures that new development makes provision for infrastructure requirements to support new development. This includes green infrastructure and green network requirements such as open space and amenity space.

2.15.2 Making Fife's Places Supplementary Guidance sets out that development proposals comprising between 10 and 50 units are required to provide 60 square metres of open space per dwelling on site or contribute towards existing open space if the development is located within 250m walking distance of an existing open space.

2.15.3 A supporting comments advises that the proposed greenspace would benefit the town and this matter is fully assessed below.

2.15.4 Fife Council's Parks and Countryside team have requested a contribution towards the play area at the Rigg. There is, however, no requirement as per Making Fife's Places Supplementary Guidance for a development of this size to provide a play park on site or to contribute to existing play park facilities within the area.

2.15.5 The proposal would be required to provide 900 square metres open space as per the above open space requirement. The indicative layout show that the proposal could provide approximately 2755 square metres of open space on the eastern side of the site which would exceed this requirement. It is considered, therefore, that proposal would be acceptable in principle as the

development could provide adequate open space to serve the proposed development. This matter would, however, be fully assessed at the ARC stage. The proposal would, therefore, comply with the Development Plan in this respect.

2.16 Affordable Housing

2.16.1 Policy 1, Part C, Criterion 1 of the Adopted FIFEplan states that development proposals must meet the requirements for affordable housing. Policy 2 of the Adopted FIFEplan states that open market housing development must provide affordable housing at the levels for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. This should be fully integrated into new development and be indistinguishable from other forms of housing. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted. Fife Council's Supplementary Guidance on Affordable Housing (2018) considers that housing proposals must accord with the structure plan housing land requirement.

2.16.2 Fife Council's Affordable Housing team have no objections to the proposal subject to 3 affordable units being provided on another site or a commuted sum of £20,000 per affordable house being provided where off-site provision is not possible. The agent has agreed to provide the commuted sum and this matter would be dealt with through a section 75 planning obligation. The proposal would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

2.17 Public Art

2.17.1 Policies 1 and 4 of the FIFEplan states that a contribution towards on-site public art will be sought in relation to Local applications for housing on visually prominent sites evident from main road corridors. Further guidance regarding this will be set out in the POG. The requirement for public art to be provided as part of new development will be determined on a site by site basis using the process set out in the POG. The POG states that other uses than those listed in Figure 2, changes of use, building conversions, minor or householder planning applications will not be expected to make a contribution to public art. Where contributions are sought these will apply to gross floor area including service yard and ancillary buildings.

2.17.2 Making Fife's Places Supplementary Guidance states that the main objective of public art is to enhance the quality of a place, so it must be an integral part of the design process for the overall development and considered from the outset. It is closely related to urban design in the consideration of issues and design principles. In this way, incorporating public art will help to create distinctive places.

2.17.3 The site is considered to be easily visible from High Road which runs past the southern part of the site and a contribution towards public art is required in this instance. A condition is recommended regarding this matter and any future ARC application should demonstrate how it has incorporated public art into the overall development with the cost of the public art equating to £300 per dwellinghouse. This matter would, however, be fully assessed at the ARC stage. The proposal would therefore be acceptable, in principle, and would comply with the Development Plan in this respect.

CONSULTATIONS

Structural Services - Flooding, Shoreline and Harbours	No objections
Transportation, Planning Services	No objections subject to conditions relating to road safety matters.
Trees, Planning Services	No response
Parks Development and Countryside	No objections, however, have requested contribution to off-site play park.
Education (Directorate)	No objections
Housing and Neighbourhood Services	No objections subject to provision of affordable housing contribution.
Transportation and Environmental Services - Operations Team	No response
Environmental Health (Public Protection)	No objections
Parks Development and Countryside - Rights of Way/Access	No objections
Natural Heritage, Planning Services	No response
Urban Design, Planning Services	No objections
Scottish Water	No objections

REPRESENTATIONS

Twenty-nine letters of objection and seven letters of support have been received in relation to this application. Another two letters of support were received, however, these did not state their reasons for supporting the proposal and cannot, therefore, be counted as supporting letters. The material planning considerations raised have been fully assessed within this report of handling. The other non-material planning considerations raised include:

- applicant does not live in Auchtermuchty.
- current field is filled with rubbish
- Loss of views
- Application does not seem to be to scale and is not accurate.
- The proposal could extend to a much larger development.

Concerns have also been raised that people who would be affected by the development have not been notified, however, the neighbour notification process for this application was carried out as per regulation 13 (Notification by the Planning Authority) and 20 (Publication of application by the planning authority) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and everyone within 20 metres of the application site has been notified as per these requirements.

CONCLUSIONS

As the proposal lies within the Auchtermuchty settlement boundary and is allocated as a housing opportunity site (AUC 002 - Land west of Millflat) within the Adopted FIFEplan (2017) there is a strong presumption in favour of this type of development and the proposal would be acceptable in principle subject to satisfactory details being submitted at the ARC stage. The proposal subject to conditions would be compatible with its surrounds in terms of land use and could be designed to cause no significant detrimental impacts on the surrounding area in terms of natural heritage, road safety, amenity, core paths/rights of way, air quality, sustainability or in terms of its visual impact on the site, the surrounding area or the setting of the adjacent listed building. The proposal would, therefore, be acceptable in principle and would comply with the Development Plan.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to:

The conclusion of a legal agreement relating to the provision of an affordable housing contribution.

and the following conditions and reasons:

1. A further application(s) for certain matters (Approval of Matters Specified By Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

(a) A location plan of all the site to be developed to a scale of not more than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings. This plan should be sufficient to identify the land to which it relates and should show the situation of the land in relation to the locality and in relation to neighbouring land;

(b) Detailed plans to a scale of not more than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, ground levels, sections, boundary treatments, off-street parking and the bin storage location.

(c) Detailed plans, sections and elevations of all buildings proposed to be erected on the site including the colour and type of materials to be used externally for walls, windows, roofs and rainwater goods;

(d) A Design and Access statement which evidences how the design and layout has been derived by an analysis of the site and its context, and how it addresses the six qualities of successful places and how it would meet the requirements of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018). The Design and Access statement (DA) shall address the following matters, however, this is not a definitive list:

- Boundary treatments should be carefully considered and should be visually appropriate and should not detract from the character of the area.
- Public art strategy.

