

North East Planning Committee

Please note this meeting will be held remotely.



Wednesday, 12th October, 2022 - 1.30 p.m.

AGENDA

	<u>Page Nos.</u>
1. APOLOGIES FOR ABSENCE	
2. DECLARATIONS OF INTEREST – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.	
3. MINUTE – Minute of Meeting of North East Planning Committee of 17th August, 2022.	3 – 9
4. 22/00833/FULL - LAND TO EAST OF STRATHEDEN PLACE, AUCHTERMUCHTY Erection of 21 Dwellinghouses and associated works.	10 – 26
5. 22/00950/FULL - LAND TO EAST OF MANSE ROAD, SPRINGFIELD Erection of 30 Affordable Housing Units, formation of vehicular access points, landscaping and other supporting infrastructure.	27 – 47
6. 22/01205/FULL - 3 MYRESIDE, KINGSKETTLE, CUPAR Erection of Dwellinghouse.	48 – 59
7. 22/01337/FULL - THE INN AT KINGSBARNS, 5 MAIN STREET, KINGSBARNS Change of use of from Owners Accommodation (Class 7) to Dwellinghouse (Class 9).	60 – 67
8. 22/01884/FULL - 1 LOGIE'S LANE, ST-ANDREWS Change of use from Retail Unit (Class 1) to Restaurant (Class 3) including alterations to shopfront and installation of canopies.	68 – 77
9. 22/01885/FULL - 1 LOGIE'S LANE, ST-ANDREWS Change of use from Public Open Space to form outside seating area and erection of awnings and balustrades.	78 – 89
10. 22/02021/LBC - 1 LOGIE'S LANE, ST-ANDREWS Listed Building consent for internal and external alterations.	90 – 96
11./	

11. **22/01913/FULL - FARMHOUSE BALBUTHIE, BALBUTHIE ROAD** 97 – 105
Change of use of part from agricultural storage building to Museum (Class 10).
12. **LEGISLATIVE REQUIREMENT TO LIMIT THE DURATION OF PLANNING PERMISSION BY APPLYING TIME CONDITIONS** – Report by the Head of Planning. 106 – 111
13. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**
List of applications dealt with under delegated powers for the period 8th August to 4th September, 2022; and 5th September to 2nd October, 2022.
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.

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5th October, 2022

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THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

17th August, 2022

1.30 p.m. – 4.30 p.m.

PRESENT: Councillors Jonny Tepp (Convener), Fiona Corps, Sean Dillon, Alycia Hayes, Stefan Hoggan-Radu, Gary Holt, Allan Knox, Robin Lawson, Jane Ann Liston, Donald Lothian, David MacDiarmid 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 Al Clark, Margaret Kennedy and Louise Kennedy-Dalby.

7. DECLARATIONS OF INTEREST

Councillor Tepp declared an interest in Para. No. 19 - '21/03892/FULL - Site at West Park Road, Wormit' - as he was a resident of Westfield Terrace and a neighbour of a number of objectors to the development.

8. MINUTE

The Committee considered the minute of the North East Planning Committee of 22nd June, 2022.

Decision

The Committee agreed to approve the minute.

9. 22/00449/FULL - ERECTION OF DWELLINGHOUSE AT TODBURN HOUSE, CHAPEL GREEN, EARLSFERRY, FIFE

The Committee considered a report by the Head of Planning Services relating to Application Reference: 22/00449/FULL - Erection of dwellinghouse at Todburn House, Chapel Green, Earlsferry, Fife - outlining the view of the Council as Planning Authority which had been provided to the Directorate of Planning and Environmental Appeals (DPEA) in response to an appeal on the grounds that: Fife Council, as planning authority, had not determined the application within the two-month statutory period.

Decision

The Committee noted that the Head of Planning Services had exercised their delegated powers to determine the Council's position on the appeal in relation to planning/

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planning matters, in consultation with the Convener and following a meeting involving the Convener, Legal Services representative, Planning Lead Officer and Planner/Case Officer on 5th July, 2022.

10. **21/01410/FULL - 22 HIGH STREET, NEWBURGH, CUPAR**

The Committee considered a report by the Head of Planning Services relating to an application for change of use from workshop (Class 4) to dwellinghouse (Class 9) and associated external alterations, including installation of replacement windows and doors and rooflights.

Decision

The Committee agreed to approve the application subject to:-

- (1) the 2 conditions and for the reasons detailed in the report; and
- (2) the inclusion of a standard condition preventing the use of the proposed development as a 'House in Multiple Occupation'.

11. **21/02718/LBC - 22 HIGH STREET, NEWBURGH, CUPAR**

The Committee considered a report by the Head of Planning Services for listed building consent for internal and external alterations, including the installation of a window, doors and roof lights.

Decision

The Committee agreed to approve the application subject to the 2 conditions and for the reasons detailed in the report.

12. **21/03478/FULL - ST. REGULUS COTTAGE, GREGORY PLACE, ST. ANDREWS**

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 2 dwellinghouses.

Motion

Councillor MacDiarmid, seconded by Councillor Liston, moved to refuse the application on the grounds that the development did not comply with:

- (1) Scottish Planning Policy (2014), Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental visual impact on the surrounding area and streetscape due to its location, design, form and scale which was considered over-development and did not make a positive contribution to the character of the conservation area; and
- (2) Scottish Planning Policy (2014), Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on road safety and on the surrounding road network due to the lack of sufficient off-street parking.

Amendment

Councillor Lothian, seconded by Councillor Hayes, moved as an amendment to approve the application, subject to the one condition and for the reason detailed in the report.

Roll Call Vote

For the motion - 8 votes

Councillors Corps, Dillon, Hoggan-Radu, Holt, Knox, Liston, MacDiarmid and Verner.

For the amendment - 4 votes

Councillors Hayes, Lawson, Lothian and Tepp.

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

Decision

The Committee:-

- (1) agreed to refuse the application on the grounds that the proposed development did not comply with:
 - (a) Scottish Planning Policy (2014), Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental visual impact on the surrounding area and streetscape due to its location, design, form and scale, was considered overdevelopment and did not make a positive contribution to the character of the conservation area; and
 - (b) Scottish Planning Policy (2014), Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on road safety and on the surrounding road network due to the lack of sufficient off-street parking; and
- (2) agreed to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

13. 21/03477/CAC - ST. REGULUS COTTAGE, GREGORY PLACE, ST. ANDREWS

The Committee considered a report by the Head of Planning Services relating to an application for conservation area consent for complete demolition of 2 dwellings.

Decision/

Decision

The Committee agreed:-

- (1) to refuse the application as the related planning application no. 21/03478/FULL, had been refused and there was no longer justification for the demolition of the existing 2 dwellings; and
- (2) to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the full reason for refusal in order to ensure that a decision on the application was not unduly delayed.

14. 21/03603/FULL - LAND ADJACENT BALMASHIE HOLIDAY HOMES, KENLY, BOARHILLS

The Committee considered a report by the Head of Planning Services relating to an application for tourism development, including change of use from storage building to reception centre and erection of 21 holiday pods and associated landscaping and works.

Motion

Councillor Hayes, seconded by Councillor Liston, moved to refuse the application on the grounds that the proposed development did not comply with:

- (1) Scottish Planning Policy (2014), Policies 1, 7 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) on the basis that the proposed development, due to its design, form, scale and layout, would have a detrimental visual impact on the countryside location and on the local community and was incompatible with the rural surroundings;
- (2) Policies 1 and 10 of the Adopted FIFEplan (2017) on the basis that the proposed development would have a detrimental impact on the residential amenity of nearby residential properties due to the potential for the proposed development to generate external noise and disturbance not normally experienced in the countryside location; and
- (3) Scottish Planning Policy (2014), Policies 1, 3 and 7 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) on the basis that the proposed development would have a detrimental impact on the road safety of the surrounding area and that sustainable travel options were not readily available or safely accessible, requiring the use of vehicles for access to and from the site.

Amendment

Councillor Knox, seconded by Council Holt, moved as an amendment to approve the application subject to the 7 conditions and for the reasons detailed in the report.

Roll/

Roll Call Vote

For the motion - 9 votes

Councillors Corps, Dillon, Hayes, Hoggan-Radu, Lawson, Liston, MacDiarmid, Tepp and Verner.

For the amendment - 3 votes

Councillors Holt, Knox and Lothian.

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

Decision

The Committee:-

- (1) agreed to refuse the application on the grounds that the proposed development did not comply with:
 - (a) Scottish Planning Policy (2014), Policies 1, 7 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) on the basis that the proposed development, due to its design, form, scale and layout, would have a detrimental visual impact on the countryside location and on the local community and was incompatible with the rural surroundings;
 - (b) Policies 1 and 10 of the Adopted FIFEplan (2017) on the basis that the proposed development would have a detrimental impact on the residential amenity of nearby residential properties due to the potential for the proposed development to generate external noise and disturbance not normally experienced in the countryside location; and
 - (c) Scottish Planning Policy (2014), Policies 1, 3 and 7 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) on the basis that the proposed development would have a detrimental impact on the road safety of the surrounding area and that sustainable travel options were not readily available or safely accessible, requiring the use of vehicles for access to and from the site; and
- (2) agreed to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

The Committee adjourned at 3.30 p.m.

The Committee reconvened at 3.40 p.m.

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15. 21/03621/FULL - 59 ARGYLE STREET, ST. ANDREWS, FIFE

The Committee was advised that the applicant had requested that this planning application and its associated Listed Building Consent, application no. 21/03622/LBC, be withdrawn from consideration.

16. 21/03622/LBC - 59 ARGYLE STREET, ST. ANDREWS, FIFE

The Committee was advised that the applicant had requested that this planning application and its associated application no. 21/03621/FULL be withdrawn from consideration.

17. 22/00646/FULL - LAND AT EAST PITCORTHIE, PITCORTHIE

The Committee considered a report by the Head of Planning Services relating to an application for the change of use from steading to dwellinghouse and erection of 2 no. holiday lets and associated infrastructure.

Decision

The Committee agreed to approve the application subject to:-

- (1) the 5 conditions and for the reasons detailed in the report; and
- (2) the inclusion of a standard condition preventing the use of the proposed development as a 'House in Multiple Occupation'.

18. 22/00378/FULL - 10 PRIESTDEN ROAD, ST. ANDREWS, FIFE

The Committee considered a report by the Head of Planning Services relating to an application for the erection of ancillary accommodation (one occupant) within garden ground of HMO house (6 occupants).

Decision

The Committee agreed to refuse the application for the reasons set out in the report.

Councillor Tepp left the meeting prior to consideration of the following item, having earlier declared an interest. In the Convener's absence, the Depute Convener, Councillor Liston, chaired the meeting for the item.

19. 21/03892/FULL - SITE AT WEST PARK ROAD, WORMIT

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 4 dwellinghouses.

Decision

The Committee agreed to approve the application subject to:-

- (1) the 8 conditions and for the reasons detailed in the report; and
- (2)/

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- (2) the inclusion of a standard condition preventing the use of the proposed development as a 'House in Multiple Occupation'.

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

20. 22/00871/FULL - FORMER TELEPHONE EXCHANGE, SESSION LANE, PITTENWEEM

The Committee considered a report by the Head of Planning Services relating to an application for the change of use of former telephone exchange to dwellinghouse (Class 9).

Decision

The Committee agreed to approve the application subject to:-

- (1) the one condition and for the reason detailed in the report;
- (2) the inclusion of a standard condition preventing the use of the proposed development as a 'House in Multiple Occupation'; and
- (3) the inclusion of a standard condition addressing potential contaminated land, given the previous use of the development site.

21. 22/01132/FULL - KINCAPLE LODGE, KINCAPLE, ST. ANDREWS

The Committee considered a report by the Head of Planning Services relating to an application for the installation of dormer extensions to rear of dwellinghouse.

Decision

The Committee agreed to approve the application unconditionally.

22. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

Decision

The Committee noted the lists of applications dealt with under delegated powers for the period 13th June to 10th July, 2022; and 11th July to 7th August, 2022.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00833/FULL

SITE ADDRESS: LAND TO EAST OF STRATHEDEN PLACE AUCHTERMUCHTY

PROPOSAL : ERECTION OF 21 NO. DWELLINGHOUSES AND ASSOCIATED WORKS

**APPLICANT: MR RICHARD HEFFRON
PINE LODGE CUPAR ROAD LADYBANK**

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

CASE OFFICER: Jamie Penman

**DATE 17/03/2022
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application has attracted more than 5 representations which are contrary to the case 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.

1.1 Background

1.1.1 This application proposal relates to an area of land which measures approximately 9,350sqm and is located largely within but partly out with, the defined settlement boundary of Auchtermuchty. The majority of the application site (75%) is included in the Local Development Plan (FIFEplan 2017) allocated site AUC001 (East of Strathaven Place). The remaining 25% is located within the countryside. This allocation notes that the preferred use of the site is for housing with the site having an estimated capacity of 18 units. The site is currently in agricultural use and is defined as prime agricultural land (with minor climate limitations). There are no notable areas of mature vegetation within the site or along its boundaries. There is an existing agricultural access into the site from Stratheden Place, an established residential cul-de-sac which serves approximately 26 dwellings, a scout hall and the car park for a large area of open space. The site has a slight slope downhill to the south and existing houses and a recently opened retail store borders the site to the north, the remainder of the agricultural field is located to the east and south and the Stratheden Place cul-de-sac is located to the west. The site is located within the Auchtermuchty Green Network Policy Area.

1.1.2 This application proposal is for the erection of 21 dwellings (including 4 affordable houses), associated infrastructure and landscaping works. A single point of access would be provided into the site from the eastern side of Stratheden Place. The proposed street layout would be a simple T-layout cul-de-sac, with properties fronting the internal road network besides the 4 properties towards the east of the site which would provide an active frontage out on to the countryside. Properties would include a mix of single and two-storey buildings. This would include 2 single storey bungalows (2 bed), 8 semi-detached two storey houses (3 bed) and 11 detached two storey houses (4 bed). All properties would have in-curtilage off-street parking and would all have areas of private garden ground. A mix of boundary treatments have been proposed including a mix of walls, fencing and hedging. Street trees have also been shown on the submitted site plan. Finishing materials of the proposed dwellings are modern in nature and include a mix of white render/stone walls, grey concrete roof tiles and UPVC windows and doors. All properties would include solar panels.

1.1.3 There is no recent planning history associated with this site.

2.1 Planning Assessment

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Sustainable Travel and Road/Pedestrian Safety
- Land and Air Quality
- Flooding/Drainage
- Natural Heritage
- Planning Obligations
- Low Carbon Fife
- Archaeology
- Houses in Multiple Occupation

2.2 Principle of Development

2.2.1 FIFEplan (2017) Policy 1 Development Principles applies and states that development proposals will be supported if they conform to relevant development plan policies and proposals and address their individual and cumulative impacts. Part A of Policy 1 states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan. FIFEplan Policy 7 (Development in the Countryside) applies and states that development in the countryside will only be supported where it is for housing in line with Policy 8 (Houses in the Countryside). Policy 2 states that housing development 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 Local Development Plan or on other sites provided the proposal is compliant with the policies for the location. Policy 2 further states that the development of sites adjacent to settlement boundaries, excluding green belt areas, solely for the provision of small-scale affordable housing, may be supported where there is established and unmet local need and if no alternative site is available within a settlement boundary. FIFEplan Policy 7 (Development in the Countryside) also states that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need.

2.2.2 Submitted representations have raised concerns with the proposal in that it would develop an area of land which is not included in the site allocation and as such, is contrary to FIFEplan (2017). Concerns are also raised regarding the development of prime agricultural land.

2.2.3 The application site measures approximately 9,350sqm. The majority of the application site (7,150sqm) is located within FIFEplan (2017) allocation AUC001. FIFEplan notes that the site measures approximately 0.7Ha, is allocated for housing and has an estimated capacity of 18 units. Guidance notes indicated that a flood risk assessment is required for the site and that an off-site contribution is required to enhance the quality and multi-functionality of the existing greenspace to the west. The remainder of the application site (2,200sqm) is located out with both the FIFEplan defined allocated and out with the settlement boundary of Auchtermuchty and is therefore located within the countryside. Whilst the proposal is largely compliant with the FIFEplan allocation, given the application proposes to develop an area of existing countryside, the principle of development cannot be automatically accepted with further consideration being required in line with FIFEplan Policies 2, 7 and 8.

2.2.4 Approximately half of the land (1,100sqm) which is located within the countryside is identified as being part of the site's drainage strategy, where a suds basin is proposed. This would sit neatly within the landscape and not include any significant built development besides the engineering activity required to construct the basin. The remainder of the land (1,100sqm) would include other site infrastructure such as roads, parts of garden grounds associated with Plots 1 to 11, parts of dwellings associated with Plots 9 and 10 and the whole of Plot 11. In an ideal scenario, all of the proposal would be contained within the area identified by the site allocation, however, given the proposal does not do this, consideration needs to be given to the proposal's compliance with development in the countryside policies.

2.2.5 As stated above, Policy 2, 7 and 8 advise that the development of housing out with defined settlement boundaries may be acceptable where there is either a shortfall in the 5 year housing land supply or where the proposal is solely for the provision of affordable housing and there is no over sites available. These policies also note that in all cases In all cases, development must be of a scale and nature compatible with surrounding uses, well-located in respect of available

infrastructure and contribute to the need for any improved infrastructure and located and designed to protect the overall landscape and environmental quality of the area. With regard to housing land supply, Fife Council's Housing Land Audit 2021 notes that for the TAYplan area, there is currently a shortfall in the 5-year effective housing land supply of 23 units. Furthermore, with regard to affordable housing whilst the development is not solely for affordable housing, 4 affordable dwellings are being provided on site, in line with Fife Council's Affordable Housing Team's requirements. In terms of the development itself (in line with further assessment as covered below), it is located largely within and adjacent to an existing settlement boundary that is predominantly residential in nature, it is well located in respect to existing infrastructure and it has been designed to protect the overall landscape and environmental quality of the area. Whilst the site would develop an area of prime agricultural land, given the limited nature of additional land required, no significant concerns would be raised in this regard.

2.2.6 Given the application proposal's split nature between an allocated site (75%) and land out with the settlement boundary (25%), the proposal does not fit neatly into any of the above policies. Notwithstanding, given that the application site is located in an area where there is an identified shortfall in the 5-year housing land supply (albeit low), that the development would include affordable housing on-site, that the development would generally comply with the requirements of the site allocation, that the majority of the area to be developed within the countryside would not include significant areas of built development and there would be no significant visual impacts associated with the development given the surrounding local context, it is considered on balance that the principle of development can be accepted in this instance

2.3 Design and Visual Impact

2.3.1 FIFEplan (2017) Policies 1, 10, 13, 14 and Making Fife's Places Supplementary Planning Guidance apply and relate, in part, to the visual impact of the development. Part C of Policy 1 requires development proposals to be supported by information or assessments to demonstrate an acceptable layout and design. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and must demonstrate that it will not lead to a significant detrimental impact on amenity in relation to its visual impact on the surrounding area. Policy 13 relates to the natural environment and states that development shall only be supported where it will protect or enhance natural heritage assets including the landscape character. Policy 14 relates to the built environment and states that new development shall demonstrate how it has taken account of and meets the six qualities of successful places which include 1. distinctive; 2. welcoming; 3. adaptable; 4. resource efficient; 5. safe and pleasant; and 6. easy to move around and beyond.

2.3.2 Submitted representations have raised concerns regarding the visual impact of the development, particularly with regard to adjacent properties on Stratheden Place and on the wider landscape. Concerns have also been raised regarding overdevelopment.

2.3.3 The proposed 21 dwellings would be accessed from a single point of access from the eastern side of Stratheden Place. The proposed street layout would be a simple T layout cul-de-sac, with properties fronting the internal road network besides the 4 properties towards the east of the site which would provide an active frontage out on to the countryside. Properties would include a mix of single and two-storey buildings. This would include 2 single storey bungalows (2 bed), 8 semi-detached two storey houses (3 bed) and 11 detached two storey houses (4 bed). All properties would have in-curtilage off-street parking and would all have areas of private garden ground. A mix of boundary treatments have been proposed including a mix of walls, fencing and hedging. Street trees have also been shown on the submitted site plan. Finishing

materials of the proposed dwellings are modern in nature and include a mix of white render/stone walls, grey concrete roof tiles and UPVC windows and doors. All properties would include solar panels.

2.3.4 In terms of the surrounding context, the scale and massing of the proposed dwellings would be similar to what currently exists in the surrounding area. Furthermore, the proposed layout of the development would respect the existing pattern of development. No concerns would be raised with regard to overdevelopment of the site. Whilst the finishing materials of the proposed properties would be different to what currently exists, the specified materials would be of high quality and raise no significant visual impact concerns. The proposed landscaping throughout the site would also help the development blend in with its edge of settlement location. Off-street car parking is being provided and is located to the side for some dwellings and to the front for others. This will ensure that car parking does not dominate the streetscene.