- The entrance to the site should be carefully considered in terms of building design, layout, landscaping and public art so that it makes a positive visual and landscape contribution.
- 3D visualisations and relevant photomontages from relevant viewpoints (as agreed with this Planning Authority and as set out in Fife Council's Urban Design Consultation response dated 29th September 2021) demonstrating the visual impact of the proposal on the site, the surrounding area and the setting of the adjacent listed building.
- The layout should respond to the topography of the site minimising the use of retaining walls and cut and fill. Information on the heights and materials of any retaining walls and site sections (which extend to include the surrounding streets) should be provided with the finalised design.
- The finalised design should include principles to address how the design of any streets balance out the needs of people (for walking, socialising, play etc) with vehicular movements. The street design principles should be set out in the DA Statement.
- Any open space within the site should be designed to be functional for people and should encourage natural play and include seating area.

(e) A supporting statement illustrating the development's compliance with Making Fife's Places Supplementary Guidance (2018) including reference and proposals relating to the design, layout, green network infrastructure and natural heritage and biodiversity enhancement;

(f) Detailed drawings and evidence illustrating the developments' compliance with Fife Councils Minimum Distance Between Window's Guidance and Fife Council's Planning Customer Guidelines on Daylight and Sunlight;

(g) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. These details shall also include replacement tree planting. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner;

(h) Details of the future management and aftercare of the proposed landscaping and planting. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

(i) Details including plans showing the provision of off-street parking on the site including visitor parking spaces in accordance with the current Fife Council Parking Standards as contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018) or any subsequent revision.

(j) Details including plans showing that visibility splays of 2.4m x 25m to the left and right of the junction accesses and the public road, in accordance with Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018) or any subsequent revision, can be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level,

(k) Details of adequate wheel cleaning facilities which ensure that no mud, debris or other deleterious material is carried by vehicles on to the public roads. Any subsequent approved wheel cleaning facilities shall then be provided and maintained throughout the construction works.

(l) Detailed scaled site plans showing the provision of the following:

- the provision of two linked points of vehicular access from High Road and Lochiebank Crescent.
- the High Road carriageway fronting the site being widened to a minimum of 5 metres.
- the provision of a 2 metres wide footway on the High Road frontage of the site.
- all garages adjacent to dwellings being located at 0-1 metre from the rear of the road boundary (back of footway or verge) or at least six metres from the road boundary.

(m) Details of the energy efficiency measures and energy generating technologies which have been incorporated into the proposed development. A manufacturers brochure/specification of any proposed energy generating technologies shall also be submitted

(n) A surface water management plan as set out within Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020) or any subsequent revision;

(o) An updated Arboricultural Impact Assessment including a tree protection plan and arboricultural method statement which takes into account any subsequent detailed layout;

(p) An updated Ecological Appraisal report which takes into account any subsequent detailed layout and sets out any required mitigation and biodiversity enhancement measures.

(q) Construction Method Statement and Management Plan, including an Environmental Protection Plan and Scheme of Works relating to construction activities on site and details of the proposed construction traffic routes. Any alterations to the principles described in the Construction Method Statement and Management Plan during construction should be agreed in writing by the Planning Authority;

(r) An air quality impact assessment as per Fife Council's Air Quality in Fife Advice for Developers or any subsequent revision;

(s) A Landscape and Visual Appraisal.

No works associated with the development shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be acceptable.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended.

2. The indicative drawings and layout plans accompanying the application are hereby not approved.

Reason: The details shown on the submitted drawings are not regarded as the best or only solution for the development of this site.

3. The off-street parking as required by condition 1 (i) shall be provided BEFORE THE OCCUPATION OF EACH ASSOCIATED DWELLINGHOUSE WHICH THE PARKING SERVES and shall be retained for the lifetime of the development.

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

4. The visibility splays as required by condition 1 (j) shall be provided BEFORE THE DEVELOPMENT IS OCCUPIED and shall be retained for the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at road junctions etc.

5. Visibility splays within the site to be provided and maintained clear of all obstructions 600mm in height above the adjacent road channel levels at all junctions of roads, all in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at road junctions.

6. BEFORE THE DEVELOPMENT IS OCCUPIED; all roads and associated works serving the proposed development shall be constructed in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

7. The construction and delineation of the private parking, manoeuvring, servicing, turning and access driveway areas shall be to the satisfaction of the planning authority and shall comply with Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018) or any subsequent revision.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

8. No building or vegetation clearance shall be carried out during the bird breeding season which is March to August inclusive unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of species protection.

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)

Historic Environment Scotland Policy Statement (2019)

Managing Change in the Historic Environment: Setting TAYplan (2017)

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Development Plan

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Fife Council's Low Carbon Fife Supplementary Guidance (January 2019)

Fife Council's Supplementary Guidance on Affordable Housing (2018)

Other 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 Minimum Distance between Windows Guidance (2011)

Fife Council's Air Quality in Fife Advice for Developers (2020)