2.3.5 Given the landscape character views (which includes the Lomond Hills and surrounding land) that are available when travelling through Auchtermuchty (east to west) on the A91, consideration needs to be given to the development's visual impact on the wider surrounding area. A computer-generated image (CGI) of the proposal has been submitted which shows how the development would look when standing at the junction of Carswell Wynd/Low Road, looking towards the southwest. The site is shown within the surrounding context which includes the new co-op store, neighbouring dwellings, the adjacent agricultural field against the backdrop of the Lomond Hills. Whilst the degree of change is no doubt significant, given the undeveloped nature of the existing site, the CGI shows the proposal sites comfortably within the landscape with views over the adjacent field and towards the Lomond Hills being maintained, thereby preserving the landscape character of the surrounding area.

2.3.6 The proposal would therefore comply with FIFEplan (2017) Policies 1, 10, 13 and 14 and Making Fife's Places Supplementary Planning Guidance (2018).

2.4 Residential Amenity

2.4.1 FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance apply and relate, in part, to residential amenity impacts that may arise from a development. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that it must demonstrate that it will not lead to a significant detrimental impact on amenity in relation to loss of privacy sunlight, daylight or noise, light/odour pollution or other relevant other nuisances, including construction impacts. Planning Advice Note 1/2011: planning and noise and Fife Council's guidance note on Development and Noise (2021) also apply and provide guidance on how the planning system helps to prevent and limit the adverse effects of noise. Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings, Daylight/Sunlight and Garden Ground also apply.

2.4.2 Submitted representations have raised concerns regarding residential amenity impacts which may occur during the construction period.

2.4.3 The proposed site layout has been designed to ensure no significant residential amenity impacts would occur on either existing properties located out with the site or between the proposed properties. Proposed properties have been orientated to ensure no significant overshadowing impacts would occur with regard to neighbouring properties. Furthermore, minimum distances between window openings of 18m has been achieved and minimum garden

lengths of 9m have largely been provided. Plot 14 and 19 do fall slightly short of the 9m guidelines, however, given the nature of neighbouring land, no significant privacy concerns would be raised with regard to this.

2.4.4 In terms of private garden ground, all properties have been provided with space to the rear of the dwellings. All properties are shown as exceeding the 100sqm guideline on the submitted site plan, however, it is noted that this includes retained land in the gardens of Plot 20 and 21 which would not be usable space and therefore cannot be counted within the garden ground calculation. Notwithstanding, both garden grounds would still measure approximately 80sqm which would not be considered a significant shortfall, particularly given the existing open space which is available in the surrounding area.

2.4.5 It is noted that there is a commercial property located to the north of Plots 12 to 15 (co-op store) with the A91 further afield, however, given the separation distances that exist, no significant noise impact concerns would be raised in this regard. Fife Council's Environmental Health Team has been consulted on the application and have raised no objections to the proposal. They do advise on recommended construction hours and that a scheme of works should be submitted. The construction hours will be added as an advisory to the consent. Furthermore, due to the small size of the site, a request for a scheme of works would not be proportionate in this instance. As with any development, there is scope for some disruption during the construction period, however, it must be noted that any disruption experience would only be temporary in nature. Should any adverse impacts arise during the construction period, these can be adequately dealt with through legislation relevant to Environmental Health colleagues.

2.4.6 The proposal would comply with FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance (2018).

2.5 Sustainable Travel and Road/Pedestrian Safety

2.5.1 FIFEplan (2017) Policies 1, 3 and Making Fife's Places Supplementary Planning Guidance apply. Policy 1 requires development proposals to be supported by information or assessments to demonstrate that they will provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Policy 3 continues by noting that where necessary and appropriate, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, which may include local transport and safe access routes which link with existing networks, including for walking and cycling. Making Fife's Places Supplementary Planning Guidance Appendix G sets out transportation development guidelines for development sites.

2.5.2 Many of the submitted representations raise concerns with regard to traffic/road safety impacts that the proposal may bring. Concerns are raised regarding the suitability of the A91 junction, increased traffic using Stratheden Place and with regard to the level of on-street parking on the Stratheden Place. Some comments also raise concerns regarding the extension of a cul-de-sac.

2.5.3 The application site is accessed from Stratheden Place which is an existing cul-de-sac that has a junction onto the A91 Low Road. Stratheden Place currently serves approximately 26 dwellings and also provides access to an area of open space/football pitches and a scout's hall.

Some of the existing properties within Stratheden Place have off-street in-curtilage parking however some do not have any off-street parking and are required to park on street. The existing access road can accommodate two-way traffic flows, however, this is restricted to a degree by on-street parking. The open space/scout's hall has an off-street parking area. The application site has good access to local services and public transport options, with good footpath links in the surrounding area.

2.5.4 The proposed access road into the site would lead in from a single point, from the eastern side of Stratheden Place. The internal road network would have a simple T-shaped layout, with the proposed dwellings fronting onto the road. All properties would be provided with off-street parking which would be provided in-curtilage to either the front or side of the dwellings. Some dwellings also include integral garages. The submitted site plan shows footpath connections on both sides of the access road which would tie into the existing footpaths on Stratheden Place. Whilst the development would increase the volume of traffic using Stratheden Place and the A91 junction, no immediate significant road safety concerns would be raised in this instance.

2.5.5 Fife Council's Transportation Development Management Team (TDM) has been consulted on this proposal and has advised that Stratheden Place is subject to a 20mph speed limit. TDM note that a Transport Statement has not been submitted in support of the proposed development. However, the Design and Access Statement has considered access by all modes of transport - walking, cycling, public transport and private cars, to show the site is accessible to sustainable modes of transport. The consultation response continues by advising that the proposed site plan has generally been designed in accordance with Making Fife's Places and the current Fife Council Transportation Development Guidelines (Appendix G). They note that the street layout is a traditional housing street with a carriageway with adjacent footways and the street layout has been designed to protect potential westward and southward expansion of the housing site. TDM note that a raised table shall be provided at the start of the street and that all 21 dwellings are being provided with adequate off-street car parking. TDM also note that the 21 dwellings require 5 visitor parking spaces, however, only 3 no. layby parking spaces are shown. The response continues by advising that the drawing indicates 2 on-street parking spaces, but these are located opposite driveways which is not acceptable. A revised plan was subsequently submitted by the applicant which shows includes the raised table and the required visitor parking spaces. The consultation response concludes by advising that TDM have no objections to the proposal subject to conditions relating to securing the raised table, visibility splays and off-street parking. TDM have raised no concerns with additional traffic using Stratheden Place and the junction onto the A91 nor with regard to the extension of the existing cul-de-sac.

2.5.6 The proposal complies with FIFEplan (2017) Policies 1, 3 and Making Fife's Places Supplementary Planning Guidance (2018).

2.6 Land and Air Quality/Land Stability

2.6.1 FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance apply and state that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated/unstable land and/or air pollution. Fife Council's Air Quality in Fife - Advice for Developers guidance note and Planning Advice Note 33: Development of contaminated land also apply.

2.6.2 An Air Quality Impact Assessment (AQIA) and a Site Investigation Report (SI) was submitted with the application. These studies were reviewed by Fife Council's Land & Air Quality Team who has advised that they have no concerns with the AQIA. Furthermore, they note that the submitted SI concludes that no further assessment or site-specific remedial measures are required to address soil contamination which is agreed. The submitted SI does note that ground gas protection measures are required and that the implementation and verification of these measures should be secured through condition. Standard conditions have been proposed.

2.6.3 The proposal complies with FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance (2018).

2.7 Flooding and Drainage

2.7.1 FIFEplan (2017) Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance apply. Part B of Policy 1 requires development proposals to avoid flooding and impacts on the water environment and Part C states that development Proposals must be supported by information or assessments to demonstrate that they provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site. Policy 3 requires development proposals to provide the required level of infrastructure including foul and surface water drainage, including Sustainable Urban Drainage Systems and Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also applies.

2.7.2 Submitted representations raise concerns regarding flooding impacts which the development may be subject to. Comments note that the site is frequently subjected to flooding. Concerns are also raised regarding impacts on existing foul drainage infrastructure.

2.7.3 The FIFEplan (2017) allocation notes for this site indicate that a Flood Risk Assessment (FRA) is required. However, the site is not identified as being at risk of any type of flooding, through analysis of SEPA's flood maps. Notwithstanding, an FRA was submitted by the application. Surface water from the proposed development would drain to a new sustainable urban drainage (suds) basin where it would be held before being discharged to a nearby watercourse at a restricted rate. The applicant should be satisfied that they have all the necessary permissions to undertaken supporting drainage infrastructure works. Foul water would drain to the existing Scottish Water network.

2.7.4 Both Scottish Water and Fife Council's Structural Services Team has been consulted on this application. Scottish Water have raised no objections to the proposal. Structural Services raised two queries with the proposal. They requested that relevant appendices were completed and submitted along with confirmation of the acceptance of the connection into the drainage ditch. Both of these have been submitted. Whilst some representations raise concerns with regard to impacts on existing infrastructure in terms of connecting the site into the public network, any works which are required would have to first be agreed with Scottish Water.

2.7.5 The proposal complies with FIFEplan (2017) Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance (2018). A condition to secure the installation and construction of the SUDs system prior to occupation of the development is proposed.

2.8 Natural Heritage

2.8.1 FIFEplan (2017) Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance apply and states that development proposals will only be supported where they protect or enhance natural heritage and access assets including trees and hedgerows that have a landscape, amenity, or nature conservation value.

2.8.2 Given the existing use of the site, in that it is a worked agricultural field, its ecological value is considered to be limited. No ecological assessment of the site has been submitted, however, it is considered unlikely that it would be host to any protected species. The applicant would have to be satisfied that this was the case prior to proceeding with the development in order to comply with relevant legislation. It is accepted that the site may frequently be used by birds, however, if site clearance proceeds out with the bird nesting season, there would be no significant impact in this regard. Furthermore, there is no significant vegetation within or around the site therefore no significant concerns would be raised in this regard. The proposal does include significant areas of landscaping, which would be considered as a biodiversity gain for the site.

2.8.3 The proposal would comply with FIFEplan (2017) Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance (2018).

2.9 Planning Obligations

2.9.1 FIFEplan (2017) Policies 1, 4 and Making Fife's Places Supplementary Planning Guidance apply and state that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. Policy 4 also sets out exemptions from such developer contributions which includes developments which include the re-use of previous developed land and proposals for affordable housing. Fife Council's draft Planning Obligations Framework also applies and provides further information on planning obligations and when they are required.

2.9.2 Submitted representations raise concerns regarding the developments impact on existing public services. Some comments also raised concerns regarding the provision of affordable housing in that initially, this was to be provided off-site.

2.9.3 Whilst the application initially indicated that affordable housing would be provided off-site, through negotiations with the applicant, the affordable housing allocation is now being provided on site. The affordable housing requirement for Auchtermuchty is 20%. 21 dwellings in total are being provided on site and in line with Fife Council's Guidance on Affordable Housing, 4 affordable dwellings are being provided on site. The type of housing has been agreed with Fife Council's Affordable Housing Team.

2.9.4 With regard to education capacity, Fife Council's Education Team have been consulted on the proposal who have advised that the application site is within the catchment areas for Auchtermuchty Primary School, St Columba's Roman Catholic Primary School, Bell Baxter High School and St Andrew's Roman Catholic High School. They also note that the site is located within the Howe Of Fife local nursery area. The consultation response concludes by noting that the proposal would not create a capacity risk at any of the above schools or within the nursery catchment.

2.9.5 There is no open space provision made within the site. In line with the Fife Council's draft Planning Obligations Framework, application sites are either expected to provide 60sqm of open space on-site, however, if there is open space nearby, they can utilise this space and make a contribution towards the upgrading of this space. This is also a requirement of the site allocation. This has been discussed with the applicant who has agreed to pay the required sum which totals £1,200 per eligible unit i.e. excluding affordable. The total amount required from the development would therefore total 17 x £1,200 = £20,400. This can be secured through a legal agreement.

2.9.6 The site is not located in a prominent location nor is it of a size where it would be expected to make a public art contribution.

2.9.7 In terms of impacts on other services, such as pharmacy or GP, these cannot be considered through the planning process for an application of this scale.

2.10 Low Carbon Fife

2.10.1 Policy 11: Low Carbon Fife of the Adopted FIFEplan ensures that the Council contributes to the Climate Change (Scotland) Act 2009 target for reducing greenhouse gas emissions by at least 80% by 2050. Adopted Supplementary Planning Guidance Low Carbon Fife (2019) provides guidance on the application of Policy 11 with regard to low carbon energy schemes, sustainable development and air quality.

2.10.2 A low carbon and sustainability statement has been submitted with this application. These documents detail measures taken to reduce the developments carbon footprint such as it being located in a sustainable location and through the use of locally sourced finishing materials. It is also noted that solar panels would be provided for each property.

2.10.3 The proposal complies with Policy 11 of FIFEplan and associated supplementary guidance Low Carbon Fife (2019).

2.11 Archaeology

2.11.1 FIFEplan Policy 14 Built and Historic Environment states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage built heritage assets including Inventory Historic Battlefields. Policy 14 notes that "all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Accordingly, development proposals which impact on archaeological sites will only be supported where: - remains are preserved in-situ and in an appropriate setting; or - there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigation is proposed.

2.11.2 Fife Council's Archaeologist has been consulted on this application and has advised that archaeological features spanning the prehistoric to the medieval periods are revealed in aerial photographs of the field proposed for development and that this landscape of buried archaeology almost certainly extends into the proposed development site. The consultation response concludes by noting that a scheme of archaeological works should be secured by condition.

2.11.3 The proposal complies with FIFEplan (2017) Policy 1, 14 and Making Fife's Places Supplementary Planning Guidance (2018).

2.12 Houses in Multiple Occupation

2.12.1 A condition is proposed to ensure that the proposed dwellings cannot be used as Houses in Multiple Occupation.

CONSULTATIONS

Urban Design, Planning Services	Comments received.
Policy And Place Team (North East Fife Area)	No issues raised.
Land And Air Quality, Protective Services	No objections, conditions recommended.
Scottish Water	No objections.
Archaeology Team, Planning Services	Condition recommended.
Transportation, Planning Services	No objections, subject to conditions.
Environmental Health (Public Protection)	No objections.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Education (Directorate)	No critical capacity risks.
Housing And Neighbourhood Services	4 affordable units to be provided on-site.
Parks Development And Countryside	Contribution required.
Community Council	Initial concerns raised regarding provision of affordable housing not being provided on site.

REPRESENTATIONS

10 objections have been received. Concerns raised include:

Development is contrary to the local development plan allocation - Addressed in Section 2.2

Overdevelopment of the site - Addressed in Section 2.3

Residential amenity impacts on neighbouring properties - Addressed in Section 2.4

Road safety impact in terms of access through existing cul-de-sac - Addressed in Section 2.5

Road safety impact in terms of increased traffic on Stratheden Place/A91 - Addressed in Section 2.5

No affordable housing to be provided within the site - Addressed in Section 2.9

Flooding/surface water and foul drainage impacts - Addressed in Section 2.7

Visual impact on surrounding landscape - Addressed in Section 2.3

Loss of prime agricultural land - Addressed in Section 2.2

Impact on local services - Addressed in Section 2.9

Visual impact on proposal on surrounding houses - Addressed in Section 2.3

Road safety and residential amenity impacts during the construction period - Addressed in Section 2.5

Concerns raised which are not considered to be material planning considerations include:

Ground stability impacts

Loss of private view

CONCLUSIONS

Whilst the application proposal does develop a small area of countryside, in addition to FIFEplan (2017) allocated site AUC001, it does so in a way that has no significant landscape or visual impact on the surrounding area. Given there is a small shortfall in the 5-year housing land supply in this area and that a proportion of affordable housing is being provided on site in line with relevant guidance, the inclusion of the small area of countryside (25% of the overall site area) can be accepted in this instance. The proposed development presents an efficient design which would realise the development of a long-term vacant allocated site, which having no significant impact on surrounding properties. The site is located within a sustainable location, close to public transport and walking links which would reduce the reliance on private car trips. Furthermore, no significant concerns would be raised with regard to design/visual impacts, residential amenity impacts, road safety impacts, flooding/drainage impacts or natural heritage impacts. The proposal is therefore acceptable and in compliance with FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018) and is acceptable, subject to conditions and a legal agreement which would secure the affordable housing provision and contributions to upgrade the neighbouring area of greenspace.

RECOMMENDATION

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

A legal agreement securing:

Greenspace contribution totalling £20,400.

Affordable housing contribution securing 4 units to be provided on-site.

and the following conditions and reasons:

1. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the approved document 33 - Site Investigation Report (David R Murray and Associates May 2022). For the avoidance of doubt, this shall include specialist stage 1 radon protective measures (as described in Section 9.4 and 11.0 of the report). In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

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

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

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

3. All roads and associated works serving the proposed development as shown on the approved site plan (Approved document 2B) shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption. For the avoidance of doubt, the works shall include the following: The provision of a raised table at the start of the street at the west end of the site.

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

4. Prior to the occupation of each house, all roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

5. Prior to the occupation of each house the off-street parking provision within the plot shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

6. BEFORE ANY WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for the investigation, recording and rescue archaeological excavation of remains on the site.

7. Prior to occupation of the first dwelling, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

8. Each residential unit provided on the site shall be used solely as a residence for (a) a single person or by people living together as a family; or, (b) not more than 5 unrelated residents living together in a dwellinghouse. For the avoidance of doubt none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

Reason: In the interests of maintaining a mixed and balanced housing stock as required by Policy 2 of the Adopted FIFEplan 2017.