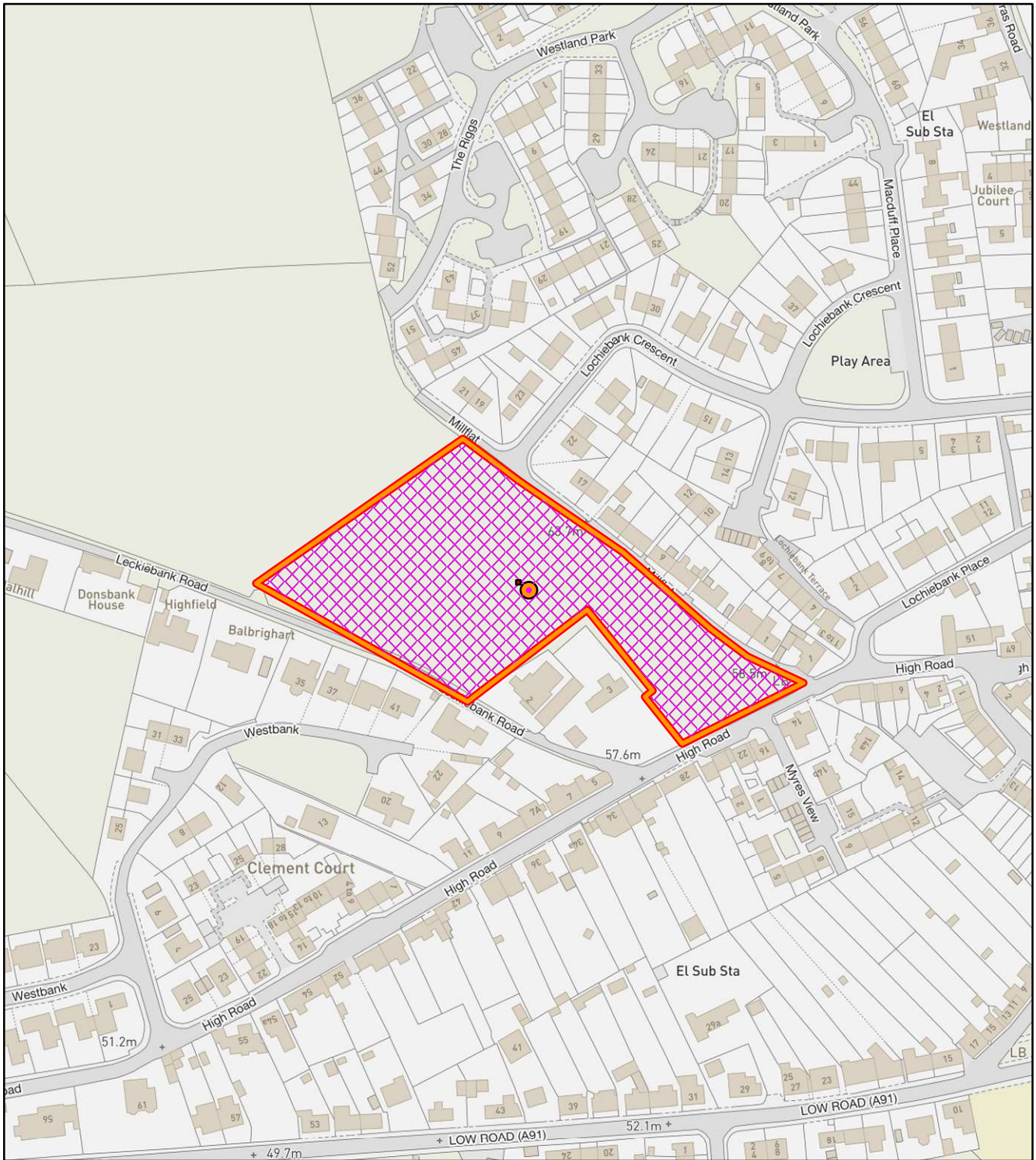
Report prepared by Scott Simpson, Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 4/1/22.

Date Printed 06/12/2021

21/02110/PPP

Land Between Millflat And Leckiebank Road Auchtermuchty



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 6

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03220/FULL

SITE ADDRESS: COTTAGE PILLARS OF HERCULES FALKLAND

PROPOSAL: FORMATION OF ACCESS ROAD, JUNCTION AND CAR PARKING WITH ASSOCIATED LANDSCAPING, SUDS AND ERECTION OF INFORMATION HUT (SECTION 42 APPLICATION TO VARY CONDITION 1 OF 19/02723/FULL TO REDUCE VISIBILITY SPLAY FROM 6M TO 3M)

**APPLICANT: FALKLAND ESTATE TRUST
THE STABLES FALKLAND ESTATE FALKLAND**

**WARD NO: W5R16
Howe Of Fife and Tay Coast**

CASE OFFICER: Kristie Hung

DATE 03/11/2021

REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than five representations have been submitted which are contrary to the officer 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.

1.0 BACKGROUND

1.1 The application site is an existing area of woodland, car-parking and a section of access road located within the Falkland Estate to the east of the Pillars of Hercules Organic Farm Shop & Cafe. As per the FIFEPlan Local Development Plan (2017), the application site is located in the countryside and within the Lomond Hills Regional Park. There are no particular landscape features within the area, however the site is identified as being within the House of Falkland Garden and Designed Landscape. The application site is located to the south of the A912 as it runs north-west from the settlement of Falkland, separated from the road by a traditional stone boundary wall measuring approx. 1m in height.

1.2 This application has been made under Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to vary condition 1 of planning permission 19/02723/FULL in order to reduce the setback distance from the junction from 6m to 3m as agreed with Transportation Development Management officers. This is due to the geometry and levels of the existing carriageway and the requirement of a 6m x 210m visibility splay would not be possible to achieve.

Condition 1 states that:

"Prior to the commencement of construction of the car park visibility splays of 6m x 210m shall be provided at the junction of the new access and the A912. The splays shall be maintained clear of all obstructions exceeding 1.0m above the adjoining carriageway level. These visibility splays shall remain for the lifetime of the development." This condition was required in the interest of road safety - to ensure the provision of adequate design.

This application proposes to amend the above condition to reduce the visibility splay of 6m x 210m at the junction of the new access to a visibility splay of 3m x 210m.

1.3 Relevant Planning History for the site include:

- 19/02723/FULL - Formation of access road, junction and car parking with associated landscaping, SUDs and erection of information hut, approved with conditions on 16.12.2019

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 Section 42 of the Town and Country Planning (Scotland) Act 1997 relates to the determination of applications to develop land without compliance with conditions previously attached. Section 42 states that the planning authority shall consider only the question of the conditions subject to which planning permission should be granted. The planning authority can either grant permission subject to conditions differing from the previous consent, unconditionally, or (if the conditions are to remain the same) the application can be refused. The original planning permission will continue to subsist whatever the outcome of the application under section 42 of the Act.

2.2. The issue to be assessed against FIFEplan (2017) and other guidance is road safety.

2.3 Road Safety

2.3.1 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.

2.3.2 Planning Circular 4/1998: the use of conditions in planning permissions states that planning conditions should only be imposed where they are necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

2.3.3 Six letters of objection were received regarding the junction's poor visibility onto the A912 to the east (from Falkland) due to the existing wall obscuring oncoming traffic. Fife Council's Transportation Development Management Team (TDM) were consulted and have no objection subject to the imposition of a condition. Prior discussions and a site meeting between TDM officers and the applicant have also taken place who have agreed that the newly proposed visibility splay is acceptable. The officers have also noted that the applicant should undertake appropriate and regular maintenance of the surrounding vegetation, including removal of overhanging branches so that the lines of visibility from the junction is not impeded.

2.3.4 In light of the above, it is considered that the proposal is acceptable and would comply with the Development Plan and other relevant guidance.

CONSULTATIONS

Transportation, Planning Services	No objections subject to the imposition of condition.
Scottish Water	No objections.

REPRESENTATIONS

Six objections were received regarding the junction's poor visibility onto the A912 to the east due to the wall obscuring oncoming traffic. The concerns have been addressed in para 2.3.3 of the report.