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

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

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
PAN 1/2011 Planning and Noise
PAN 33 Development of Contaminated Land

Development Plan
Adopted FIFEplan (2017)
Fife Council's Supplementary Guidance on Affordable Housing (2019)
Fife Council's draft Planning Obligations Framework (2017)
Making Fife's Places Planning Supplementary Guidance (2018)
Fife Council's Low Carbon Fife Supplementary Guidance (January 2019)

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 Planning Obligations Framework Guidance (2017)
Fife Council's Planning Policy for Development and Noise (2021)
Fife Council's Air Quality in Fife - Advice for Developers (2020)

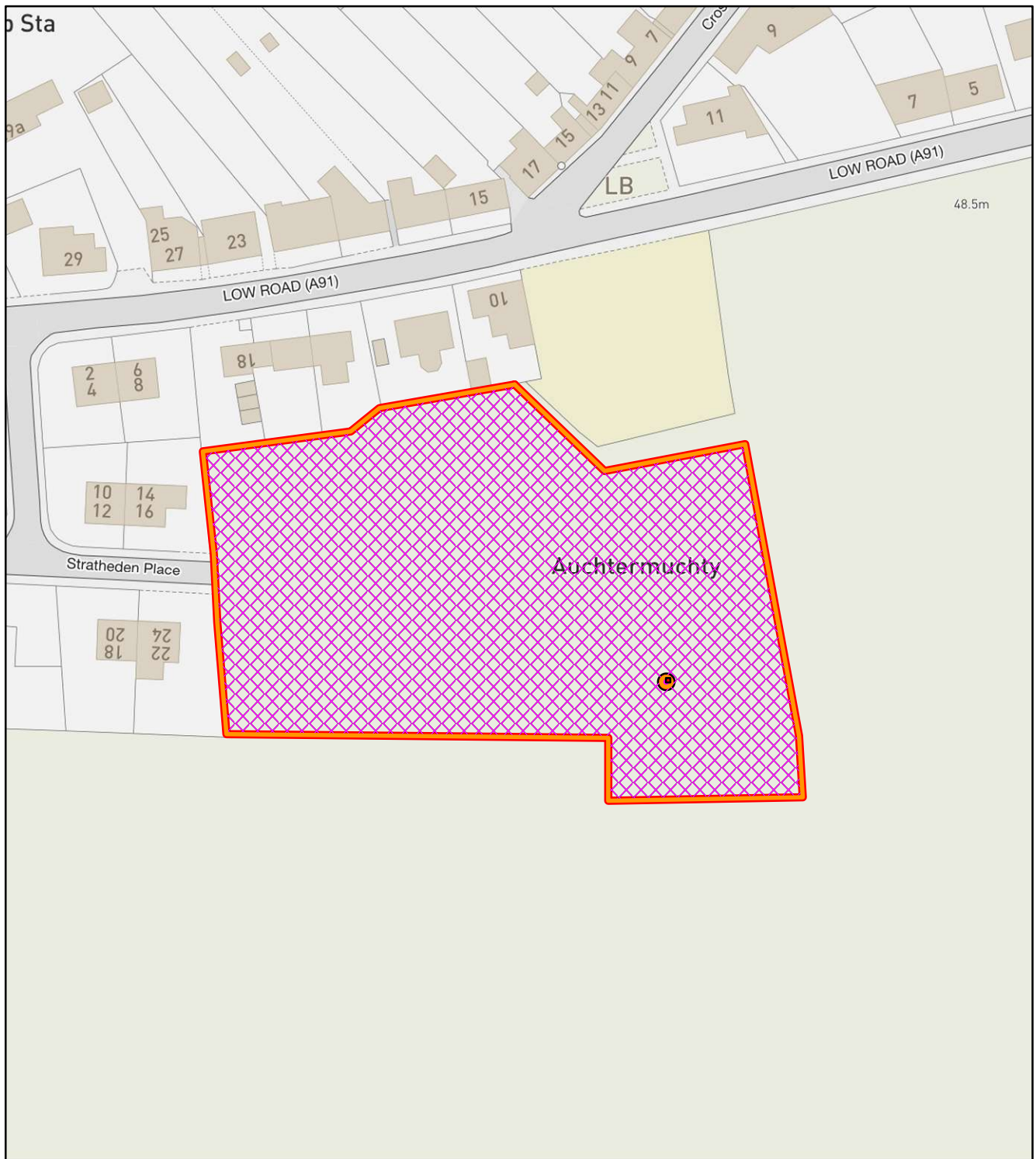
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

Report prepared by Jamie Penman Chartered Planner, Case officer
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 20.10.22

Date Printed 17/08/2022

22/00833/FULL

Land To East Of Stratheden Place Auchtermuchty

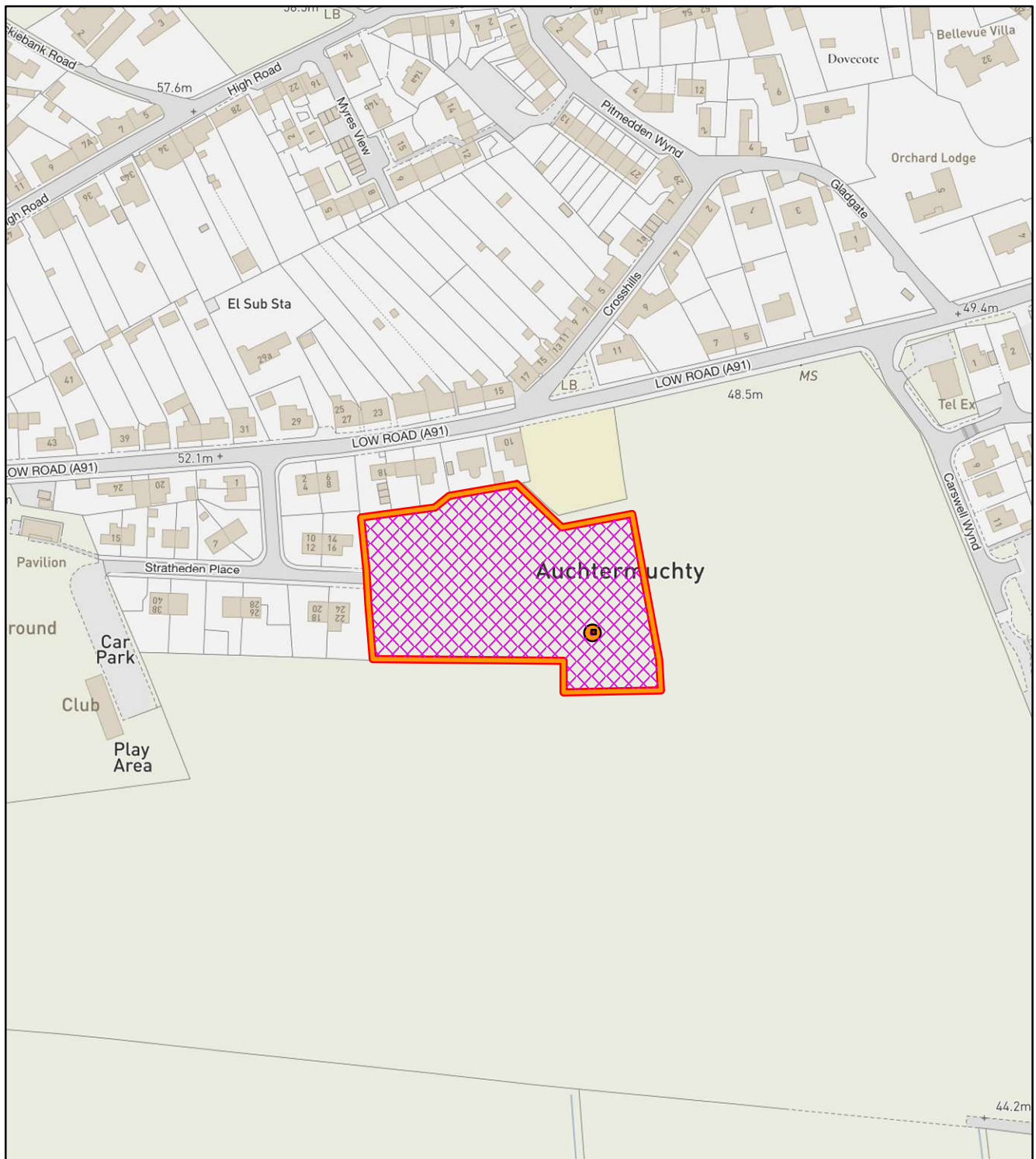


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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

22/00833/FULL

Land To East Of Stratheden Place Auchtermuchty



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO:	5
APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00950/FULL	
SITE ADDRESS:	LAND TO EAST OF MANSE ROAD SPRINGFIELD
PROPOSAL :	ERECTION OF 30 NO. AFFORDABLE HOUSING UNITS, FORMATION OF VEHICULAR ACCESS POINTS, LANDSCAPING AND OTHER SUPPORTING INFRASTRUCTURE
APPLICANT:	FIFE COUNCIL AND CAMPION HOMES LIMITED PITREAVIE DRIVE DUNFERMLINE FIFE
WARD NO:	W5R20 Cupar
CASE OFFICER:	Jamie Penman
DATE REGISTERED:	01/04/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

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

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.1 Background

1.1.1 This application proposal relates to an area of land which measures approximately 1.5Ha and is located out with, but immediately to the south of the defined settlement boundary of Springfield. The application site is defined as prime agricultural land (with moderate climate limitations) but is not currently in agricultural use and consists of rough grassland, with no notable areas of mature vegetation present. Hedging and sporadic tree planting is present along the northern and southern boundaries. There is no formal vehicular access into the site, however, the western boundary of the site does sit level with Manse Road for a length of approximately 120m. The application site is generally flat and there are areas of surface water flood risk identified on the SEPA flood maps. Residential properties which are within the Springfield settlement boundary border the application site to the north, the remainder of the field is located to the east, a paddock is located to the south with an active railway line and associated level crossing beyond and Manse Road and further agricultural fields are located to the west.

1.1.2 This application proposal is for the erection of 30 affordable dwellings, formation of two points of access and associated infrastructure and landscaping works. The proposed site layout presents an internal loop road with houses largely orientated to provide a frontage onto the road. Proposed property types include a mix of single storey and two storey semi-detached buildings. There would be 8 bungalows (2 bedrooms) and 22 two-storey houses consisting of between 2 to 5-bedroom properties. All properties would have private garden ground areas. A varied car parking strategy has been adopted which includes both in-curtilage parking (to side) and the use of a parking court. Visitor parking has also been provided, making use of parking laybys. The proposal includes an area of landscaped public open space, a suds basin and also includes a footpath link through to the play park on Arthur Place, providing a more direct route into Springfield. The site layout shows a significant amount of landscaping with a mix of hedging and tree planting proposed. A mix of boundary treatments are also proposed including post and wire fencing with hedging around the perimeter of the site, 1.8m timber fences bounding private garden ground areas and a metal bow top fencing around the suds basin. The proposal is for 100% affordable housing with units to be purchased after completion by Fife Council for the purposes of providing social rented housing.

1.1.3 There is no planning application history associated with this site. The site and part of the wider area on adjacent land (70 dwellings) was once put forward as a candidate site for the local development plan, however, it was ultimately discounted by both Fife Council and the Scottish Government reporter given there was no need for it at the time of promotion.

1.2 Procedural Matters

1.2.1 The application proposal covers a site area of less than 2Ha and is for less than 50 units. It therefore falls within the Local Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. Whilst not required by relevant legislation, the applicant did carry out a pre-application consultation. Some concerns have been raised by Springfield residents regarding the publicity of this event. Given this was a non-statutory exercise which the developer voluntarily undertook, the Planning Service cannot consider the claims made by local residents.

1.2.2 It is understood that Fife Council will purchase all of the units for the purposes of providing social rented housing. Circular 3/2009: Notification of Planning Applications advises that in certain circumstances where an authority has a financial interest in the development, notification to Scottish Ministers must be made prior to the grant of planning permission. As this proposed development is not significantly contrary to the Local Development Plan, in that an approval would not undermine the land use strategy of the plan, there is no requirement for notification of the application to Scottish Ministers.

2.1 Planning Assessment

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Sustainable Travel and Road/Pedestrian Safety
- Land and Air Quality
- Flooding/Drainage
- Natural Heritage
- Planning Obligations
- Low Carbon Fife
- Impact on Railway Infrastructure

2.2 Principle of Development

2.2.1 FIFEplan (2017) Policy 1 Development Principles applies and states that development proposals will be supported if they conform to relevant development plan policies and proposals and address their individual and cumulative impacts. Part A of Policy 1 states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan. As the application site is located out with the settlement boundary of Springfield, it is located within the countryside. As such, FIFEplan Policy 7 (Development in the Countryside) applies and states that development in the countryside will only be supported where it is for housing in line with Policy 8 (Houses in the Countryside). Policy 8 states that development of houses in the countryside will only be supported where it is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes). Policy 2 states that housing development 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 Local Development Plan or on other sites provided the proposal is compliant with the policies for the location. Policy 2 further states that the development of sites adjacent to settlement boundaries, excluding green belt areas, solely for the provision of small-scale affordable housing, may be supported where there is established and unmet local need and if no alternative site is available within a settlement boundary. Policy 2 continues to note that in such instances, priority will be given to the redevelopment of brownfield sites. Policy 2 also advises on an acceptable scale of affordable housing developments which are adjacent to a settlement boundary. It states that development will reflect the character of the settlement - a maximum of 20 units for settlements with fewer than 200 households; a maximum of 30 units for settlements of between 200 and 1,000 households; and a maximum of 49 units for settlements of greater than 1,000 households. FIFEplan Policy 7 (Development in the Countryside) also applies and states that development

on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need.

2.2.2 Submitted objection comments raise concerns with the proposal given it consists of a non-allocated, greenfield site. Comments also note that there is no need for affordable housing in Springfield and that Springfield already has a high ratio of affordable housing. Objections also raise concerns that the site was previously rejected for allocation in FIFEplan (2017). Some comments also raise issue with the application site being prime agricultural land and that if developed, the site would no longer be available for agriculture or recreation.

2.2.3 The application site is adjacent to but outwith the settlement boundary of Springfield and as such, is located within the countryside as defined by FIFEplan (2017). The principle of development cannot therefore be automatically accepted and must comply with FIFEplan Policies 1, 2 and 7 as noted above. The applicant has submitted a supporting statement with the application which considers alternative sites within the settlement boundary, as required by FIFEplan Policy 2. The supporting statement notes that a review of vacant sites within the settlement boundary were considered with 3 being identified which includes LDP allocated site SPF003 and Vacant & Derelict Land sites EF033 and STA012. SPF003 was discounted due to planning permission recently being granted on this site with plans being likely to progress in the very near future. EF003 was discounted due to its small size, not being able to accommodate the proposed development and due to viability issues. Site STA012 was also discounted due to its small size. The removal of these sites from the site selection process is accepted. There is only one further site within Springfield which was not considered by the applicant which was LDP allocated site SPF001. Whilst this site does have a recent planning approval, it does not yet appear to have been commenced. Notwithstanding, the site would be too small to accommodate the development and can therefore be discounted. In light of the foregoing, it has been demonstrated that there is no alternative site within or brownfield site adjacent to the settlement boundary. With this being the case, the development must also demonstrate that there is a proven need for such a development in the area.

2.2.4 Fife Council's Affordable Housing Team was consulted on this application and have advised that there is a high need for affordable housing in the settlement of Springfield and that this can be demonstrated by considering data extracted from the Fife Housing Register. The consultation response continues by noting that in April 2022 there were 88 applicants who specified Springfield as an area of choice and there are currently 144 affordable properties (102 Fife Council and 42 Housing Association) in Springfield with only 4% of Fife Council properties being relet in the previous year. Whilst this total does not include the 30 affordable units on site SPF003 (Crawley Court), if these were deducted from the above total, there would still be a need of around 60 units. The Affordable Housing Team also note that the housing mix presented reflects the needs for affordable housing identified in the Local Housing Strategy Area (LHSA). In light of the foregoing, it has been confirmed that there is a proven local need for more affordable housing in the area. No significant concerns would therefore be raised with regard to objection comments which cite an overprovision of affordable housing within Springfield. With this being the case, the development must also demonstrate that it is of an acceptable scale, given it is located out with the settlement boundary.

2.2.5 The application proposal is for 30 units. FIFEplan Policy 2 notes that for settlements which contain between 200 and 1000 households, a development of a maximum of 30 units would be acceptable. Springfield has approximately 407 households therefore the scale of development presented in this application would be acceptable. Given Springfield would still represent a small community of less than 500 households, no significant concerns would be raised with regard to

objection comments which cite concerns regarding the proposal's impact on the character of the village.

2.2.6 Finally, whilst not currently in use for agricultural purposes, the application site is located on defined prime agricultural land and is categorised as having moderate climate limitations. FIFEplan Policy 7 sets out that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need. As highlighted in Section 2.2.3 there is a high need for affordable housing in Springfield therefore the development of this area of prime agricultural land can be accepted. Objection comments note that the site as a valuable greenspace for recreation would be lost, however, as this is a privately owned field and not protected open space, no concerns would be raised in this regard.

2.2.7 The proposal complies with FIFEplan Policies 1, 2 and 7 and therefore complies in principle with the local development plan. The ultimate acceptability of the proposal will be subject to further detailed assessment as noted below.

2.3 Design and Visual Impact

2.3.1 FIFEplan (2017) Policies 1, 10, 13, 14 and Making Fife's Places Supplementary Planning Guidance apply and relate, in part, to the visual impact of the development. Part C of Policy 1 requires development proposals to be supported by information or assessments to demonstrate an acceptable layout and design. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and must demonstrate that it will not lead to a significant detrimental impact on amenity in relation to its visual impact on the surrounding area. Policy 13 relates to the natural environment and states that development shall only be supported where it will protect or enhance natural heritage assets including the landscape character. Policy 14 relates to the built environment and states that new development shall demonstrate how it has taken account of and meets the six qualities of successful places which include 1. distinctive; 2. welcoming; 3. adaptable; 4. resource efficient; 5. safe and pleasant; and 6. easy to move around and beyond.

2.3.2 Concerns are raised in submitted objection comments regarding the adverse visual impact of the development on the adjacent settlement, surrounding countryside and landscape character views beyond the development site.

2.3.3 The application site is located within the countryside and careful consideration therefore needs to be given to its visual impact on both the surrounding area and the adjacent settlement. The application site is bordered by the settlement of Springfield to the north, Manse Road to the west, an area of protected open space to the south and railway line beyond, with the remainder of the existing field located to the east. In simple visual impact terms, given the containment of the site, no significant concerns would be raised with the development creeping out unnecessarily into the countryside. It would appear as a natural extension to the settlement boundary. The site and surrounding land is relatively flat and when viewed from a distance, it would read as part of the settlement of Springfield. No significant concerns would therefore be raised with regard to the development's visual impact on the wider countryside environment or the adjacent settlement.

2.3.4 With regard to the site layout itself, the development would be accessed from two new points of vehicular access created on to Manse Road. A further pedestrian only link would be provided into the Park on Arthur Place, helping to create a development which is east to move

around. There would be an internal road network loop within the site with many of the proposed dwellings fronting onto this. Dwellings have been orientated to provide an active frontage onto Manse Road. Proposed property types include a mix of single storey and two storey semi-detached buildings. There would be 8 bungalows (2 bedrooms) and 22 two-storey houses consisting of between 2 to 5 bedrooms. Finishing materials would consist of a white dry-dash rendering with areas of grey weatherboarding, grey concrete roof tiles and UPVC windows and doors. All properties would have private garden ground areas. A varied car parking strategy has been adopted which includes both in-curtilage parking (to side) and the use of a parking court. Visitor parking has also been provided, making use of parking laybys. The proposal includes an area of landscaped public open space and a suds basin. The site layout shows a significant amount of landscaping with a mix of hedging and tree planting proposed. A mix of boundary treatments are also proposed including post and wire fencing with hedging around the perimeter of the site, 1.8m timber fences bounding private garden ground areas and a metal bow top fencing around the suds basin. The scale and massing of the proposed development would fit in well with the character of Springfield and raise no significant concerns regarding its visual impact.

2.3.5 The proposal would therefore comply with FIFEplan Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance.

2.4 Residential Amenity

2.4.1 FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance apply and relate, in part, to residential amenity impacts that may arise from a development. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that it must demonstrate that it will not lead to a significant detrimental impact on amenity in relation to loss of privacy sunlight, daylight or noise, light/odour pollution or other relevant other nuisances, including construction impacts. Planning Advice Note 1/2011: planning and noise and Fife Council's guidance note on Development and Noise (2021) also apply and provide guidance on how the planning system helps to prevent and limit the adverse effects of noise. Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings, Daylight/Sunlight and Garden Ground also apply.

2.4.2 Submitted objection comments raise residential amenity concerns with the proposal. Comments note that the development would result in privacy impacts on adjacent properties along on the northern boundary of the site. Further concerns are raised regarding noise and light pollution impacts. Some comments also cite impacts that may occur during the construction period.

2.4.3 The application site has been designed in such a way which would negate any significant overlooking or overshadowing conflicts. This applies to both properties located along the site boundary and to the location of the proposed properties within the site. A limited amount of new overlooking would be created through the placement of Blocks A and B in respect to Beechwood House, however, minimum distances of 18m between window openings would be met, minimum garden lengths of 9m have been provided and any overlooking that may occur would be onto parking areas, not private amenity space. A window on the northern elevation of Block C may cause conflict with neighbouring Kallane House and a condition has therefore been added for revision elevations to be submitted which shows its removal. The existing hedge along the northern boundary of the site is to be retained, however, it is considered that more robust landscaping along this boundary would reduce privacy conflicts further. This can be captured

through the landscaping plan which is to be provided by condition. Whilst there would be an element of new overlooking introduced along the northern boundary of the site, given the limited nature of any overlooking which may occur, no significant concerns would be raised in this regard.

2.4.4 Private garden grounds have been provided for all properties within the application site. A range of sizes have been provided from 70sqm to 150sqm. Approximately 7 out of the 30 units do not meet the 100sqm guideline, however, garden areas for these properties range from between 70sqm to 95sqm. Given the small number of properties which do not meet the 100sqm guideline, no significant concerns would be raised with regard to this having a significant detrimental impact on residential amenity. The range of garden ground sizes would provide an element of choice, with the possibility of prospective applicants getting a size of garden which would suit their needs. Furthermore, there is a large area of open space on site and easy access to a nearby play park.

2.4.5 As the development would be a residential development, no concerns would be raised regarding noise impacts on neighbouring properties. Furthermore, given the adjacent area is an existing settlement with existing street lighting, no significant concerns regarding light pollution impacts would be raised.

2.4.6 A noise impact assessment (NIA) has been submitted with the application which details the impact rail traffic noise may have on the development. The NIA details the survey method and results, which have been reviewed by Fife Council's Environmental Health Team. The report concludes that there would be no significant impact with regard to rail traffic noise on the development both in respect of internal and external areas. Environmental Health has agreed with the findings of the report. In their consultation response, Environmental Health do note that a scheme of works is submitted in order to mitigate construction impacts on neighbouring properties. This has been submitted and is accepted. Environmental Health has also recommended construction hours which the developer would be expected to adhere to. As with any development, impacts are likely to arise during the construction period, however, these will only be temporary. If any significant impacts arise during the construction period, Environmental Health can take action in line with legislation relevant to their department.

2.5 Sustainable Travel and Road/Pedestrian Safety

2.5.1 FIFEplan (2017) Policies 1, 3 and Making Fife's Places Supplementary Planning Guidance apply. Policy 1 requires development proposals to be supported by information or assessments to demonstrate that they will provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Policy 3 continues by noting that where necessary and appropriate, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, which may include local transport and safe access routes which link with existing networks, including for walking and cycling. Making Fife's Places Supplementary Planning Guidance Appendix G sets out transportation development guidelines for development sites.

2.5.2 Submitted objections raise concerns with the proposed development in that occupiers would be dependent on the use of a private car given the limited services within Springfield. Further concerns are raised with regard to the suitability of Manse Road to access the development both in terms of geometry and the nature of existing vehicles that currently use the

road (church traffic/large farm vehicles). Many objections raise concerns regarding the safety of the Manse Road/Main Street/Station Road junction with regard to visibility. Concerns have also been raised regarding the suitability of the information that was submitted with the application. An independent review of the submitted Transport Statement was also submitted in an objection comment.

2.5.3 The application site would be accessed of Manse Road, where two new accesses would be formed. Manse Road is two lanes at its junction with Main Street/Station Road, however it does narrow to single lane before widening again just before the application site. There is currently only one footway on the eastern side of Manse Road. Manse Road is currently used by a mix of traffic including residential, agricultural and trips to/from the church. There are currently no parking restrictions on Manse Road besides a small stretch of double yellow lines towards its northern end, however, it is noted that any on street parking that may occur on narrower sections would likely lead to traffic flow being blocked. In terms of the development itself, there would be an internal loop road serving the development and a further pedestrian/cycle link on the north-eastern boundary, leading to the existing play park on Arthur Place. Public transport is available in Springfield, albeit limited, with the application site being located approximately 300m away from the closest bus stop. The application site is located approximately 800m away from the railway station. All dwellings would be provided with off-street parking, largely provided in-curtilage to the side of houses. The site layout also shows two parking courts which would each serve two houses respectively.

2.5.4 The applicant has committed to upgrading sections of Manse Road where required. Fife Council's Transportation Development Management Team has been consulted on the proposal and have advised that the Manse Road carriageway is some 3.7 metres wide over a length of some 140 metres and to address the increase in the possibility of two vehicles meeting on the single lane carriageway and avoid overrunning of the footway, the existing carriageway shall be widened into the existing adopted grass verge to the south of 2 Manse Road to provide a passing space. This can be addressed via a planning condition. The proposal also includes the upgrading of the private section of Manse Road fronting the application site, to a prospectively adoptable standard which would include a 5.5m wide carriageway and a 2m wide footway. TDM has noted that a 2m wide grass verge/service strip shall also be included on the west side of the upgraded road and that to encourage vehicle speeds of below 20mph, the upgrade of Manse Road shall include a pair of speed cushions on the northern boundary of the site and fronting plot 23. This can also be addressed through the use of an appropriately worded planning condition. Whilst TDM note that the development does raise some concerns with regard to the lack of sustainable transport options in Springfield, they do not object to the overall application in relation to its road safety impact (general road safety and increased traffic numbers). TDM have also reviewed the comments submitted in an objection comment which included a review of the submitted Transport Assessment. Whilst TDM agree that the submitted TA may have underestimated the number of trips which may be generated by the proposal (13 two way trips during the AM peak and 10 two way trips during the PM peak), they do note that any underestimation would not be significant. TDM raise no further concerns with the submitted information. TDM have recommended that conditions be attached to any consent issued, which are agreed.

2.5.5 TDM noted that the footpath to Arthur Place should be located on the western boundary of the park, rather than through the middle. However, Campion homes do not have ownership of that area of land. The path leading to the central/western side of the park would raise no concerns. A gated access would be provided.

2.5.6 In response to submitted objection comments, full consideration has been given to the suitability of Manse Road to serve the development. Whilst it is accepted that Manse Road is narrow in places, given the relatively low number of trips the development is likely to generate, combined with the improvement measures proposed by the applicant and suggested by TDM, the development would not be considered to have any significant impact on existing levels of road safety in the surrounding area. It is also accepted that a mix of traffic currently uses Manse Road, however, there would be sufficient space created for vehicles to navigate to/from Main Street. For the avoidance of doubt, the planning process cannot take into account poor driving/parking practices which may occur on the road network.

2.5.7 Whilst the proposal may encourage the use of a private car, there are public transport links and services available within Springfield which may limit the use of a private car. A high need for affordable housing has been identified within Springfield and as a result of an increased population, public transport and other facilities may be improved in the future as a result. The proposal raises no other significant road/pedestrian safety concerns and therefore complies with FIFEplan Policies 1, 3 and 10 and Making Fife's Places Supplementary Planning Guidance.

2.6 Land and Air Quality/Land Stability

2.6.1 FIFEplan (2017) Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance apply and state that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to contaminated/unstable land and/or air pollution. Fife Council's Air Quality in Fife - Advice for Developers guidance note and Planning Advice Note 33: Development of contaminated land also apply.

2.6.2 Submitted objection comments raise concerns regarding air quality impacts that the development may have.

2.6.3 The application site is not within a coal authority area of risk therefore no significant concerns would be raised with regard to land stability. A site investigation desk study was undertaken and submitted by the applicant which recommends that intrusive site investigation are undertaken with regard to potentially contaminated land. Fife Council's Land & Air Quality Team has reviewed the study, has agreed with its finding and has recommended that conditions are attached to ensure the safe development of potentially contaminated land. They do not raise any concerns with regard to air quality.

2.6.4 Subject to further information being submitted, the site could be safely developed with regard to potentially contaminated land. Furthermore, given the nature of the development in terms of low trip generation and its locations, no significant concerns would be raised with regard to impacts on air quality. The proposal would comply with FIFEplan Policies 1 and 10.

2.7 Flooding and Drainage

2.7.1 FIFEplan (2017) Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance apply. Part B of Policy 1 requires development proposals to avoid flooding and impacts on the water environment and Part C states that development Proposals must be supported by information or assessments to demonstrate that they provide sustainable urban drainage systems in accordance with any relevant drainage strategies applying to the site. Policy 3 requires development proposals to provide the required level of infrastructure including foul

and surface water drainage, including Sustainable Urban Drainage Systems and Policy 12 states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also applies.

2.7.2 Submitted objection comments raise concerns with the existing drainage infrastructure in Springfield. Comments note that the development would worsen existing foul and surface water drainage issues. Concerns regarding flooding on Manse Road and access into the development at times of flooding has also been raised. Some comments also note that a pre-development enquiry (PDE) has not been undertaken with Scottish Water.

2.7.3 SEPA flood maps identify that there are areas of the site and access into the site which may be prone to surface water flooding. The level of risk has been noted as high which equates to a 10% risk each year that flooding may occur. A flood risk assessment has been submitted with the application which considers flooding impacts on the development. In terms of surface water and foul drainage, a suds basin has been proposed at the eastern boundary of the site where site surface water would be retained and discharged to an existing surface water sewer at a restricted rate, with foul drainage discharging to the Scottish Water network. A PDE was undertaken with Scottish Water which raised no capacity issues.

2.7.4 Whilst part of Manse Road may be subject to flooding, the FRA states that safe vehicular and pedestrian access to the site would be maintained.

2.7.5 Fife Council's Structural Services Team has been consulted and has reviewed the submitted drainage and flooding information. Following some initial queries on the submitted information, revised information was submitted to the satisfaction of the Structural Services Team. Scottish Water have also been consulted on the proposal and have raised no objections.

2.7.6 The proposal complies with FIFEplan Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance.

2.8 Natural Heritage

2.8.1 FIFEplan (2017) Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance apply and states that development proposals will only be supported where they protect or enhance natural heritage and access assets including trees and hedgerows that have a landscape, amenity, or nature conservation value.

2.8.2 Concerns have been raised in submitted objection comments regarding the impact the development may have on the ecology of the site, both in terms of animal species and plant life.

2.8.3 The application site is agricultural land, however, it is currently covered in rough grassland. There is limited other vegetation around the site with mature hedgerows along the northern boundary and also hedging with limited sporadic tree planting along the southern boundary. A tree report has been submitted which notes that there are no trees of great significance within the site and that root extents of existing trees would be largely reduced due to field cultivation and boundary drainage ditches. A preliminary ecology appraisal has been submitted with the application which considers the impact of the development on natural heritage assets that the site may have. The submitted study discusses the survey methods used and summarises the findings. The study notes that the site does not lie or is adjacent to any designated site. It

continues by noting that the site is semi-rural and bordered by hedgerows and some immature tree species and considers that there may be some temporary impacts to habitats and protected species, however, these would be short term impacts which can be minimised and mitigated against. The report notes that no evidence of protected species were identified within 50m of the site therefore no significant impacts were raised. The report does note that there is clear evidence of the presence of bird species on the site however no nests or nesting behaviours were identified during the survey and it is therefore advised that any site clearance works should be undertaken out with the bird nesting season (March to July inclusive). The report recommends biodiversity enhancements including the use of bat boxes, bird boxes and bee bricks. These have not been specified through the application but can be addressed by condition. No significant impacts would be raised with regard to hedging and trees which bound the site given none have been identified for removal.

2.8.4 The proposal complies with FIFEplan Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance.

2.9 Planning Obligations

2.9.1 FIFEplan (2017) Policies 1, 4 and Making Fife's Places Supplementary Planning Guidance apply and state that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity. The kinds of infrastructure to which this policy applies include transport, schools, affordable housing, greenspace, public art and employment land. Policy 4 also sets out exemptions from such developer contributions which includes developments which include the re-use of previous developed land and proposals for affordable housing. Fife Council's draft Planning Obligations Framework also applies and provides further information on planning obligations and when they are required.

2.9.2 Submitted objections raised concerns with education capacity within the catchment area.

2.9.3 Given the application proposal is for affordable housing, the development is exempt from most planning obligations, except where there are critical capacity issues.

2.9.4 Fife Council's Education Team has been consulted on the proposal and have advised that the application site is located within the catchment area for Springfield Primary, St Columba's Primary, Bell Baxter High and St Andrews High Schools. The consultation response identifies that the development would create no critical capacity issues at these schools, thereby raising no concerns. The consultation response also notes that the application site is also located within the Cupar Local Nursey Area where it has been noted that there is currently a risk that the nursery area will require additional capacity for 3-4-year-old children. The response continues by noting that this can be managed through partner providers, which is a common approach throughout Fife as a result of the Scottish Government's expansion of 1140 hours for all nursey pupils.

2.9.5 In terms of open space, if no other existing areas of open space are available in the surrounding area, developments are expected to provide 60sqm of open space per dwelling. In terms of this application site, an accessible link is being provided to an existing equipped play park measuring approximately 600sqm and access is also available to an existing area of open space at Tarvit Terrace approximately 400m to the north of the site and measures approximately 5,000sqm. Notwithstanding, an area of public open space has been provided within the site and measures approximately 1,100sqm. Whilst not meeting the 60sqm guideline, given there is alternative existing open space in the surrounding area, the development would meet the

requirements for a reduction in this instance. The proposed area of open space is not required to provide an equipped play area given it is an affordable housing development, which is in line with current guidance, however, it will include landscaping and seating areas making it an attractive amenity space.

2.10 Low Carbon Fife

2.10.1 Policy 11: Low Carbon Fife of the Adopted FIFEplan ensures that the Council contributes to the Climate Change (Scotland) Act 2009 target for reducing greenhouse gas emissions by at least 80% by 2050. Adopted Supplementary Planning Guidance Low Carbon Fife (2019) provides guidance on the application of Policy 11 with regard to low carbon energy schemes, sustainable development and air quality.

2.10.2 Submitted objections raise concerns with the proposed housing being served by gas boilers however it should be noted that there is no current policy/guidance which restricts the use of these.

2.10.3 A low carbon and sustainability statement has been submitted with this application. These documents detail measures taken to reduce the developments carbon footprint such as it being located in a sustainable location and through the use of locally sourced finishing materials. It is also noted that solar panels would be provided for each property.

2.10.4 In light of the above, the proposal complies with Policy 11 of FIFEplan and associated supplementary guidance Low Carbon Fife (2019).

2.11 Impact on Railway Infrastructure

2.11.1 FIFEplan (2017) Policies 1 and 3 apply in this instance and states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Accordingly, development proposals will demonstrate how they address impacts on the local railway network, including capacity.

2.11.2 Many objections raise concerns regarding the development's proximity to the railway level crossing which is located to the south of the site. Representations note that the development would lead to more traffic over the crossing and that it would be to the detriment of public safety.

2.11.3 Given the development's proximity (200m) to an existing level crossing, the applicant has considered the impact on this piece of infrastructure. They state that given the nature of the road beyond the application site towards and beyond the level crossing, the lack of necessary destination along this road for new residents within the application site and the lack of through access to the A914, they estimate there could be zero additional vehicle movements across the level crossing as a result of the development on land to the east of Manse Road progressing. The applicant has also noted that to further ensure there is no dubiety with drivers, additional signage can be erected at the southern site junction onto Manse Road that clarifies Manse Road south of the site is a "no-through route" and that vehicles should affect a right turn only onto Manse Road. The applicant has also considered pedestrian movements and has conceded that the prediction of pedestrian movements as a result of a development is more difficult to estimate. They have noted that such movements would be related to need and opportunity. They state that with regards to need, as with vehicle movements, there is in effect no need for pedestrians to make use of the level crossing as they will be able to access bus / rail services within Springfield only by turning right onto Manse Road as they leave the site or via the new active

travel link to Arthur Place that would be delivered as part of the proposals and that walking to school / nursery / retail / tavern can only be realised through similar routes.

2.11.4 The applicant states that the opportunity to make use of the level crossing may arise for those residents who wish to access the local countryside. They state that there may be an existing level of recreational related pedestrian movements that make use of the level crossing at present and if the proposed development is taken as a percentage of existing households within Springfield (465 = 407 households within the Springfield locality as at 2011 + 43 new homes delivered at Laurel Bank and 5 new homes delivered at Pennyacre Court) this would equate to a further 6.5% households and perhaps therefore an additional 6.5% recreational based pedestrian movements at the level crossing. On this basis, the applicant states that if there are currently an average 30 such pedestrian movements across the level crossing in any period, there might be an additional 2 pedestrian movements arising as a result of the proposed development during that period.

2.11.5 Network Rail is a statutory consultee on the application and has advised that they have no objections to the application, subject to conditions relating to additional signage to discourage trips over the level crossing, details of construction traffic movements and the submission of a travel plan.

2.11.6 Having considered the context of the proposal and its proximity to the level crossing and the implications of the introduction of new residential properties it is considered that the new development does not present any more significant issues in relation to the level crossing than any other new development within Springfield particularly given that the public transport links are within the village and the resident population will be orientated to the village rather than pulled to use Manse Road for vehicular trips. It is noted that Network Rail have raised no objections to the proposal in relation to concerns relating its infrastructure. Conditions are proposed to highlight the implications relating to the use of the level crossing and provide warning and directive signage to any users of the level crossing.

CONSULTATIONS

Scottish Water	No objections.
Transportation, Planning Services	No objections, subject to conditions.
Housing And Neighbourhood Services	High need for affordable housing in Springfield.
Land And Air Quality, Protective Services	No objections, subject to conditions.
Urban Design, Planning Services	Comments received.
Education (Directorate)	No critical capacity issues.
Policy And Place Team (North East Fife Area)	Comments received.
Structural Services - Flooding, Shoreline And Harbours	No further comments.
Environmental Health (Public Protection)	No concerns regarding rail traffic noise.
Network Rail	No objections, subject to conditions.
Parks Development And Countryside - Rights Of Way/Access	No response.

REPRESENTATIONS

30 objections have been received including an objection from the Springfield Community Council. Concerns raised include:

- Road traffic/pedestrian safety concerns regarding width of Manse Road, its junction with Main Street and Station Road and volume of traffic increase - Addressed in Section 2.5
- Proposal would put more people in conflict with heavy farm vehicles using Manse Road - Addressed in Section 2.5
- Safety concerns regarding the increased use of railway level crossing - Addressed in Section 2.11
- Concerns regarding capacity of existing foul drainage infrastructure - Addressed in Section 2.7
- How will Manse Road be widened? - Addressed in Section 2.5
- Visual impact on Springfield and surrounding countryside - Addressed in Section 2.3
- Road safety and residential amenity impacts during the construction period - Addressed in Section 2.5 and Section 2.4
- Development is on an unallocated site/contrary to local development plan - Addressed in Section 2.2
- Site already been discounted for allocation - Addressed in Section 1.1.3
- Overprovision of affordable housing in the village - Addressed in Section 2.2
- School capacity issues - Addressed in Section 2.9
- Loss of prime agricultural land - Addressed in Section 2.2
- Impact on landscape character - Addressed in Section 2.3
- Impact on site ecology - Addressed in Section 2.8
- Regular flooding of Manse Road may impact on access - Addressed in Section 2.7
- Lack of amenities in Springfield - Addressed in Section 2.5
- No turning area provided - Addressed in Section 2.5
- Field is used for recreation - Addressed in Section 2.2
- Impact on services running down verge on Manse Road - The widening would take place within the adopted road network, no concerns would be raised in this regard.
- Increased light pollution - Addressed in Section 2.4
- Lack of consultation with neighbours and stakeholders - Addressed in Section 1.2 & 2.11
- Concerns regarding low trip rates in Transport Assessment - Addressed in Section 2.5
- Proposal will increase flooding in the surrounding area - Addressed in Section 2.7
- Impacts on privacy of neighbouring houses - Addressed in Section 2.4
- Network Rail should be consulted - Addressed in Section 2.11
- No employment opportunities in Springfield, residents will require use of private car - Addressed in Section 2.5
- Approval of development will lead to a second phase of development - Further development will be considered accordingly if an application is submitted.
- Flood risk has not been properly considered - Addressed in Section 2.7
- Loss of greenspace - Addressed in Section 2.2
- Other sites available - Addressed in Section 2.2
- An air quality impact assessment should be submitted - Addressed in Section 2.6
- Path through to park would create safety issue - Addressed in Section 2.5
- No visibility study of Manse Road junction undertaken - Addressed in Section 2.5
- Internal access issues for refuse vehicles - Addressed in Section 2.5

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

- Development will impact on activities of church
- Poor maintenance of local road network

- There are empty houses to be filled
- Consideration of application should be stopped to allow community time to decide what it wants
- Swept path does not consider tractors
- Loss of private view
- Springfield already has high ratio of affordable housing
- Cars currently break the speed limit
- Impacts on water pressure
- Existing smell from sewage plant
- Proposal will devalue neighbouring properties
- The village should stay small
- Scottish Water pre-development enquiry should be submitted
- Gas heating should not be used
- Police regularly in attendance to other affordable housing developments and gardens not kept in good order
- Impact on small community feel

CONCLUSIONS

Whilst the development would result in the loss of an area of prime agricultural land, the proposed development is considered to be in accordance with the Adopted FIFEplan Local Development Plan (2017), in that it would develop affordable housing on a site that meets the requirements of FIFEplan Policy 2 with regard to the provision of affordable housing adjacent to a settlement boundary, in an area that has been identified by Housing Services as having a shortfall. Mitigation measures such as appropriate landscaping and boundary treatments would ensure that the development would not adversely impact on the visual appearance of the settlement. The proposal is acceptable in layout, design, scale and density and the development would meet the six qualities of place making. The proposed accesses to the site are considered acceptable. The development would not have any significant impact in terms of amenity and natural heritage and would not cause raise any significant concerns with regards to drainage, flood risk or road safety. Overall, the proposal is considered acceptable and would be in accordance with SPP and the Adopted FIFEplan (2017) Local Development Plan.

RECOMMENDATION

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

1. All units hereby approved, shall be affordable housing as defined within Fife Council's Supplementary Planning Guidance on Affordable Housing (2018) and shall be held as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

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

2. All roads and associated works serving the proposed development shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption. Work shall include the following -

- The existing Manse Road carriageway shall be widened into the existing adopted grass verge to the south of 2 Manse Road to provide a passing space (12 metres long with 45° entry/exit kerbing).

- The provision of two pairs of speed cushions on the upgraded Manse Road located at the northern boundary of the site and fronting plot 23.
- The provision of a 3 metres wide shared path between the site and Arthur Place. The shared path shall have low fence between the footpath and the park.

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

3. The shared path which links the application site to the park on Arthur Place shall be fully constructed and accessible, prior to the 20th unit being occupied.

Reason: To ensure the shared path link is delivered prior to the development being fully occupied.

4. Prior to occupation of the first house, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the access roads with Manse Road and at the internal junction, 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 the junctions of the vehicular access with the public road.

5. Prior to the occupation of each house, the off-street parking provision as shown on the approved site plan (document 03A) shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

6. Before they are installed on site, full details of the ecological enhancement measures as detailed in the submitted preliminary ecological appraisal shall be submitted to Fife Council as Planning Authority for prior written approval. The approved ecological enhancement measures shall be installed on site prior to it being fully occupied.