CONCLUSIONS

The variation of condition 1 of planning permission reference 19/02723/FULL would not result in any further significant detrimental impact on road safety of the surrounding area. The proposal is therefore considered acceptable in this instance and would comply with the Development Plan in this respect.

RECOMMENDATION

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

1. The 3m x 210m visibility splay as seen onsite, shall remain in place for the lifetime of the development. For the avoidance of any doubt, the applicant shall maintain the visibility splay as seen, and shall undertake appropriate and regular maintenance of the surrounding vegetation, including removal of overhanging branches, so as not to impede the lines of visibility from the junction.

Reason: In the interest of road safety; to ensure the provision of adequate visibility splays at the junctions of the vehicular access and the public road.

2. Local paths LP382 and LP383 and core path R805 shall be kept open throughout all stages of the development process to the satisfaction of Fife Council as Planning Authority, and thereafter for the lifetime of the development.

Reason: In the interests of safeguarding recreational routes.

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 (SPP) (2014)

Circular 4/1998 - The use of conditions in planning permissions

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Planning Policy Guidance (2018)

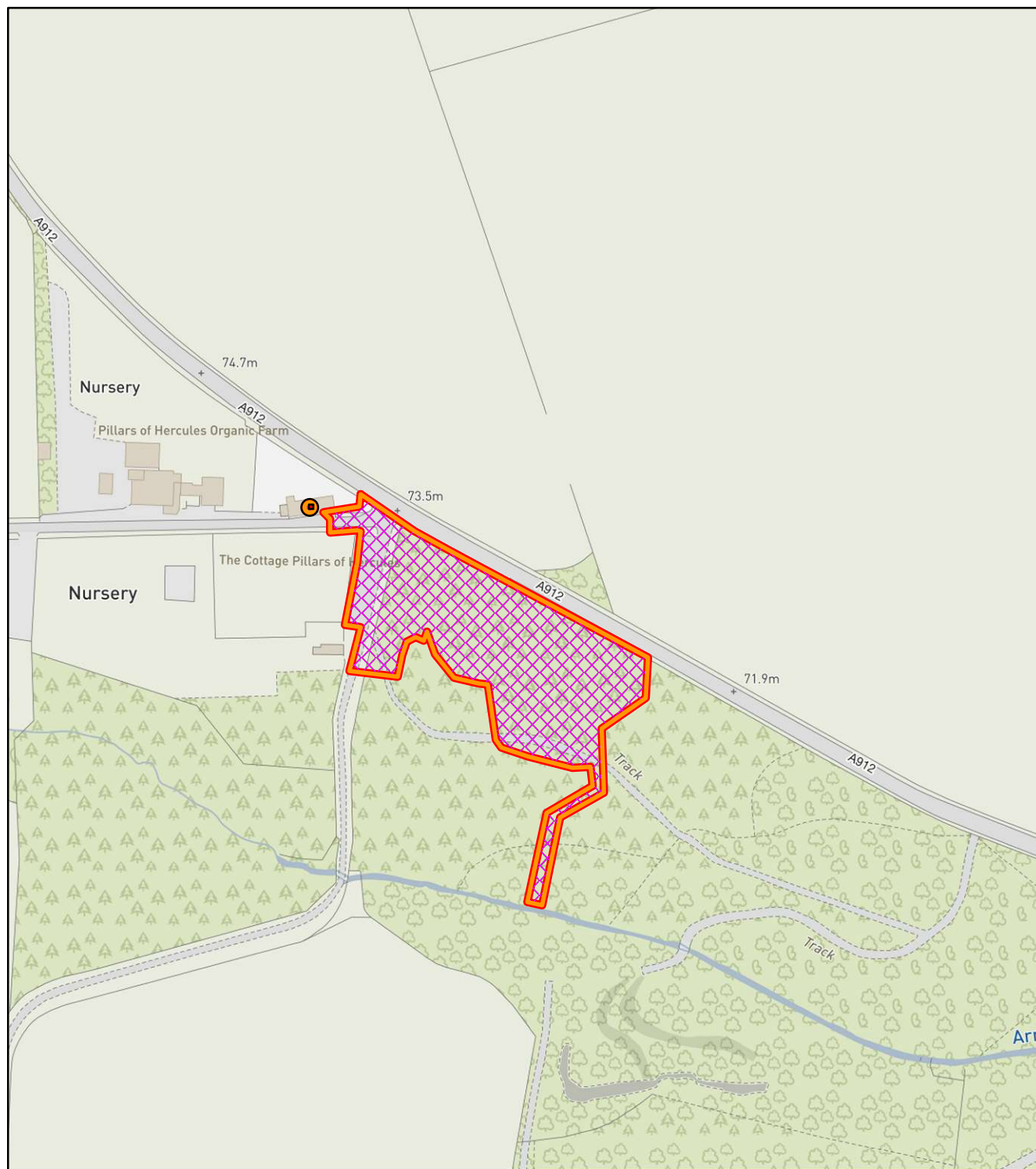
Report prepared by Kristie Hung, Planning Assistant and Case Officer.

Report agreed and signed off by Alastair Hamilton, Service Manager, (Committee Lead) 4/1/22.

Date Printed 06/12/2021

21/03220/FULL

Cottage Pillars Of Hercules Falkland Cupar



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00692/FULL

SITE ADDRESS: THE INN AT KINGSBARN 5 MAIN STREET KINGSBARN

PROPOSAL: EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF DORMER EXTENSION, ROOFLIGHTS, EXTRACTION VENTS, FLUE, BAY WINDOW WITH PATIO DOORS AND REPLACEMENT WINDOWS AND DOORS.

**APPLICANT: MR MAX PRESTON
THE INN AT KINGSBARN 5 MAIN STREET KINGSBARN**

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

CASE OFFICER: Scott McInroy

DATE 29/03/2021

REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 objections contrary to 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. 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 relates to a two storey Category 'B' Listed Building situated within the Kingsbarns Conservation Area and settlement boundary. The property operates as a hotel/pub and is located on a prominent position along Main Street and sits within a primarily residential area. The main of property is stone built with a front porch (which is covered in wet dash render) and slate roof tiles, with the elongated rear extensions finished with pantiles. The property features a side/rear stable court/courtyard area. There is a gravel car park to the north of the building.

1.2 This application seeks planning permission for external alterations including installation of dormer extension, rooflights, extraction vents, flue, bay window with patio doors and replacement windows and doors. The proposed dormer extension would be on the south west elevation while the proposed rooflights would be located on the slate roofed section of the north west, north east and south east elevations of the building, with the proposed dormer matching the design, scale and finishing materials of the existing dormer on the corresponding south east elevation. Rooflights would be a conservation design. The proposed extraction vent would duct out from the south east pantiled roof section of the building as will the proposed flue. An existing door opening on the south east elevation is to be replaced by a timber sash window and infilled in stone to cill level to match the existing finishes. On the north west elevation and south east new white timber bay window/French doors are proposed along with an existing door opening being removed and infilled in stone to match existing finishes. On the south west elevation, the existing window is to be replaced with a glazed door. Internally, the applicant proposes to alter the approved layout to reduce the number of hotel rooms and increase the owner's accommodation floorspace.

1.3 The proposed development would result in the reduction of guest bedrooms and increase in the owner accommodation floorspace. Third parties have raised concerns that this would result in a change of use of the property from a public house (Sui Generis) to hotel (Class 7) and residential use (Class 9). Whilst these concerns are noted, it is considered by the Planning Authority that the building is already in hotel (Class 7) with ancillary owner accommodation. The reduction in letting rooms from six to three is a change of proportion of the business which still operates as a small commercial hotel with three letting rooms and a public bar. The owner's accommodation though now internally separate from the business is still ancillary owners' accommodation, therefore, the proposed works to increase the owner's accommodation do not constitute a change of use.

1.4 The planning history for this site is as follows:

- 01/00670/EFULL - Subdivide/alter bar/hotel and dwellinghouse to form two dwellinghouses (including replacement window/reinstatement of door) - refused 06/06/2001
- 01/00672/ELBC - Subdivide/alter bar/hotel and dwellinghouse to form two dwellinghouses (including replacement window/reinstatement of door) - approved 04/07/2001
- 03/04060/ELBC - Internal alterations - approved 24.03.2004
- 07/02935/EFULL - Conversion of derelict cottage to provide staff accommodation - approved 05/11/2007
- 15/02822/LBC - Listed building consent to replace signage, repaint windows and renew the entrance porch path - approved 04/11/2015
- 17/03531/LBC - Listed building consent for internal and external alterations including installation of extraction system - approved 02/05/2018
- 19/00747/PPP - Planning permission in principle for erection of two dwellinghouses - approved 26/09/2019

- 19/03073/LBC - Listed building consent for installation of dormer extension, rooflights, extraction vents and replacement windows and doors and internal alterations to layout - approved 02/04/2020
- 19/03305/FULL - External alterations to hotel including installation of dormer extension, rooflights and extraction vents, repainting of windows, renewal of entrance porch path and replacement of signage, windows and doors - approved 02/04/202

1.5 An associated application for planning permission (Ref: 21/00694/LBC) is pending consideration for Listed building consent for internal and external alterations including installation of dormer extension, rooflights, extraction vents, flue, bay windows with patio doors and replacement windows and doors.

1.6 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 Historic Environment
- Residential Amenity

2.2 DESIGN/VISUAL IMPACT ON HISTORIC ENVIRONMENT

2.2.1 Sections 59 and 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment, Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), the Kingsbarns Conservation Area Appraisal and Management Plan (2013), Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment (2010) and Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2014) and Dormer Extensions (2016) apply with regard to this proposal.

2.2.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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 or setting of a listed building shall be appropriate to both the character and appearance of the building or area and its setting.

2.2.3 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use, and that Planning Authorities, when

determining applications for planning permission or listed building consent, should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.2.4 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Additionally, Policy 10 of FIFEplan (2017) advises that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

2.2.5 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. The document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. Lastly, the Supplementary Guidance recognises that the built environment has been adapted over time to meet changing needs, stating that protecting the historic environment is not about preventing change but ensuring that changes are appropriate to their location. Sustainable management of the historic environment should be based on a Conservation Area appraisal.

2.2.6 Fife Council's Kingsbarns Conservation Area Appraisal and Management Plan (2013) provides a detailed conservation review of the town's Conservation Area boundaries. Further to this, it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the conservation area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019). The application property is mentioned in this Conservation Area Appraisal and Management Plan where it is noted that it is an important building in the history of the village and occupies a prominent position adjacent to the church on the main through road.

2.2.7 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

2.2.8 Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2014) advises that replacement windows should match the originals in every detail, including proportions, materials and opening method; in-keeping with HES's advice. HES Managing Change in the Historic Environment: Roofs (2010) advises that alterations and repairs to roofs and their associated features should protect the character of the historic building. Additionally, this guidance advises that some areas of a roof will generally be more sensitive to change than others: alterations to subsidiary elevations and roof valleys are likely to have less visual impact on the character of a building.

2.2.9 HES Managing Change in the Historic Environment: Extensions (2010) sets out that most historic buildings have the potential to be extended sensibly. HES's guidance recognises that extensions to listed and historic buildings must protect the character and appearance of the

building; be subordinate in scale and form; be located on a secondary elevation; and be designed in a high-quality manner using appropriate materials. It additionally states that new developments must acknowledge the building's original features. Fife Council's Planning Customer Guidelines on Dormer Extensions (2016) advises that preference will be given to rear facing dormers where they will least likely impact on the visual amenity and harm the character of building/street or unbalance the overall proportions of a principle elevation. Dormers should be acceptable to look at, fit in with the design, style, proportion and materials of the existing dwellinghouse and should, particularly if proposed on a public principle elevation, have minimum set back distances from ridge, wallhead and gable of 500mm, 750mm and 1000mm respectively. If the front of the dormer is not visible from the street, the Planning Authority may relax these guidelines.

2.2.10 It is proposed to introduce new bay windows/patio doors on the central section of the north west elevation and south east elevation (instead of French doors in this location as approved through application 19/03305/FULL) and also replacing a door with a window on the south east elevation. These proposed bay windows/patio doors would be timber framed and painted white and would add symmetry to both side elevations. The existing large window on the south east elevation and approved French doors are not considered to be evocative of the historic setting, with the change to bay windows/patio doors considered to have no additional adverse impact on the architectural merits of the listed building, nor views from the conservation area. With regard to the proposed extraction vent, it is noted that it would not be visible from public vantagepoints of the conservation area given their discrete locations. The vent openings would be sealed and flashed, to match the existing vents. The proposed replacement windows/doors and the installation of vents are thus deemed to be acceptable.