Reason: In the interest of biodiversity; to ensure enhancement measures are provided.

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

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

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

8. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 7. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

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

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

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

10. Before any development commences on site, revised elevations/floor plans of Block C shall be submitted to Fife Council as Planning Authority, which shall show all windows being removed from its north elevation. The development shall then proceed in accordance with the approved revised plan.

Reason: In the interest of residential amenity; to ensure there are no significant privacy impacts with neighbouring properties out with the application site.

11. Before it is installed on site, full details of all lighting to be installed on the site, including along the footpath link to Arthur Place shall be submitted to Fife Council as Planning Authority for prior written approval. The development shall then proceed in accordance with the approved plans.

Reason: In the interest of residential amenity; to ensure there is no significant residential amenity impacts with regard to light spill.

12. To discourage the use of Hospital Mill Level Crossing by residents of the development, the applicant shall install additional road signage prior to the occupation of the first dwelling, to identify that the section of Manse Road from the edge of the application site to Hospital Mill Level Crossing is private. Details of the proposed road signage including the wording and location shall be submitted to the Planning Authority for approval in consultation with Network Rail. The development shall be carried out only in full accordance with such approved details and the signage retained thereafter for the lifetime of the development.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

13. Before any development commences on site, details of all proposed construction traffic movements must be included in a Construction Traffic management Plan which shall be submitted to the Fife Council as Planning Authority for approval in writing, in conjunction with Network Rail. The Construction Management Plan shall state that all construction traffic will not utilise the Hospital Mill Level Crossing. All construction activities shall be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

14. The applicant must not promote any walking/cycling routes that will direct members of the public over the Hospital Mill Level Crossing as part of a travel plan which shall be submitted to Fife Council as Planning Authority for approval in writing, in conjunction with Network Rail. The development shall be carried out in full accordance with the approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

15. Prior to occupation of the first dwelling, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

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

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

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance
SPP 2014
PAN 1/2011 Planning and Noise
PAN 33 Development of Contaminated Land

Development Plan
Adopted FIFEplan (2017)
Fife Council's Supplementary Guidance on Affordable Housing (2019)
Making Fife's Places Planning Supplementary Guidance (2018)
Fife Council's Low Carbon Fife Supplementary Guidance (January 2019)

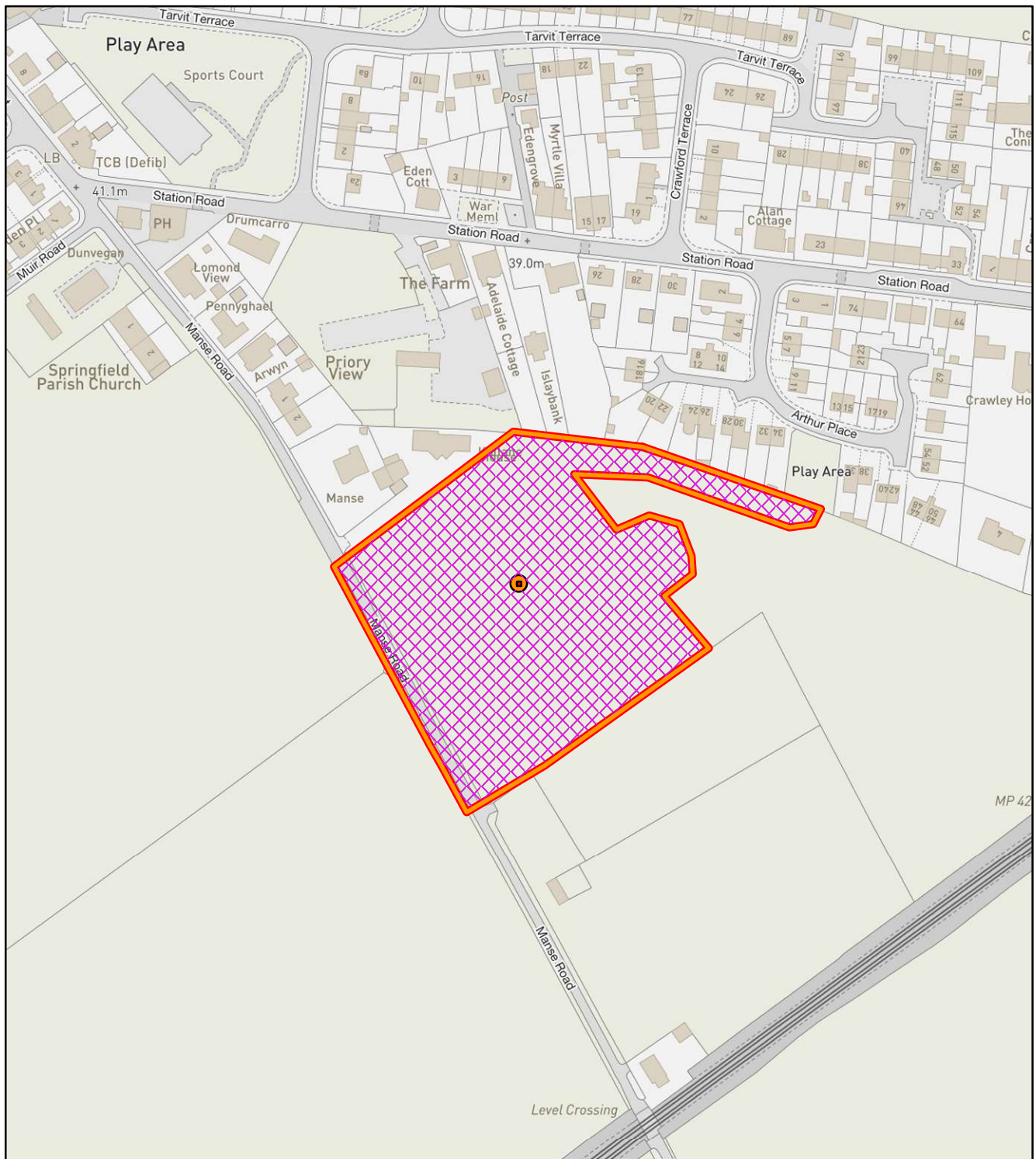
Other Guidance
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)
Fife Council's Planning Customer Guidelines on Garden Ground (2016)
Fife Council's Minimum Distance between Windows Guidance (2011)
Fife Council's Planning Obligations Framework Guidance (2017)
Fife Council's Planning Policy for Development and Noise (2021)
Fife Council's Air Quality in Fife - Advice for Developers (2020)
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

Report prepared by Jamie Penman, Chartered Planner, Case officer
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 20/10/22.

Date Printed 15/08/2022

22/00950/FULL

Land To East Of Manse Road Springfield

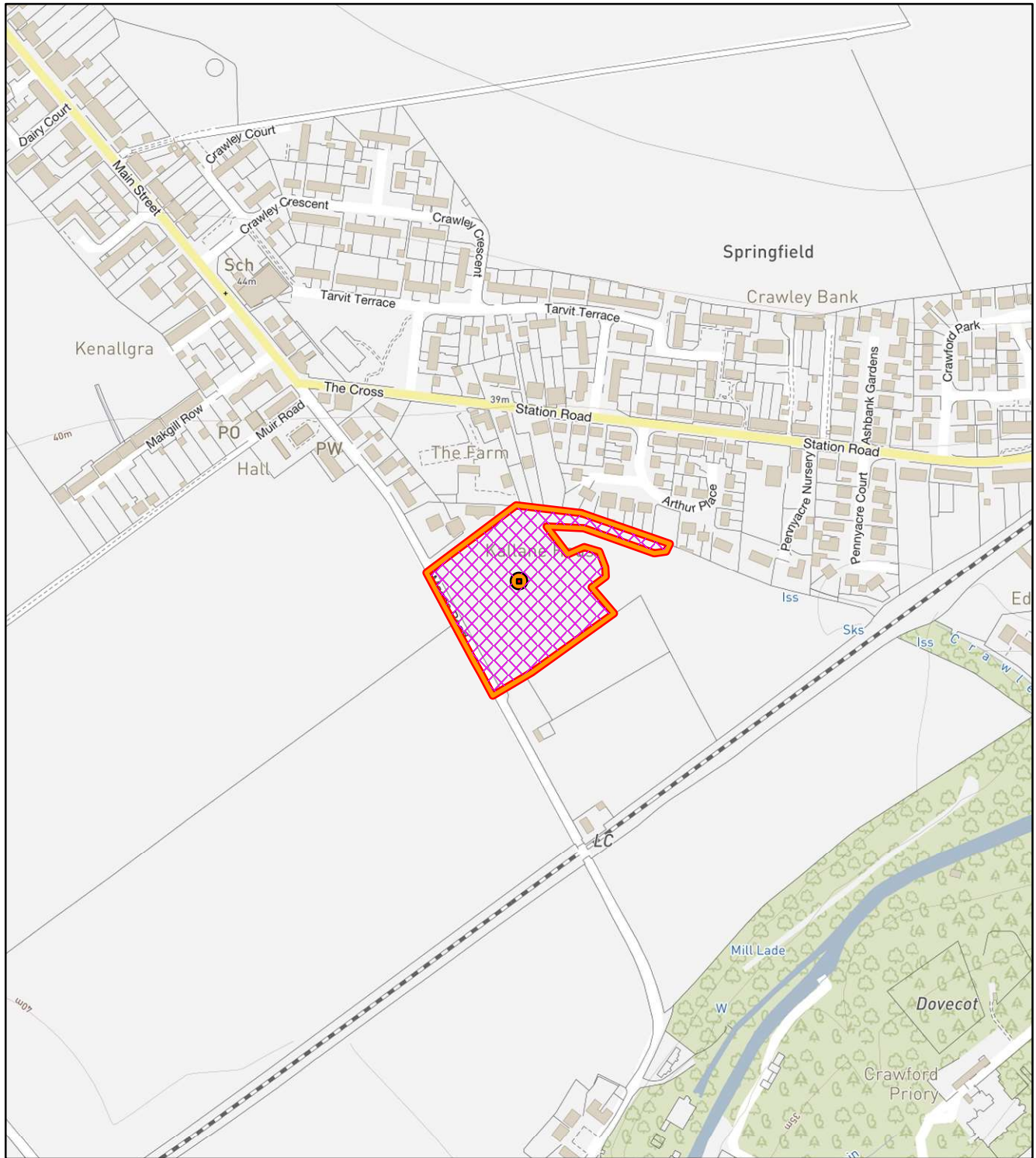


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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

22/00950/FULL

Land To East Of Manse Road Springfield



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 6
APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01205/FULL

SITE ADDRESS: 3 MYRESIDE KINGSKETTLE CUPAR

PROPOSAL : ERECTION OF DWELLINGHOUSE

APPLICANT: MR A MURRAY
12 HALL STREET KETTLEBRIDGE UK

WARD NO: W5R16
Howe Of Fife And Tay Coast

CASE OFFICER: Andy Taylor

DATE REGISTERED: 04/05/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

There are more than 5 objections and 5 supporting representations.

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

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 relates to a flat, rectangular area of land that sits to the west of 3 Myreside, Kingskettle. The site is identified as being countryside land, as per the Adopted FIFEplan, Fife Local Development Plan (2017). The site is currently cut and maintained as a grassed area with a gated access to another rectangular overgrown piece of ground to the west which is part of a larger field and was classified as prime agricultural land but has permission to be garden ground. The property associated with the application is single storey and sits to the east of the application site. The application site is enclosed by a post and wire fence. Vehicular access is achieved from the private single width track road - the road forms part of the Core Path Network. The nearest residential neighbouring properties are located some 20 metres to the west.

1.2 Planning permission is sought for the erection of a dwellinghouse. The application site covers an area of approximately 931 square metres.

1.3 Planning application Ref: 21/01735/FULL for the change of use from agricultural land to garden ground was approved in July 2021.

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

2.0 ASSESSMENT

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

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Garden Ground
- Road Safety/Transportation
- Low Carbon
- Drainage/Water Issues

2.2 Principle of Development

2.2.1 Scottish Planning Policy (2014) (SPP) promotes the use of the plan-led system to provide a practical framework for decision-making on planning applications, reinforcing the provisions of Section 25 of the Town and Country Planning (Scotland) Act (1997).

2.2.2 Policy 1: Development Principles of FIFEplan states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the plan. In the case of development in the countryside, such as here, development will only be supported where it is, amongst other things, for housing in line with Policy 8: Houses in the Countryside. Policy 8 states that development of housing in the countryside will only be supported where:

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;

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

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

2.2.3 The proposed dwelling does not sit within a cluster of at least 5 houses as defined by the adopted FIFEplan (2017), and the gap site is split in to two with the proposed dwelling curtilage taking up the south-western part of the undeveloped area. Should the current application be approved, it would potentially allow a house on the adjacent site at a later date. The proposed dwellinghouse does not meet the terms of any of the other criteria listed above for a dwellinghouse in the countryside. In conclusion, the proposal would be considered to represent sporadic and unplanned development in the countryside, failing to accord with the above provisions of policy relating to the principle of development.

2.3 Design/Visual Impact

2.3.1 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community, safeguarding the character and qualities of the landscape, and complying with the relevant provisions of Policy 7: Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and Policy 13: Natural Environment and Access. Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.3.2 Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of development on the surrounding area. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage assets, including landscape character and views. Policies 7 and 8 state that

development must be of a scale and nature compatible with surrounding uses; and achieve significant visual and environmental benefits for the site and surrounding area, including in terms of siting, design and other aspects of appearance.

2.3.3 Representations have been received objecting to the style of housing being out of character with the surrounding area and being too close to Myreside. The row of houses on Myreside to the east of the application site are traditional single storey terraced stone cottages with pitched slate roofs. The property to the west of the application site is another single-storey bungalow. The proposed dwellinghouse is formed in 2 single-storey pitched roof parts linked and sat in line with the existing cottages in the area. Materials being used include natural timber cladding and profiled sheet metals such as aluminium. Materials not uncommon within the local area and agricultural environment.

2.3.4 In relation to the urban scale and the juxtaposition of the proposed building, it is considered that the proposal is of a scale that sits comfortably within the immediate built environment. It is designed to reflect the area in its scale and design. The design and materials proposed, are reflective of contemporary architecture and the countryside location, which would allow it to sit comfortably within the site and wider townscape.

2.3.5 Overall, it is considered that the proposal is of an appropriate quality of architectural design. The design philosophy has been thought through with full consideration of the site, the previous structure on site and the surrounding townscape, to propose a building that is reflective of, and sits comfortably within, its street setting. It is considered that this presents a form and style that is grounded in the site's context, consistent with the planning policies/guidance as referred to above. The proposal is therefore considered to comply with the relevant local development plan policies in this regard.

2.4 Residential Amenity

2.4.1 Policies 1 and 10 of FIFEplan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise, Fife Council Customer Guidelines on Daylight and Sunlight (2018), Minimum Distances between Window Openings (2011) and Garden Ground (2016) apply in terms of residential amenity.

2.4.2 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity.

2.4.3 Objections have been raised regarding privacy, loss of daylight/sunlight and proximity to 4 Myreside. Due to the positioning of the proposed dwellinghouse, the roof pitches and being single storey, there would be no significant losses of day or sunlight. In addition, it is not considered that any material privacy issues would arise. The proximity of the proposed dwellinghouse to No 4 Myreside is not considered to be an issue.

2.4.4 It is considered with respect to the relationship between the proposed and existing dwellings that a dwellinghouse could be provided within the developable area without any significant detrimental impact on residential amenity. The proposal therefore complies with the above provisions of policy.

2.5 Garden Ground

2.5.1 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses. Fife Council's non-statutory Garden Ground customer guidelines are also relevant here.

2.5.2 The Garden Ground customer guidelines state that all new detached dwellings should be served by a minimum of 100 square metres of private useable garden space and that a building footprint to garden space ratio of 1:3 should be achieved.

2.5.3 The details submitted demonstrate that a well-proportioned private garden ground could be provided as part of the development proposals, extending to significantly in excess of the above target area. The building to garden ratio can also clearly be met. As such, it is considered that the development accords with the above provisions of policy and guidance as they relate to garden ground. However, this is not a determining issue in this case.

2.6 Road Safety/Transportation

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

2.6.2 Fife Council Transportation Development Management team (TDM) have been consulted and have objections to the proposed dwellinghouse. TDM confirm that the proposed development site is to be accessed along an unmade single lane track that is in very poor condition and is unsuitable for any increase in vehicular traffic. TDM also confirm that the addition of a further dwelling breaches the Fife Council limit of no more than 5 dwellings being served from a private access. TDM have concluded in that the unadopted private access track is very sub-standard in terms of width, alignment, construction, footway provision, lighting provision, maintenance and drainage and is therefore unsuitable for further intensification of vehicular traffic or to accommodate the traffic that the development is likely to generate. This would be detrimental to the safety and convenience of pedestrians and road users. The unadopted private access already serves more than the Fife Council Limit of 5 houses. Any

intensification of vehicular use of this private access would be detrimental to the safety and convenience of its users.

2.6.3 In view of the above, the proposed dwelling would not comply with relevant policies and guidelines in terms of road safety.

2.7 Low Carbon

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

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

2.7.3 A Low Carbon Sustainability Checklist has not been submitted but the applicant has stated that solar photovoltaic panels and an air source heat pump have been proposed. In addition, the development will incorporate highly insulated timber frame and low U value glazing. Again, this is not a determining factor in the decision of this planning application.

2.8 Drainage/Water Issues

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

2.8.2 Objections have been raised in relation to water supply issues in the area and flooding caused elsewhere by the development. Fife Council Structural Services, Flooding, Shoreline and Harbours Officers (FSHO) were consulted and raise no issues regarding flooding. With regards to water drainage, FSHO have confirmed that a positive drainage system is required to be submitted, including ground porosity testing results, calculations confirming the size of the soakaway and a drawing of the system's location and details, they have also stated that should the ground not be suitable for a soakaway, then an alternative drainage design would be required. Scottish Water have been consulted and confirm that there is sufficient capacity in the Lomond Hills Water Treatment Works to service the development. At this stage no details have been requested because this is not a determining issue in this case.

CONSULTATIONS

Transportation, Planning Services
Structural Services - Flooding, Shoreline And
Harbours

Land And Air Quality, Protective Services

Scottish Water

Objections

Additional drainage information required

It would appear that there are no former industrial land uses associated with the site. Therefore, the Land & Air Quality Team has no comment to make.

SW confirm that there is sufficient capacity in the Lomond Hills Water Treatment Works

REPRESENTATIONS

59 representations have been received in relation to this planning application, 29 in support and 30 objecting (Including Kettle Community Council) on the following grounds;

- Out of character with the countryside and surrounding area

See Section 2.3

- Road safety including single track access and access maintenance issues and other transportation current and historic problems

See Section 2.6

- Water supply issues

See Section 2.38

- Issues relating to previously approved planning application 21/01735/FULL

Each planning application is assessed under its own merit, as such the objection is not considered material

- Issue with address

Not a material Planning application, all relevant neighbours have been notified and address is subject of property gazetteers

- Applicant must inform neighbours in advance of any electricity loss due to construction and other utility issues

Not a material planning consideration

- Not complying with FIFEplan policies

See Section 2.2

- Would create further housing development as there are gap site on either side

See Section 2.2

- Impact on wildlife

The application site was previously flat grass agricultural land and recently had a change of use to garden ground, as such the impact would be minimal and no evidence that protected wildlife would be at danger.

- Application site is an area of land within only 3 houses and not within a cluster of 5 existing dwellings

See Section 2.2

- Proposed dwelling is too close to Myreside Cottage

See Section 2.3

- This is purely for financial reasons

Not a material planning consideration

- Amenity, loss of privacy, daylight/sunlight

See Section 2.4

- Permitted development rights were removed under previous application to protect residential amenity

Not a material planning consideration.