2.2.11 The proposed black flue would be located on the roof on the south east elevation. This elevation is not visible from the public street scene so would have no impact in the context of views from the conservation area. As the flue will protrude above the roof of the building a small section of the flue would be visible from the north west, primarily from the courtyard area. Given the dark colour and relatively small element of the flue that is visible, it is considered that this would be an a minor addition to the listed building and would have no impact on the wider setting of the listed building within the conservation area.

2.2.12 The proposed rooflights (which would be conservation style) on the south east and north east elevations would not be visible from the public streetscene. The proposed dormer extension on the south west elevation and rooflight on the north west elevation would be wholly visible from the surrounding area, albeit on a secondary elevation. The proposed hipped roof dormer would be of a traditional design, matching the appearance and finishing materials of the existing dormer on the south east elevation. Whilst it is acknowledged that the existing dormer is not visible from public vantagepoints given that it faces the courtyard, it is considered that the proposed dormer and rooflights would be appropriate alterations to the listed building and would also have no visual impact on the wider conservation area given the size and scale of the works, the use of traditional materials and the pitch of roof. The proposed dormer and rooflights would not look out of character with the listed building and conservation area surroundings.

2.2.13 In conclusion, the proposed development is considered to be acceptable in relation to the scale of the works and the detailed design, with each of the individual elements of the development deemed to be appropriate to the historic setting. The proposed development is thus considered to be acceptable, complying with the aforementioned legislation, FIFEplan policies, supplementary guidance and national/local guidance documents.

2.3 RESIDENTIAL AMENITY

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

2.3.2 The above FIFEplan policies and guidance set out the importance of encouraging appropriate forms of development in the interests of residential amenity. They generally 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 with regard to the loss of privacy; sunlight and daylight; and noise, light and odour pollution.

2.3.3 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.

2.3.4 With regards to the overshadowing, it is calculated that the proposed dormer extension would not adversely impact on daylight and sunlight received by neighbouring properties. With regard to loss of privacy and overlooking, two of the proposed rooflights are not located within habitable rooms, moreover, given the location of the proposed dormer and rooflight on the north west and south west elevations, overlooking a car park, it is considered that no neighbouring properties would be adversely impacted. Lastly, it is noted that the proposed new bay windows/patio doors would overlook the existing car park to the north west and the applicant's existing private area to the south east so would not create any detrimental overlooking issues.

2.3.5 Fife Council Environmental Health (Public Protection) Officers were consulted on this application. The Environmental Health Officer (EHO) advised that they had no objections, however, given that the previous consent (19/03305/FULL) had a condition attached with regards the extraction vents that was approved as part of that consent, this condition has been recommended to be carried forward to this application. Therefore, a condition has been recommended to ensure that the noise produced by the proposed mechanical extraction complies with NR 25 during the night (in bedrooms) and NR 30 during the day in all habitable rooms, when measured from the nearest noise sensitive property with windows open for ventilation.

2.3.6 In conclusion, there would be no adverse residential amenity concerns arising from the proposed development. The proposal is therefore considered to comply with the above mentioned FIFEplan policies, PAN and local guidance documents.

CONSULTATIONS

Land and Air Quality, Protective Services	No objection
Environmental Health (Public Protection)	No objections

REPRESENTATIONS

Fifty representations have been received in relation to this planning application, 29 supporting, 2 providing general comments and 19 objecting on the following grounds;

With regards to the concerns relating to the change of use of the business and reduction of facilities within the hotel/Pub premises. The Planning Authority consider the application property to be in Hotel (Class 7) use. The internal alterations would be incidental to the hotel use. See Paragraph 1.3 of this report for further information.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the National Guidance, Development Plan and relevant other guidance. The proposal is compatible with the area in terms of land use and would not give rise to any adverse residential amenity or road safety concerns. The proposed development is therefore considered to be acceptable, complying with Policies 1, 3, 10 and 14 of FIFEplan Local Development (2017).

RECOMMENDATION

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

1. 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 in all habitable rooms (during the day); when measured within any noise sensitive property, with windows open for ventilation.

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

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)

Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland's Historic Environment Policy for Scotland (May 2019)

Historic Environment Scotland's Managing Change in the Historic Environment (2010)

Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance:

Fife Council Planning Customer Guidelines - Dormer Extensions (2016)

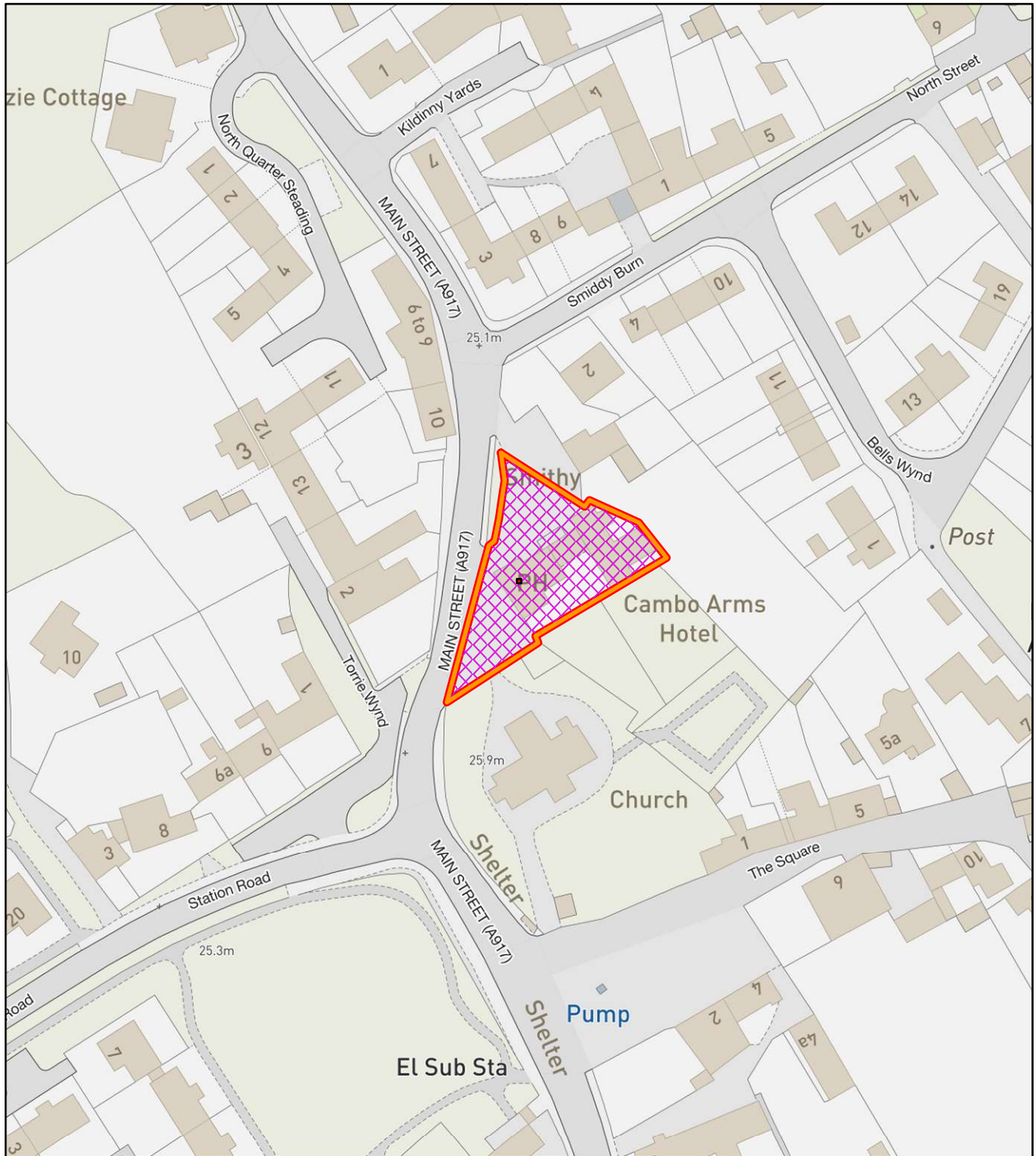
Fife Council Planning Customer Guidelines - Windows in Listed Buildings and Conservation Areas (2014)
Fife Council Planning Customer Guidelines - Daylight and Sunlight (2018)
Fife Council Planning Customer Guidelines - Minimum Distances between Window Openings (2011)
Fife Council Kingsbarns Conservation Area and Management Plan (2013)
Fife Council Transportation Development Guidelines