- Part of core path

Not a determining factor

- Flooding (not on site but may cause flooding elsewhere in the area)

See Section 2.8

- Possible contamination issues due to agricultural use

Not a determining factor in this case, Fife Council Contamination Officers have commented saying there are no issues

CONCLUSIONS

The development constitutes unplanned, sporadic and unjustified residential development in the countryside; contrary to Policies 1: Development Principles, 7: Development in the Countryside and 8: Houses in the Countryside of FIFEplan of the adopted FIFEplan Fife Local Development Plan (2017). For that reason, the development would also fail to protect the overall landscape and environmental quality of the area, contrary to Policies 1: Development Principles, 7: Development in the Countryside, 8: Homes in the Countryside, 10: Amenity and 13: Natural Environment and Access of FIFEplan and Making Fife's Places Supplementary Guidance (2018). In addition, it is considered that the proposal would have a significant detrimental impact on road safety and would therefore be contrary to Policies 1, 3 and 10 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018). Overall, the development is contrary to the development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding the countryside from unplanned, sporadic and unjustified residential development; the need for a dwellinghouse in this location is not considered justified as the application site lies outwith any defined settlement boundary or defined dwelling cluster in terms of the adopted FIFEplan Fife Local Development Plan (2017) and the proposal does not meet any of the criteria set out in Policy 8 therein; the development therefore contrary to Policies 1: Development Principles, 7: Development in the Countryside and 8: Houses in the Countryside of the Adopted FIFEplan - Fife Local Development Plan (2017).
2. In the interests of road safety, the unadopted private access track is very sub-standard in terms of width, alignment, construction, footway provision, lighting provision, maintenance and drainage and is therefore unsuitable for further intensification of vehicular traffic or to accommodate the traffic that the development is likely to generate. This would be detrimental to the safety and convenience of pedestrians and road users. In addition, the unadopted private access already serves more than the Fife Council Limit of 5 houses. Any intensification of vehicular use of this private access would be detrimental to the safety and convenience of its users. It is therefore considered that the proposal would have a significant detrimental impact on road safety and would therefore be contrary to Policies 1, 3 and 10 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

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
Scottish Planning Policy 2014 (SPP)

Development Plan
Adopted FIFEplan Fife Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)
Low Carbon Fife Supplementary Guidance (2019)

Other

Fife Council non-statutory Garden Ground customer guidelines (2016)
Fife Council non statutory Minimum Distance Between Window Openings customer guidelines
Fife Council non-statutory Daylight and Sunlight customer guidelines
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2020)
Fife Council Transportation Development Guidelines

Report prepared by Andy Taylor, Case Officer and Chartered Planner
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 20/09/22

Date Printed 16/08/2022

22/01205/FULL

3 Myreside Kingskettle Cupar

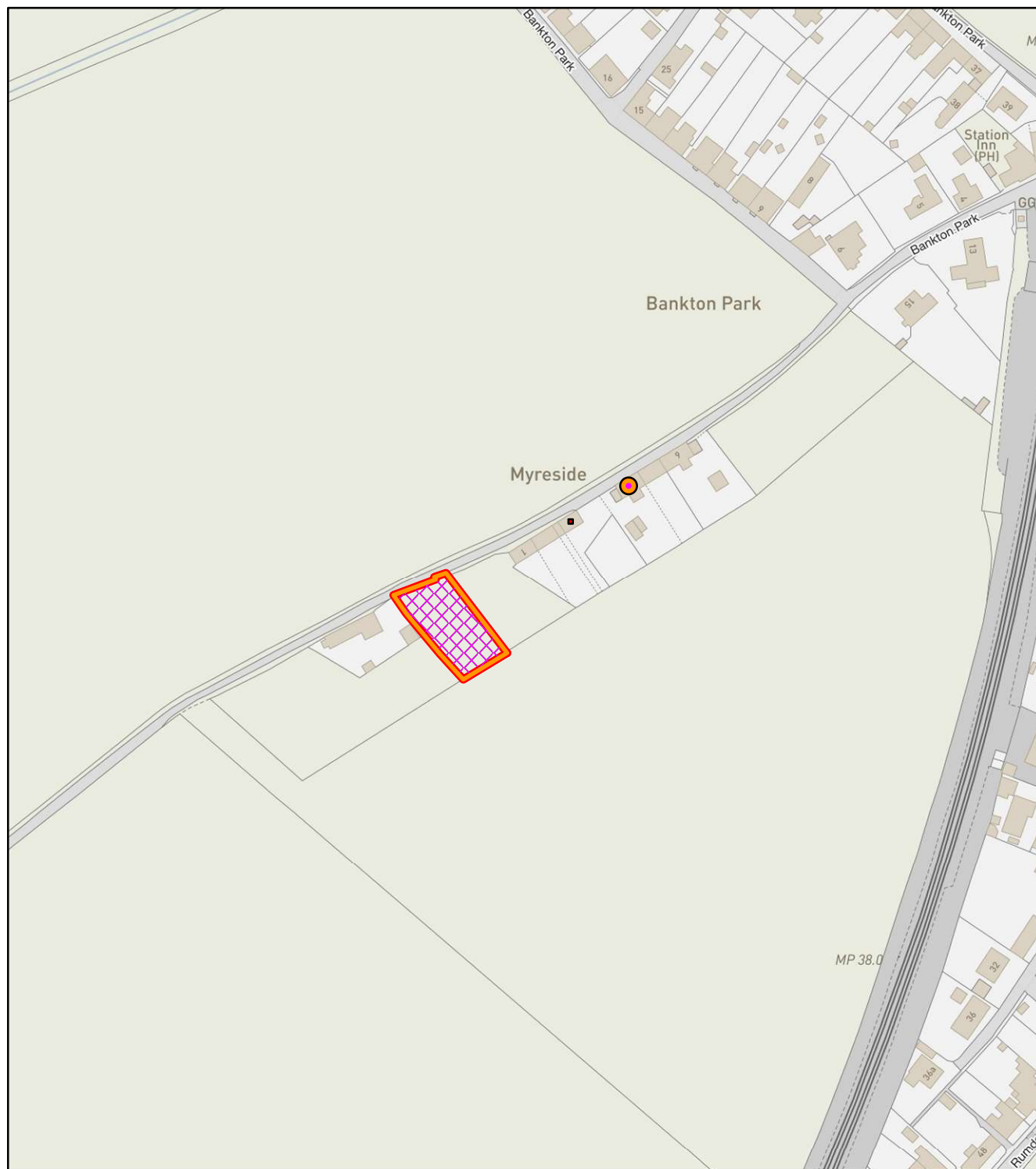


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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

22/01205/FULL

3 Myreside Kingskettle Cupar



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Legend	
 Application Boundary	
	
 Fife COUNCIL Economy, Planning & Employability Services	

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01337/FULL

SITE ADDRESS: THE INN AT KINGSBARN 5 MAIN STREET KINGSBARN

**PROPOSAL: CHANGE OF USE OF FROM OWNERS ACCOMMODATION
(CLASS 7) TO DWELLINGHOUSE (CLASS 9)**

**APPLICANT: MR MAX PRESTON
5 MAIN STREET KINGSBARN ST ANDREWS**

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

CASE OFFICER: Scott McInroy

DATE REGISTERED: 09/05/2022

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:

Refusal

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 part of 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 seeks planning permission for change of use of part from owners' accommodation (Class 7) to dwellinghouse (Class 9). No external alterations are proposed as part of this application. Internally the area that is currently owners' accommodation is proposed to become a standalone dwellinghouse. Internally the only changes to the whole building are that one of hotel rooms at first floor level above the bar will be changed from a hotel room to new owners' accommodation.

1.3 The proposed development would result in the reduction of hotel bedrooms from 3 to 2 and the proposed owners' accommodation would be reduced from a 4-bedroom area to a one-bedroom studio space.

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

- 21/00692/FULL - External alterations including installation of dormer extension, rooflights, extraction vents, flue, bay window with patio doors and replacement windows and doors. - approved 12/01/2021.

- 21/00694/LBC - 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 - approved 13.01.2022

2.0 ASSESSMENT

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

- Principle of Development
- Residential Amenity
- Road Safety

2.2 Principle of Development

2.2.1 The Scottish Planning Policy (2014) 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 proposed FIFEplan 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. Policy 1, Part B, of FIFEplan supports development which avoids the loss of valuable cultural, tourism, and community resources. Policy 3 only supports the change of use of community facilities such as public houses where the existing business is not viable, the existing business cannot be re-used for its existing purpose, alternative facilities exist elsewhere in the local community and the site cannot be re-developed for community use.

2.2.3 Concerns have been raised regarding the impact this proposal would have on the vitality and viability of the existing business/community facility by reducing the facilities on offer given that this is the only pub in the village. Several supporting comments have also been received supporting this proposal as this proposal will safeguard the existing business by giving the owner a permanent standalone accommodation. In this instance, the application is for change of use of the owners' accommodation (Class 7) to dwellinghouse (Class 9). The owner's accommodation in this instance is associated with the Kingsbarns Inn which is the only bar within Kingsbarns. The application site is located in a residential area within the settlement boundary of Kingsbarns. As the site is located within the settlement boundary of Kingsbarns there is a presumption in favour of residential development. However, as the existing use of the application site is owners' accommodation associated with the Kingsbarns Inn, the change of use here would affect the vitality and viability of a community facility within Kingsbarns. In this instance the applicant wants to separate the existing owner's accommodation which has 4 bedrooms (3 of which are ensuite), kitchen dining area, toilet and sauna to become standalone and turn one of the upstairs hotel rooms into a one-bedroom studio owners' accommodation. This would substantially reduce the owner's accommodation available on site. Policy 3 only supports the change of use of community facilities such as public houses in certain circumstances such as set out in paragraph 2.2.2.

2.2.4 The applicant has provided a supporting email stating that they have marketed the business for sale through an estate agent as they wish to retire and are struggling to find staff to work and are finding it difficult to run the business on their own. Over the years the Kingsbarns Inn has changed from a 6-bed hotel with bar to a 3-bed hotel with bar with owners accommodation. This current application would further erode the offering on site by reducing the hotel rooms on offer to two and reducing the owners' accommodation on offer from a 4-bedroom area to a one-bedroom studio room. Therefore, the facilities on offer in the hotel/bar, which is the only facility of this sort in the village, have been reduced significantly over the past years. It is considered that this further eroding of the existing business with the extremely limited proposed new owners' accommodation would impact on the vitality and viability of the only pub/hotel in Kingsbarns, therefore it is considered that this proposal does not comply with policy 1 and Policy 3.

2.2.5 It is therefore considered that the proposal does not comply with the provisions of the Adopted FIFEplan (2017) policy 1, part b criterion 2 and Policy 3 in that this proposal would significantly and detrimentally impact on the vitality and viability of the existing business by significantly reducing the availability of suitably scaled owner's accommodation; as set out in paragraph 2.2.3 and 2.2.4.

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 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 Concerns have been raised regarding the impact on the standalone accommodation would have on the impact on the running of the existing business at the Kingsbarns Inn. Fife Council Environmental Health (Public Protection) Officers were consulted on this application and raised concerns that there is not enough detail provided to demonstrate that the occupants of the sub divided accommodation would not be subjected to noise from potential future events from the hotel bar. The applicant has provided supporting information stating that the Kingsbarns Inn does not have a history of playing live music and if live music were to be played the internal configuration of the bar area would require to be changed as would the terms of the existing liquor licence. The applicant has also referenced a nearby approval (21/00142/FULL) where the planning officers report agreed that noise would not be an issue from this premises. However, that application site was physically separate from the Kingsbarns Inn while this application site is within the same building so the noise concern needs to be addressed to safeguard the

residential amenity of the proposed dwelling while also not impacting on the operations of the existing business at the Kingsbarns Inn. The applicant also proposed that a condition be added, to limit the noise from the existing business at Kingsbarns Inn. This proposed condition would not meet the tests as set out in Planning Circular 4/1998

2.3.5 In conclusion, it has not been shown that the residential amenity of the proposed new standalone dwelling and the operations of the existing business would be safeguarded, therefore the proposal is contrary to policy 10 of the adopted FIFEplan (2017).

2.4 Transportation

2.4.1 Policies 3 and 10 of the adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines apply with regard to this proposal.

2.4.2 Concerns have been raised regarding the parking area that would be left for the existing business on site and road safety of the access to the site. Fife Council's Transportation Development Management Officers (TDM) were consulted on this application and have raised objections. Currently, the off-street parking to accommodate the hotel and the integrated owner's accommodation takes place in the adjacent car park to the north of the hotel building. When the hotel and owner's accommodation were combined, the off-street parking for both will have been calculated as one. This would have included 1 No. off street parking space for the owner's accommodation, 2 off street parking spaces for the 2 bedrooms associated with the hotel and 4 off street parking spaces for the bar area of the hotel, a total of 7 parking spaces. As part of this application the off-street parking will require to be calculated separately. This will require sufficient off-street parking for the 4-bedroom dwellinghouse, which will require 3 No. off street parking spaces and, a further 7 off street parking spaces to accommodate all things associated with the hotel, a total of 10 parking spaces will be required. The applicant has shown the whole of the existing car park to be within the ownership of the proposed dwellinghouse leaving the space to the front of the hotel for the required off street parking spaces for the hotel. The space to the front of the hotel is not large enough to accommodate the required 7 No. off street parking spaces and the turning areas that will be required so that vehicles can take access to and from the adjacent classified public road in a forward gear. Therefore, there is insufficient space within the allocated off-street parking area to accommodate the required off street parking for the hotel and owners' accommodation. This will only lead to additional on street parking causing a detriment to road safety.

2.4.3 It is therefore considered that the proposal does not comply with the provisions of the Adopted FIFEplan (2017) policies 3 and 10.

CONSULTATIONS

Community Council	Object
Environmental Health (Public Protection)	Object
Transportation, Planning Services	Object

REPRESENTATIONS

17 objections comments were received. The material considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.3 (Residential Amenity) and 2.4 (Transportation) of this report of handling.

Comments regarding the applicant's health, valuation of the property/business, potential future uses of the community facility are not material planning considerations in the assessment of this planning applications.

Comments have been made regarding appeal decisions from 2002. Planning Policy has changed since then, and this application is assessed against the most up to date Planning Policy.

17 supporting were also received.

CONCLUSIONS

It is considered that the proposed change of use of from owners' accommodation (Class 7) to dwellinghouse (Class 9) would affect the vitality and viability of an existing Community Use within Kingsbarns contrary to policy 3 of the adopted FIFEplan (2017). Furthermore, the development would result in insufficient car parking being available to serve the existing business on site and does not provide adequate turning area required to enable vehicles to safely access and egress the adjacent A917, all to the detriment of road safety. The proposal would therefore be contrary to Policies 1, 3 and 10 of the Adopted FIFEplan (2017).

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of preventing detrimental impact on the character and vitality of the Kingsbarns settlement due to the erosion of an existing community facility. It is considered that insufficient evidence and supporting information was provided as part of the planning application to demonstrate the proposal would not affect the vitality and viability on an existing community facility. The proposal is therefore considered to be contrary to Policies 1 and 3 of the adopted FIFEplan (2017).
2. In the interests of road safety; the proposal would not provide sufficient parking space required for the existing business and does not provide adequate turning area required to enable vehicles to safely access and egress the adjacent A917, all to the detriment of road safety therefore the proposal would not comply with Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017).

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.

3. National Guidance:

Scottish Planning Policy (2014)

PAN 1/2011: Planning and Noise

Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Other Guidance:

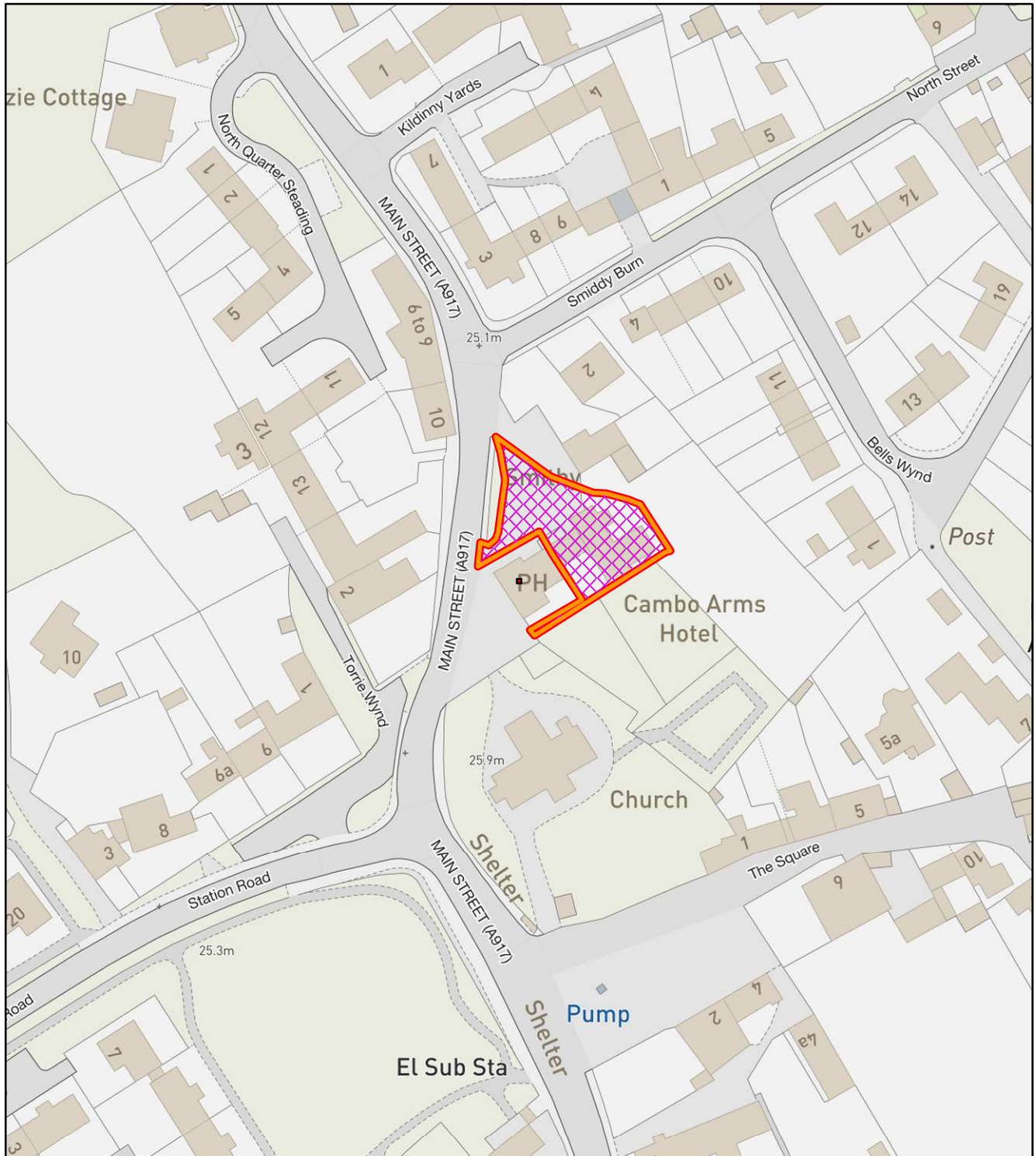
Fife Council Transportation Development Guidelines

Report prepared by Scott McInroy, Planner, Development Management

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 20/9/22.

Date Printed 08/09/2022

The Inn At Kingsbarns 5 Main Street Kingsbarns



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 8

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01884/FULL

SITE ADDRESS: 1 LOGIES LANE ST ANDREWS FIFE

PROPOSAL : CHANGE OF USE FROM RETAIL UNIT (CLASS 1) TO RESTAURANT (CLASS 3) INCLUDING ALTERATIONS TO SHOPFRONT AND INSTALLATION OF CANOPIES

**APPLICANT: LITTLE ITALY ITALIAN RESTAURANT
2-3 LOGIES LANE ST ANDREWS SCOTLAND**

**WARD NO: W5R18
St. Andrews**

CASE OFFICER: Sarah Purves

**DATE 22/06/2022
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The Royal Burgh of St Andrews Community Council, as Statutory Consultee, have objected to the application.

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.

1.1 Background

1.1.1 This application relates to 1 Logies Lane which forms part of a terrace of four single storey flat roof units, with mock pitched roofs to the street elevation, on the east side of the pedestrianised Logies Lane, which links South Street with Market Street in St Andrews. The four units are served by a shared rear service access lane which is used as bin storage space. The application site is located within the defined St Andrews Town Centre and within the Central St Andrews Conservation Area (FIFEplan Local Development Plan, 2017). Logies Lane measures approximately 4.5-5 metres in width between the four units and the neighbouring residential terraced properties on the opposite side. Units 2 and 3 on Logies Lane are occupied by the Little Italy restaurant which features an outdoor seating area and canopies.

1.1.2 The property is identified as a B Listed Building on the statutory list compiled by Historic Environment Scotland, which apparently is a result of a similar property address on the same street (1 Logies Lane and Unit 1, Logies Lane). Historic Environment Scotland have been notified of this and are in the process of amending the listing. For the avoidance of doubt, the property which is subject to this application is not the one identified in the statutory list, and forms part of a terrace constructed circa 1980. Nevertheless the building is identified in the list and Fife Council Planning Service has processed it as such.

1.2 Proposal

1.2.1 This application is for full planning permission for a change of use from retail unit (Class 1) to restaurant (Class 3) including alterations to shopfront and installation of canopies. The proposed restaurant would be an extension to the existing premises at units 2 and 3. The change of use of the public space to the front of the premises to form a seating area is currently being assessed as part of a separate application.

1.2.2 The external alterations would include the painting of the facade and installation of a retractable canopy. The proposed retractable canopy would cover the 6.2 metre frontage and extend 1.5 metres from the fascia, including the cubic cassette (box which houses recessed canopy). The unbranded canopy would match the existing canopies in all aspects including colour (Red Magenta -RAL 3004) with LED lights on the underside. This proposal is in essence converting a modern shop unit and extending the branding of the adjacent premises into this unit.

1.3 Planning History

1.3.1 The planning history associated with this site includes:

20/02423/FULL - In 2020, planning permission for a change of use from public open space for the provision of outdoor seating and installation of canopies at 2-3 Logies Lane was approved, subject to conditions.

20/01199/FULL - In 2020, planning permission was refused at 2-3 Logies Lane for a change of use from public open space for the provision of outdoor seating and installation of canopies. The appeal was allowed and planning permission was granted, subject to conditions.

20/01771/COVR - In 2020, a relaxation agreement for the provision of outdoor seating area at 2-3 Logies Lane was approved.

14/02336/FULL - In 2014, planning permission was approved for change of use of retail unit to restaurant and alterations to 2 Logies Lane to combine units 2 and 3.

10/01971/FULL - In 2010, planning permission was approved for change of use from coffee shop (class 3) to restaurant (class 3) at 2 Logies Lane, including alterations to shopfront and installation of ventilation system.

10/01972/LBC - In 2010, listed building consent was granted for Internal and external alterations to 2 Logies Lane.

09/00071/EFULL - In 2009, planning permission was approved for change of use from class 1 retail to class 3 (coffee shop) and installation of air-conditioning unit to the rear of 2 Logies Lane.

09/00433/EADV - In 2009, advertisement consent was granted for display of non-illuminated fascia sign at 2 Logies Lane.

09/00129/ELBC - In 2009, listed building consent was granted for internal alterations to 2 Logies Lane.

1.4 Procedural Issues

1.4.1 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.

1.4.2 This application is supported by a Listed Building Consent for internal and external alterations (22/02021/LBC) and full planning permission for a change of use from public open space to form outside seating area and erection of awnings and balustrades (22/01885/FULL).

1.4.3 This application was publicised in The Courier on 30/06/2022, as the site is within the Conservation Area.

1.4.4 The Royal Burgh of St Andrews Community Council requested statutory consultee status for this application and objected on the grounds of public amenity and safety. The comments made have been summarised in the representations section and discussed in the main body of this report where applicable.

2.0 Assessment

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

- Principle of Development
- Design and Visual Impact on Built Heritage
- Residential Amenity Impact
- Road and Pedestrian Safety Impact

2.2 Principle of Development

2.2.1 Scottish Planning Policy (SPP) and Policies 1 and 6 of the Adopted FIFEplan Local Development Plan (2017) set out the requirements for the principle of the development with regards to this proposal.

2.2.2 The Scottish Government's SPP aims to promote high quality design and the protection of the existing urban character. The document sets out how the planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of development. SPP defines vitality is a measure of how lively and busy a town centre is, whereas

viability is a measure of capacity to attract ongoing investment for maintenance, improvement and adaptation to changing needs.

2.2.3 Policy 1 of FIFEplan (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, the principle of development will only be supported providing it is within a defined settlement boundary and compliant with the policies for the location. Furthermore, Policy 1 states that development proposals must make town centres the first choice for uses which attract a significant number of people, including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses; linking to Policy 6 - Town Centres First.

2.2.4 Policy 6 of FIFEplan states town centres will be the first choice for uses likely to attract a large number of people including retail, offices, leisure, entertainment, recreation, cultural, and community facilities. Homes and businesses are also encouraged in town centres to add to the mix of uses and activity throughout the day and evening. Town centres are the principal focus for commercial, cultural, and civic functions and services that meet the needs of the town and a network of surrounding communities they serve.

2.2.5 Policy 6 of FIFEplan sets out that development proposals will only be supported where they will not have a significant adverse effect on the vitality and viability of town centres and the local economy; and are appropriate for the location in scale and character; and will not adversely impact on residential amenity or negatively impact on adjacent uses. Furthermore, it advises that within core retail areas, changes of existing ground floor commercial uses to non-commercial uses will not be supported, whilst for a change of use to be considered in a core retail area, the premises must have been vacant for more than two years. Lastly, the town centre framework within Policy 6 contains a list of acceptable uses in the St Andrews core retail area at ground floor level. This includes Use Classes 1, 2, 3 and 11.

2.2.6 The property is located within the defined settlement envelope of St Andrews (FIFEplan, 2017), within the core retail area. Given that the proposed restaurant use would be an extension of the existing restaurant and external seating area, the proposed development would be acceptable as it would support the vitality and viability of the town centre. The proposal is therefore acceptable in principle, complying with Policies 1 and 6 of FIFEplan. The overall acceptability must also satisfy other relevant Development Plan policy criteria, which has been assessed in the following sections of this report.

2.3 Design and Visual Impact on Built Heritage

2.3.1 Sections 59 and 64 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 St Andrews Conservation Area Appraisal and Management Plan (2010), the St Andrews Design Guidelines (2011) 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.

2.3.2 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.

2.3.3 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.

2.3.4 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.

2.3.5 Fife Council's St Andrews 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). The application site is not mentioned in the document.

2.3.6 Fife Council's Planning Customer Guidelines on Shopfront Design Guidelines (2016) provides advice on what the Planning Authority expects for proposed shopfront developments. This guidance identifies key policies, the principle of good design and examples of well-designed traditional and contemporary shopfronts. With regard to canopies/awning, the guidance sets out the retractable, straight awnings are preferable, especially in Conservation Areas and on listed buildings. Furthermore, the guidance document details that awnings can be fitted above or below facias to ensure important features are not obscured, whilst the external proportions and scale of the blind should dictate the length of the canopy.

2.3.7 St Andrews Design Guidelines (2011) sets out a number of principles to ensure appropriate design and materials are incorporated into new development. The guidance advises that buildings should respect the historic townscape but ensure the continued economic vibrancy of the town centre and embrace the opportunities for high quality design solutions. The Design Guidelines set out that traditional retractable awnings which protect goods from sunlight and provide shelter are supported, the housing of which should be recessed flush with the frontage and hidden by the fascia. They should not obscure architectural detail such as the pilasters. Dutch canopies and frilled edges are not acceptable and no awnings are permissible above

ground level. No advertisements, logos, or lettering other than the name of the premises should be applied to the awning.

2.3.8 This document additionally sets out that on wider streets, such as South Street and Logies Lane/Church Square, St Andrews has joined the growing trend towards a 'café society' where bars and cafes place tables and chairs on the pavement outside their premises; enclosed in some cases by windbreak screens formed by glazed/canvas panels or planters. In the right location and well regulated, the St Andrews Design Guidelines acknowledge that this can create an interesting atmosphere and a vibrant street scene.

2.3.9 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.

2.3.10 The proposed canopy would be of a traditional retractable design and would be coloured Red Magenta (RAL 3004) with no branding. The canopy would be approximately 6.2 metres wide and would project 1.5 metres (including the cassette) from the frontage. The canopy would be fixed to the existing fascia, in line with the existing canopies along the terrace. There would also be a screen pane between the canopy and the balustrade for weatherproofing purposes. The design, materials, location and dimensions of the proposed canopy would be consistent with the advice within the St Andrews Design Guidelines (2011) and relevant Fife Council Planning Customer Guidelines. In addition, the proposed use of red is deemed to be appropriate in this locale and would not harm the character and appearance of the Conservation Area or the building. Similarly, the painting of the elevation black to match Units 2 and 3 would create a uniform approach to the terrace which would be acceptable. Overall, when assessed against the relevant policies and guidance noted above, the proposal would be acceptable in regard to the proposed design, scale and finishing materials, according with the architectural and visual quality of the property whilst maintaining the character and appearance of the Conservation Area.

2.3.11 In conclusion, the design and scale of the proposal is deemed to be acceptable for the location and is thus, determined to be in compliance with the aforementioned Development Plan Policies and guidance documents.

2.4 Residential Amenity Impact

2.4.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017) Planning Advice Note (PAN) 1/2011: Planning and Noise apply in terms of residential amenity.

2.4.2 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.

2.4.3 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.

2.4.4 The proposed development would not raise any new concerns with regard to impacts on overlooking or light pollution, given the public nature of the street at present. Furthermore, in terms of overshadowing, given the existing proximity of buildings on either side of Logies Lane, the proposed canopy would not adversely impact the daylight received by neighbouring ground floor properties, nor significantly reduce the sunlight and openness of the main public thoroughfare.

2.4.5 The proposed change of use would result in an extension of the existing restaurant premises, with the same operations and opening times. As such, there is not expected to be a significant change increase in odour/noise impacts as a result of the development.

2.4.6 Fife Council's Environmental Health (Public Protection) Officers were consulted on the application and have responded advising that they have no objections. A condition has been recommended to minimise noise disturbance at nearby premises during construction works, however this has not been included as this is controlled by separate legislation.

2.4.7 In conclusion, the proposed development is considered to be acceptable for its location and would not give rise to any significant adverse residential amenity concerns for neighbouring properties. The proposed seating area would thus comply with the relevant FIFEplan policies and national advice concerning residential amenity.

2.5 Road and Pedestrian Safety Impact

2.5.1 Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance - Fife Council Transportation Development Guidelines (2018) apply with regard to this proposal.

2.5.2 Policy 1 of FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments and developments on public footpaths. It is recommended that external seating areas are located at least 2.0 metres from the edge of the footway.

2.5.3 There is currently no off street parking associated with this building, however the proposal lies within the town centre of St Andrews where the majority of the visitors to the premises will be those who are currently living or are already visiting St Andrews. The restaurant is close to other local facilities and other forms of sustainable travel opportunities and therefore, will not require off street parking provision.

2.5.4 Fife Councils Transportation Development Management (TDM) Officers were consulted on this application and advised that there are no objections as the proposal would not cause any detriment to road safety in this area.

2.5.5 As such, the proposed development is compliant with FIFEplan and current Transportation Development Guidelines.

CONSULTATIONS

Community Council	Objecting on the grounds of public amenity and safety.
Ministry Of Defence (Statutory)	No objections.
Environmental Health (Public Protection)	No objections.
Transportation And Environmental Services - Operations Team	No objections. No response.

REPRESENTATIONS

One objection has been received, which noted the following points:

The floor plans show 1 Logies Lane is isolated from the adjacent building, which is not the case. Details of the proposed opening infill were requested, including details of fire risk. - Details of the opening have been provided, however the fire risk implications have not been assessed as this is not a material planning consideration. This will be considered by Building Standards department, however.

The tables would be too close together and would block openings which would restrict disabled access. - This is not a material planning consideration and would be considered by the Licensing/Building Standards departments.

The external tables would also be too close together and would narrow Logies Lane, making it difficult for pedestrians to pass. - Transportation Development Management have reviewed the application and are satisfied in regard to road and pedestrian safety.

The entrance was originally to be moved from the centre to the south of the unit, which would concentrate tables to the northern end and block the escape exit from 94 Market Street. - Although the entrance is now to be retained, the potential impact on escape exits is not a material planning consideration and would be assessed by the Building Standards department.

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, design and scale and will not have any significant impact to the surrounding streetscape, nor the historic environment, and would not give rise to any significant residential amenity or road safety concerns. The proposed development is therefore considered to be acceptable and is recommended for conditional approval.

RECOMMENDATION

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

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

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

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 Building 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)

PAN 1/2011: Planning and Noise

Development Plan:

Adopted FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Planning Guidance (2018)

Other Guidance:

Fife Council Planning Customer Guidelines on Shopfront Design Guidelines (2016)

St Andrews Conservation Area Appraisal and Management Plan (2010)

St Andrews Design Guidelines (2011)

Fife Council Transportation Development Guidelines (2018)

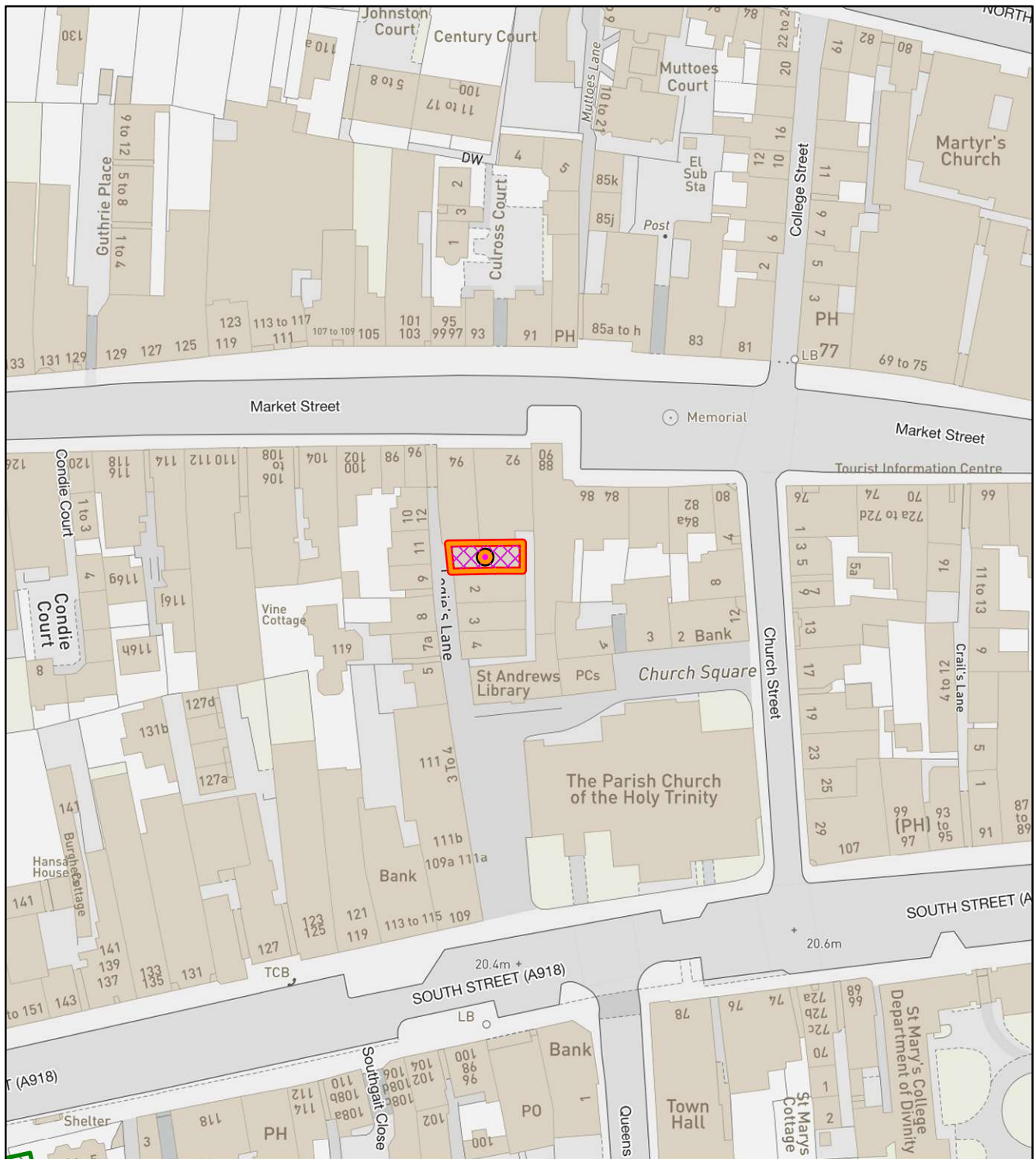
Report prepared by Sarah Purves, Planner and Case Officer.

Report agreed and signed off by Alastair Hamilton Service Manager (Committee Lead) 30/9/22.

Date Printed 15/09/2022

22/01884/FULL

1 Logies Lane St Andrews



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 9

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01885/FULL

SITE ADDRESS: 1 LOGIES LANE ST ANDREWS FIFE

**PROPOSAL : CHANGE OF USE FROM PUBLIC OPEN SPACE TO FORM
OUTSIDE SEATING AREA AND ERECTION OF AWNINGS AND
BALUSTRADES
1 LOGIES LANE, ST ANDREWS**

**APPLICANT: LITTLE ITALY ITALIAN RESTAURANT
2-3 LOGIES LANE ST ANDREWS SCOTLAND**

**WARD NO: W5R18
St. Andrews**

CASE OFFICER: Sarah Purves

DATE 20/06/2022

REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The Royal Burgh of St Andrews Community Council, as Statutory Consultee, have objected to the application.

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.

1.1 Background

1.1.1 This application relates to 1 Logies Lane which forms part of a terrace of four single storey flat roof units, with mock pitched roofs to the street elevation, on the east side of the pedestrianised Logies Lane, which links South Street with Market Street in St Andrews. The four units are served by a shared rear service access lane which is used as bin storage space. The application site is located within the defined St Andrews Town Centre and within the Central St Andrews Conservation Area (FIFEplan Local Development Plan, 2017). Logies Lane measures approximately 4.5-5 metres in width between the four units and the neighbouring residential terraced properties on the opposite side. Units 2 and 3 on Logies Lane are occupied by the Little Italy restaurant which features an outdoor seating area and canopies.

1.1.2 The property is identified as a B Listed Building on the statutory list compiled by Historic Environment Scotland, however, there appears to be a cartographic error as a result of a similar property address on the same street (1 Logies Lane and Unit 1, Logies Lane). Historic Environment Scotland have been notified of this and are in the process of amending the listing. For the avoidance of doubt, while the property which is subject to this application is not the one described in the listing it is identified as being listed, despite forming part of a terrace constructed circa 1980. The Planning Service has processed it in that context.

1.2 Proposal

1.2.1 This application is for full planning permission for a change of use from public open space to form outside seating area and erection of awnings and balustrades at 1 Logies Lane. The proposed seating area would be associated with the proposed restaurant use of the property, which would be an extension to the existing premises at units 2 and 3. The change of use of the shop to a restaurant is currently being assessed as part of a separate application.

1.2.2 The proposed seating area would extend out from the principal elevation of the property by 2 metres. The proposed retractable canopy would cover the 6.2 metre frontage and extend 1.5 metres from the fascia, including the cubic cassette (box which houses recessed canopy). The unbranded canopy would match the existing canopies in all aspects including colour (Red Magenta -RAL 3004) with LED lights on the underside. Removable balustrades would be positioned between the seating area and the public footpath, which would comprise of one metre high brushed stainless steel posts with horizontal restraint bars and red canvas dividers, to match the existing.

1.3 Planning History

1.3.1 The planning history associated with this site and surrounding area includes:

20/02423/FULL - In 2020, planning permission for a change of use from public open space for the provision of outdoor seating and installation of canopies at 2-3 Logies Lane was approved, subject to conditions.

20/01199/FULL - In 2020, planning permission was refused at 2-3 Logies Lane for a change of use from public open space for the provision of outdoor seating and installation of canopies. The appeal was allowed and planning permission was granted, subject to conditions.

20/01771/COVR - In 2020, a relaxation agreement for the provision of outdoor seating area at 2-3 Logies Lane was approved.

14/02336/FULL - In 2014, planning permission was approved for change of use of retail unit to restaurant and alterations to 2 Logies Lane to combine units 2 and 3.

10/01971/FULL - In 2010, planning permission was approved for change of use from coffee shop (class 3) to restaurant (class 3) at 2 Logies Lane, including alterations to shopfront and installation of ventilation system.

10/01972/LBC - In 2010, listed building consent was granted for Internal and external alterations to 2 Logies Lane.

09/00071/EFULL - In 2009, planning permission was approved for change of use from class 1 retail to class 3 (coffee shop) and installation of air-conditioning unit to the rear of 2 Logies Lane.

09/00433/EADV - In 2009, advertisement consent was granted for display of non-illuminated fascia sign at 2 Logies Lane.

09/00129/ELBC - In 2009, listed building consent was granted for internal alterations to 2 Logies Lane.

1.4 Procedural Issues

1.4.1 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.

1.4.2 This application is supported by a Listed Building Consent for internal and external alterations (22/02021/LBC) and full planning permission for a change of use from retail unit (Class 1) to restaurant (Class 3) including alterations to shopfront and installation of canopies (22/01884/FULL).

1.4.3 This application was publicised in The Courier on 30/06/2022, as the site is within the Conservation Area.

1.4.4 The Royal Burgh of St Andrews Community Council requested statutory consultee status for this application and objected on the grounds of public amenity and safety. The comments made have been summarised in the representations section and discussed in the main body of this report.

2.0 Assessment

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

- Principle of Development
- Design/Visual Impact on the Historic Environment
- Residential Amenity Impact
- Road and Pedestrian Safety Impact

2.2 Principle of Development

2.2.1 Scottish Planning Policy (SPP) and Policies 1 and 6 of the Adopted FIFEplan Local Development Plan (2017) set out the requirements for the principle of the development with regards to this proposal.