Report prepared by Scott McInroy, Planner, Development Management
Report agreed and signed off by Alastair Hamilton, Service Manager(Development Management)
4/1/22

Date Printed 30/11/2021

21/00692/FULL

The Inn At Kingsbarns 5 Main Street Kingsbarns St Andrews



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 8**APPLICATION FOR LISTED BUILDING CONSENT REF: 21/00694/LBC****SITE ADDRESS: THE INN AT KINGSBARNES 5 MAIN STREET KINGSBARNES****PROPOSAL: LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF DORMER EXTENSION, ROOFLIGHTS, EXTRACTION VENTS, FLUE, BAY WINDOWS WITH PATIO DOORS AND REPLACEMENT WINDOWS AND DOORS****APPLICANT: MR MAX PRESTON
5 MAIN STREET KINGSBARNES ST ANDREWS****WARD NO: W5R19
East Neuk And Landward****CASE OFFICER: Scott McInroy****DATE 29/03/2021
REGISTERED:****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for Full planning permission would be subject to a different appeal route unless both the applications are determined together by Committee.

SUMMARY RECOMMENDATION

The application is recommended for:

Unconditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.0 BACKGROUND

1.1 This listed building application relates to a two storey Category 'B' Listed Building situated within the Kingsbarns Conservation Area. The property operates as a hotel/pub and is located on a prominent position along Main Street and sits within a primarily residential area. The property is stone built with a front porch (which is covered in wet dash render) and slate roof tiles, with the elongated rear extensions finished with pantiles. The property features a side/rear stable court/courtyard area. There is a gravel car park to the north of the building.

1.2 This application proposes a number of changes both externally and internally. Externally, new bay windows are proposed on the south east elevation to match the previously approved French doors on the north west elevation. A new rooflight is proposed on the north west elevation, omitting the previously approved dormer window. The existing door on the south east elevation is to be replaced by a sash and case window with the addition of a rooflight and a traditional dormer above and finally a small rooflight is proposed on the north east elevation. Internally, the applicant proposes a few minor alterations including new dividing walls to create additional private accommodation and the installation of a wood burning stove.

1.3 Planning history on this site is as follow;

- 01/00672/ELBC, listed building consent was granted to subdivide/alter bar/hotel and dwellinghouse to form two dwellinghouses (including replacement window/reinstatement of door). approved 2001.

-01/00670/EFULL, planning permission was refused to subdivide/alter bar/hotel and dwellinghouse to form two dwellinghouses (including replacement window/reinstatement of door). This application was appealed to the Scottish Government where it was dismissed by the Reporter. Approved 2001.

--03/04060/ELBC, listed building consent was granted for internal alterations. Approved 2004.

-15/02822/LBC, listed building consent was granted to replace signage, repaint windows and renew the entrance porch path. Approved 2015.

-17/03531/LBC, listed building consent was granted for internal and external alterations including installation of extraction system. Approved 2017.

-19/03073/LBC Related application for listed building consent for installation of new/replacement windows and doors, installation of dormer extensions, installation of rooflights and vents and internal alterations to layout. This application is currently before the Planning Authority for determination. Approved 2020.

-19/03305/FULL, external alterations to hotel including installation of dormer extension, rooflights and extraction vents, repainting of windows, renewal of entrance porch path and replacement of signage, windows and doors approved March 2020.

1.4 An associated application for planning permission (Ref: 21/00692/FULL) is also on this committee agenda for determination,

1.5 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:

- Impact on Listed Building

2.2 Impact on listed building

2.2.1 Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), the Kingsbarns Conservation Area Appraisal and Management Plan (2010), Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2014) and Home Extensions (2016), and Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment (2010) apply with regard to this proposal.

2.2.2 Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that in considering whether to grant listed building consent for any work, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.2.3 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use.

2.2.4 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Additionally, Policy 10 of FIFEplan (2017) advises that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported, whilst also setting out that developments are expected to achieve the six qualities of successful places; distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond.

2.2.5 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places. Lastly, the Supplementary Guidance recognises that the built environment has been adapted over time to meet changing needs, stating that protecting the historic environment is not about preventing change but ensuring that changes are appropriate to

their location. Sustainable management of the historic environment should be based on a Conservation Area appraisal.

2.2.6 Fife Council's Kingsbarns's Conservation Area Appraisal and Management Plan (2010) provides a detailed conservation review of the town's Conservation Area boundaries. Further to this, it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the conservation area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019).

2.2.7 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

2.2.8 As stated in Section 1.2 this application proposes a number of changes both externally and internally. It is proposed to introduce new bay windows/patio doors on the central section of the north west elevation and south east elevation (instead of French doors in this location as approved through application 19/03305/FULL) and also replacing a door with a window on the south east elevation. These proposed bay windows/patio doors would be timber framed and painted white and would add symmetry to both side elevations. Built Heritage colleagues have raised concerns regarding the proposed bay windows/patio doors in that they will alter the character of the building. However, the existing large window on the southeast elevation and previously approved French doors are not considered to be traditional details of themselves, with the changes proposed as part of this proposal to create bay windows/patio doors these are considered to be improvements to the existing details and have no additional adverse impact on the architectural merits of the listed building, nor views from the conservation area.

2.2.9 With regard to the proposed extraction vent, it is noted that it would not be visible from public vantagepoints of the conservation area given their discrete locations. The vent openings would be sealed and flashed, to match the existing vents. The proposed replacement windows/doors and the installation of vents are thus deemed to be acceptable. Internally, the applicant proposes a few minor alterations including new dividing walls to create additional private accommodation and the installation of a wood burning stove.

2.2.10 Overall, it is considered by the Planning Authority that these minor alterations would not have an adverse visual impact on the overall massing and contemporary design of the extension, nor alter its relationship with the existing hotel.

2.2.11 In conclusion, the proposed alterations are not considered to have an adverse impact on the design of the extension, nor would they alter the visual relationship between the extension and existing hotel. Therefore, it is determined that the proposed development would not have an adverse impact on the character and appearance of the Category B listed building, complying with the above noted legislation, development plan policies and national guidance.

CONSULTATIONS

Built Heritage, Planning Services
Historic Environment Scotland

Object
No objection

REPRESENTATIONS

Five representations have been received supporting the alterations to the listed building.

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the National Guidance, Development Plan and relevant other guidance. The proposal is compatible with and will not cause any detrimental impact to the listed building. The proposed development is therefore considered to be acceptable, complying with Policies 1, 10 and 14 of FIFEplan Local Development (2017).

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)

Sections 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland Historic Environment Policy for Scotland (2019)

Historic Environment Scotland Managing Change in the Historic Environment (2010)

Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance:

Kingsbarns Conservation Area Appraisal and Management Plan

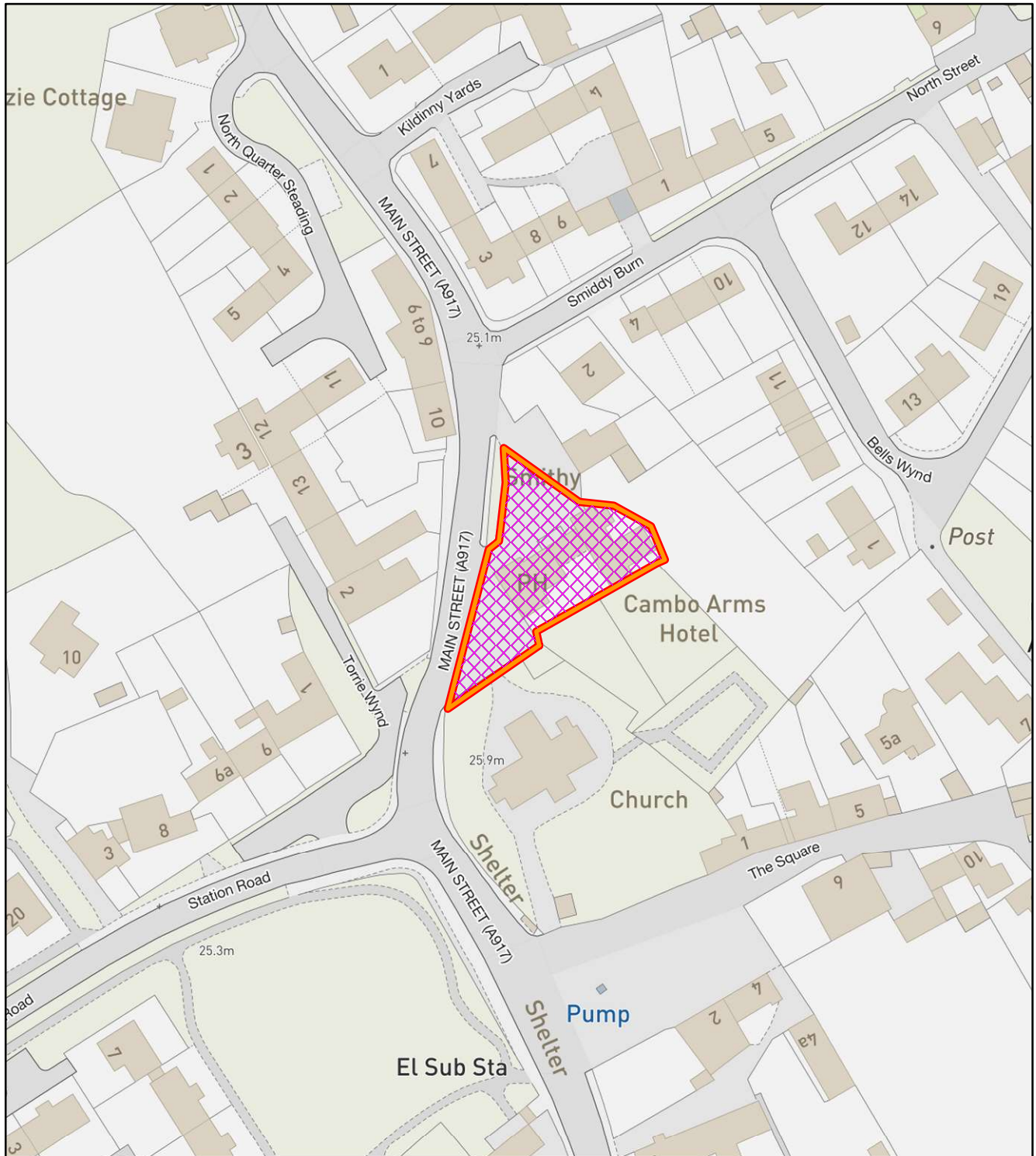
Report prepared by Scott McInroy, Planner Development Management

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 4/1/22

Date Printed 01/12/2021

21/00694/LBC

The Inn At Kingsbarns 5 Main Street Kingsbarns St Andrews



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Legend			
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