2.2.2 The Scottish Government's SPP aims to promote high quality design and the protection of the existing urban character. The document sets out how the planning system has a significant role in supporting successful town centres through its influence on the type, siting and design of development. SPP defines vitality is a measure of how lively and busy a town centre is, whereas viability is a measure of capacity to attract ongoing investment for maintenance, improvement and adaptation to changing needs.

2.2.3 Policy 1 of FIFEplan (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, the principle of development will only be supported providing it is within a defined settlement boundary and compliant with the policies for the location. Furthermore, Policy 1 states that development proposals must make town centres the first choice for uses which attract a significant number of people, including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses; linking to Policy 6 - Town Centres First.

2.2.4 Policy 6 of FIFEplan states town centres will be the first choice for uses likely to attract a large number of people including retail, offices, leisure, entertainment, recreation, cultural, and community facilities. Homes and businesses are also encouraged in town centres to add to the mix of uses and activity throughout the day and evening. Town centres are the principal focus for commercial, cultural, and civic functions and services that meet the needs of the town and a network of surrounding communities they serve.

2.2.5 Policy 6 of FIFEplan sets out that development proposals will only be supported where they will not have a significant adverse effect on the vitality and viability of town centres and the local economy; and are appropriate for the location in scale and character; and will not adversely impact on residential amenity or negatively impact on adjacent uses. Furthermore, it advises that within core retail areas, changes of existing ground floor commercial uses to non-commercial uses will not be supported, whilst for a change of use to be considered in a core retail area, the premises must have been vacant for more than two years. Lastly, the town centre framework within Policy 6 contains a list of acceptable uses in the St Andrews core retail area at ground floor level. This includes Use Classes 1, 2, 3 and 11.

2.2.6 The property is located within the defined settlement envelope of St Andrews (FIFEplan, 2017), within the core retail area. The proposed external seating area would be associated with the proposed restaurant use of the property. As the proposed development would be an extension of the existing restaurant and external seating area, the proposed development would be acceptable as it would support the vitality and viability of the town centre. The proposal is therefore acceptable in principle, complying with Policies 1 and 6 of FIFEplan. The overall acceptability must also satisfy other relevant Development Plan policy criteria, which has been assessed in the following sections of this report.

2.3 Design and Visual Impact on the Historic Environment

2.3.1 Sections 59 and 64 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 St Andrews Conservation Area Appraisal and Management Plan (2010), the St Andrews Design Guidelines (2011) 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.

2.3.2 Scottish Planning Policy (2020) (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.

2.3.3 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.

2.3.4 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.

2.3.5 Fife Council's St Andrews 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). The application site is not mentioned in the document.

2.3.6 Fife Council's Planning Customer Guidelines on Shopfront Design Guidelines (2016) provides advice on what the Planning Authority expects for proposed shopfront developments. This guidance identifies key policies, the principle of good design and examples of well-designed traditional and contemporary shopfronts. With regard to canopies/awning, the guidance sets out the retractable, straight awnings are preferable, especially in Conservation Areas and on listed buildings. Furthermore, the guidance document details that awnings can be fitted above or below facias to ensure important features are not obscured, whilst the external proportions and scale of the blind should dictate the length of the canopy.

2.3.7 Fife Council's Planning Customer Guidelines on Advertising Signs for Businesses (2016) advises that signs should be kept as small as possible and should not dominate the building or

cause advert clutter to the detriment of the visual amenity of the area. Illumination should also be kept to a minimum.

2.3.8 St Andrews Design Guidelines (2011) sets out a number of principles to ensure appropriate design and materials are incorporated into new development. The guidance advises that buildings should respect the historic townscape but ensure the continued economic vibrancy of the town centre and embrace the opportunities for high quality design solutions. The Design Guidelines set out that traditional retractable awnings which protect goods from sunlight and provide shelter are supported, the housing of which should be recessed flush with the frontage and hidden by the fascia. They should not obscure architectural detail such as the pilasters. Dutch canopies and frilled edges are not acceptable, and no awnings are permissible above ground level. No advertisements, logos, or lettering other than the name of the premises should be applied to the awning.

2.3.9 This document additionally sets out that on wider streets, such as South Street and Logies Lane/Church Square, St Andrews has joined the growing trend towards a 'café society' where bars and cafes place tables and chairs on the pavement outside their premises; enclosed in some cases by windbreak screens formed by glazed/canvas panels or planters. In the right location and well regulated, the St Andrews Design Guidelines acknowledge that this can create an interesting atmosphere and a vibrant street scene.

2.3.10 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.

2.3.11 The proposed outdoor tables (three) and chairs (four per table) would be of a modest scale and the seating area would extend out 2 metres from the principal elevation of the building, leaving a pavement width of approximately 2.5 metres. The density of the seating/tables is considered to be appropriate for the area and would ensure the pedestrianised Logies Lane would not appear cluttered. It is recognised that the St Andrews Design Guidelines support the formation of external seating areas on Logies Lane where the pavement is wide enough. The proposal would maintain a 2.5 metre wide passage for pedestrians, as required by the guidance. Removable balustrades would be positioned between the seating area and the public footpath, which would comprise of one metre high brushed stainless steel posts with horizontal restraint bar and red canvas dividers, to match the existing. Overall, it is considered that the proposed outdoor seating area would be appropriate and given that the chairs, tables and balustrades would be removed when not in use, there would be no detrimental impact on the visual quality of the St Andrews Conservation Area. The proposal would therefore be compatible within the historic setting. Additionally, by adding to the existing outside useable space, this would enhance the vitality of this unit within the town centre, therefore the proposed development would make a positive contribution to the location in this respect.

2.3.12 The proposed canopy would be of a traditional retractable design and would be coloured Red Magenta (RAL 3004) with no branding. The canopy would be approximately 6.2 metres wide and would project 1.5 metres (including the cassette) from the frontage. The canopy would be fixed to the existing fascia, in line with the existing canopies along the terrace. There would also be a screen pane between the canopy and the balustrade for weatherproofing purposes. The design, materials, location and dimensions of the proposed canopy would be consistent with the advice within the St Andrews Design Guidelines (2011) and relevant Fife Council Planning Customer Guidelines. In addition, the proposed use of red is deemed to be appropriate in this

locale and would not harm the character and appearance of the Conservation Area or any of the adjacent Listed Buildings. Overall, when assessed against the relevant policies and guidance noted above, the proposed canopy would be acceptable in regard to the proposed design, scale and finishing materials, according with the architectural and visual quality of the property whilst maintaining the character and appearance of the Conservation Area.

2.3.13 In conclusion, the design and scale of the proposal is deemed to be acceptable for the location and is thus, determined to be in compliance with the aforementioned Development Plan Policies and guidance documents.

2.4 Residential Amenity Impact

2.4.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017) Planning Advice Note (PAN) 1/2011: Planning and Noise apply in terms of residential amenity.

2.4.2 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.

2.4.3 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.

2.4.4 The proposed development would not raise any new concerns with regard to impacts on overlooking or light pollution, given the public nature of the street at present. Furthermore, in terms of overshadowing, given the existing proximity of buildings on either side of Logies Lane, the proposed canopy would not adversely impact the daylight received by neighbouring ground floor properties, nor significantly reduce the sunlight and openness of the main public thoroughfare.

2.4.5 With regard to the potential noise impact of the development on neighbouring properties, the town centre location and the principle of the external seating must be considered. Logies Lane and the wider core retail area of St Andrews is characterised by its mixture of commercial business, including public houses and other late-night establishments, as well as its high pedestrian footfall and substantial public activity during daytime and early evening hours. It is therefore considered that there is existing background noise in the area. Nevertheless, it is recognised that the proposed seating area would be located directly below/adjacent to residential properties. Given the proposed seating area would be located within a busy pedestrian thoroughfare, it is considered that the noise produced by the proposed development would be in-keeping with general background noise level associated with this location during the daytime and early evening.

2.4.6 Fife Council's Environmental Health (Public Protection) Officers were consulted on the application and have responded advising that there is potential for nearby residents to be disturbed by noise associated from the proposed development. Environmental Health Officers

therefore recommended a condition which would set restrictions on the hours of use of the seating area. The condition, which is supported by the Planning Authority, would require the seating area to be removed by 21:00 each night. It is considered that this condition would be sufficient to protect the amenity of neighbouring residents during the evening. EHO also recommended a condition to ensure no music is played or produced in the outdoor seating area.

2.4.7 With regard to the potential odour impacts of the proposed development, it is considered that outside location of the seating area would be adequately ventilated to prevent any adverse impacts on neighbouring properties. EHOs did not raise any concerns regarding the potential odour impacts of the food being consumed.

2.4.8 In conclusion, subject to the recommended conditions, the proposed development is considered to be acceptable for its location and would not give rise to any significant adverse residential amenity concerns for neighbouring properties. The proposed seating area would thus comply with the relevant FIFEplan policies and national advice concerning residential amenity.

2.5 Road and Pedestrian Safety Impact

2.5.1 Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance - Fife Council Transportation Development Guidelines (2018) apply with regard to this proposal.

2.5.2 Policy 1 of FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments and developments on public footpaths. It is recommended that external seating areas are located at least 2.0 metres from the edge of the footway.

2.5.3 The application is for the change of use of a section of the public footway on Logies Lane to accommodate outdoor seating. The proposed seating area would measure 2 metres, which would leave a minimum footway width of approximately 2.5 metres for pedestrians to walk through the pedestrianised area.

2.5.4 Concerns have been raised in the submitted objection regarding the accessibility of pedestrians. Fife Council's Transportation Development Management (TDM) Officers were consulted on this application and advised that they had no objections to the proposed development, subject to conditions in the interest of pedestrian safety including the retention of a 2.5 metre clear way on Logies Lane between the proposed seating area and the stone wall opposite at all times. Further conditions have been recommended, including a restriction on the minimum height of the awning, the required use of removable boundary enclosures and the removal of tables and chairs outwith the opening hours of the premises. Given the potential residential amenity impacts of the late-night use of the seating area (as detailed above), however, it has been elected by the Planning Authority to restrict the usage of the seating to 21:00.

2.5.5 In conclusion, the proposed seating area would be located to ensure that it would not cause obstruction of pedestrian movement along Logies Lane. It is further considered that the intermittent use by waiters would not significantly impact pedestrian safety. Subject to the

recommended conditions, the proposed development is determined to comply with FIFEplan and current Transportation Development Guidelines.

CONSULTATIONS

Community Council	Objecting on the grounds of public amenity and safety.
Environmental Health (Public Protection)	Conditions have been recommended.
Ministry Of Defence (Statutory)	No objections.
Transportation Services	No objections, subject to conditions.

REPRESENTATIONS

One objection has been received, which noted the following points:

The floor plans show 1 Logies Lane is isolated from the adjacent building, which is not the case. Details of the proposed opening infill were requested, including details of fire risk. - This is not relevant to this application.

The internal tables would be too close together and would block openings which would restrict disabled access. - This is not a material planning consideration and would be considered by the Licensing/Building Standards departments.

The external tables would also be too close together and would narrow Logies Lane, making it difficult for pedestrians to pass. - Transportation Development Management have reviewed the application and are satisfied in regard to road and pedestrian safety.

The entrance was originally to be moved from the centre to the south of the unit, which would concentrate tables to the northern end and block the escape exit from 94 Market Street. - Although the entrance is now to be retained, the potential impact on escape exits is not a material planning consideration and would be assessed by the Building Standards department.

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, design and scale and will not have any significant impact to the surrounding streetscape, nor the historic environment, and would not give rise to any significant residential amenity or road safety concerns. The proposed development is therefore considered to be acceptable and is recommended for conditional approval.

RECOMMENDATION

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

1. Prior to the first use of the seating and tables, the area shall be cordoned off on the footway by the proposed removable boundary enclosure.

Reason: In the interests of pedestrian safety; to ensure the provision of adequate facilities for safe pedestrian movement.

2. The boundary enclosure shall have a depth of base not exceeding 20mm and shall otherwise comply with Roads Maintenance Policies and Standards.

Reason: In the interests of pedestrian safety. To avoid the creation of a safety hazard.

3. A clear way of at least 2.5m must be maintained on Logies Lane between the proposed seating area and the stone wall opposite at all times.

Reason: In the interests of pedestrian safety, to ensure the provision of adequate facilities for safe pedestrian movement.

4. For the lifetime of the development, the hours of operation of the outdoor seating area, hereby approved, shall be restricted to between 09:00 and 21:00 Monday to Sunday. The outdoor seating area shall be dismantled and removed from the site before 21:00 each day.

Reason: In the interests of pedestrian safety. To avoid the creation of a safety hazard and to ensure the provision of adequate facilities for safe pedestrian movement.

5. The projecting awnings at their lowest point, shall require to be at a height of not less than 2.25m above the footway level.

Reason: In the interest of pedestrian safety; to ensure the provision of adequate facilities for safe pedestrian movement.

6. For the lifetime of the development, no amplified music shall be permitted to be played or produced in the outdoor seating area.

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

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

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

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 Building 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)
PAN 1/2011: Planning and Noise

Development Plan:

Adopted FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Planning Guidance (2018)

Other Guidance:

Fife Council Planning Customer Guidelines on Shopfront Design Guidelines (2016)

St Andrews Conservation Area Appraisal and Management Plan (2010)

St Andrews Design Guidelines (2011)

Fife Council Transportation Development Guidelines (2018)

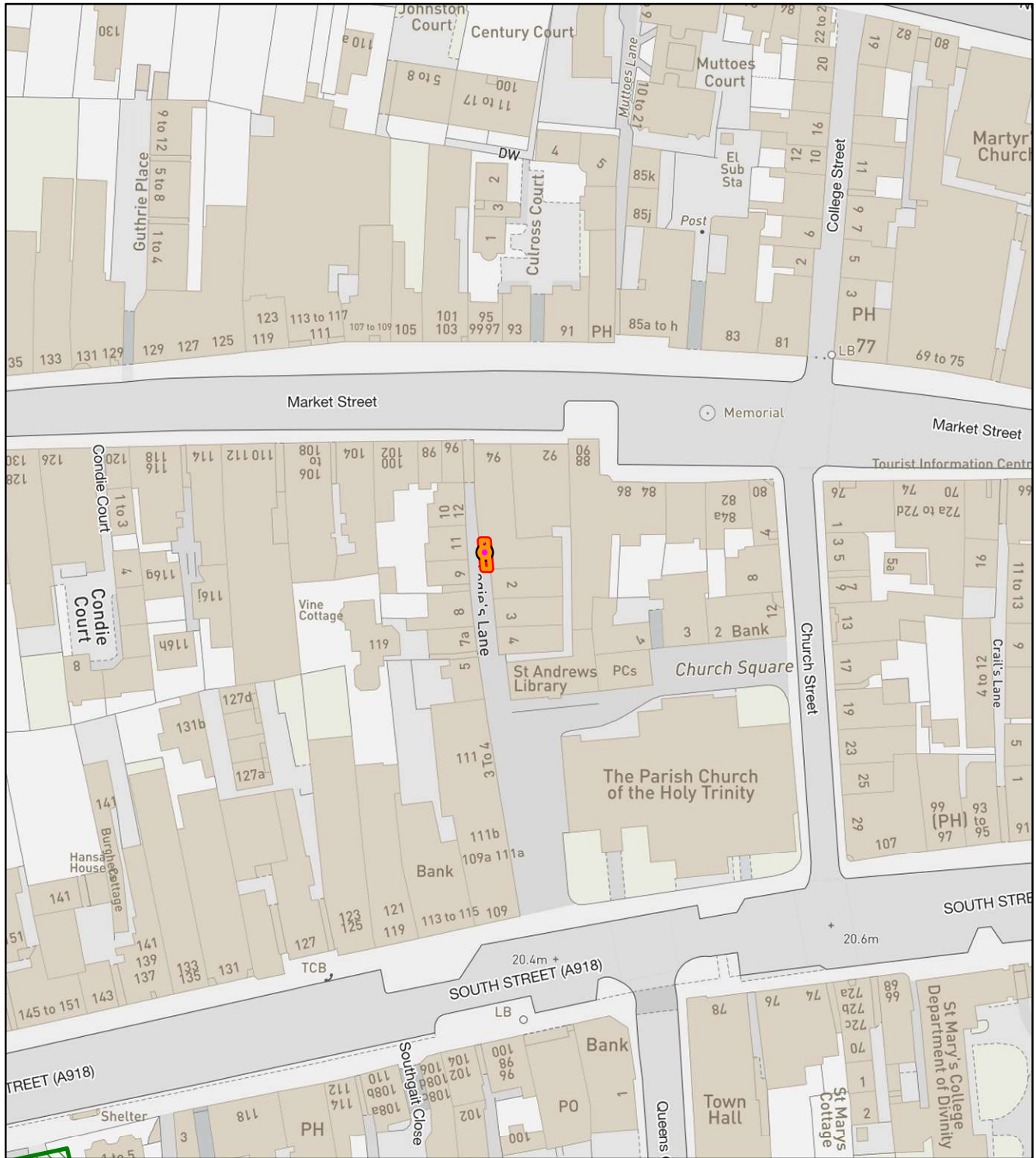
Report prepared by Sarah Purves, Planner and Case Officer

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 30/9/22.

Date Printed 15/09/2022

22/01885/FULL

1 Logies Lane St Andrews



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 10

APPLICATION FOR LISTED BUILDING CONSENT REF: 22/02021/LBC

SITE ADDRESS: 1 LOGIES LANE ST ANDREWS FIFE

PROPOSAL : LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL ALTERATIONS

**APPLICANT: LITTLE ITALY RESTAURANT
2-3 LOGIES LANE ST ANDREWS SCOTLAND**

**WARD NO: W5R18
St. Andrews**

CASE OFFICER: Sarah Purves

**DATE 24/06/2022
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The Royal Burgh of St Andrews Community Council, as Statutory Consultee, have objected to the application.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional 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.

1.1 Background

1.1.1 This application relates to Unit 1 Logies Lane which forms part of a terrace of four single storey flat roof retail units, with mock pitched roofs to the street elevation, on the east side of the pedestrianised Logies Lane, which links South Street with Market Street in St Andrews. The four units are served by a shared rear service access lane which is used as bin storage space. The application site is located within the defined St Andrews Town Centre and within the Central St Andrews Conservation Area (FIFEplan Local Development Plan, 2017). Logies Lane measures approximately 4.5-5 metres in width between the four units and the neighbouring residential terraced properties on the opposite side. Units 2 and 3 on Logies Lane are occupied by the Little Italy restaurant which features an outdoor seating area and canopies.

1.1.2 The property is identified as a B Listed Building on the statutory list compiled by Historic Environment Scotland, which appear to be as a result of a similar property address on the same street (1 Logies Lane and Unit 1, Logies Lane). Historic Environment Scotland have been notified of this and are in the process of amending the listing. For the avoidance of doubt, the property which is subject to this application is not listed, and forms part of a terrace constructed circa 1980. Given the inclusion of the property on the statutory list, however, this Listed Building Consent will be processed as a listed building given it is identified as such on the HES mapping information.

1.2 Proposal

1.2.1 Listed Building Consent is sought for internal and external alterations to 1 Logies Lane. The external alterations would include the painting of the facade and installation of a retractable canopy. Internally an existing opening would be stopped up between Unit 1 and the building to the north, and two new wall openings would be formed between Units 1 and 2.

1.3 Planning History

1.3.1 The planning history associated with this site includes:

20/02423/FULL - In 2020, planning permission for a change of use from public open space for the provision of outdoor seating and installation of canopies at 2-3 Logies Lane was approved, subject to conditions.

20/01199/FULL - In 2020, planning permission was refused at 2-3 Logies Lane for a change of use from public open space for the provision of outdoor seating and installation of canopies. The appeal was allowed and planning permission was granted, subject to conditions.

20/01771/COVR - In 2020, a relaxation agreement for the provision of outdoor seating area at 2-3 Logies Lane was approved.

14/02336/FULL - In 2014, planning permission was approved for change of use of retail unit to restaurant and alterations to 2 Logies Lane to combine units 2 and 3.

10/01971/FULL - In 2010, planning permission was approved for change of use from coffee shop (class 3) to restaurant (class 3) at 2 Logies Lane, including alterations to shopfront and installation of ventilation system.

10/01972/LBC - In 2010, listed building consent was granted for Internal and external alterations to 2 Logies Lane.

09/00071/EFULL - In 2009, planning permission was approved for change of use from class 1 retail to class 3 (coffee shop) and installation of air-conditioning unit to the rear of 2 Logies Lane.

09/00433/EADV - In 2009, advertisement consent was granted for display of non-illuminated fascia sign at 2 Logies Lane.

09/00129/ELBC - In 2009, listed building consent was granted for internal alterations to 2 Logies Lane.

1.4 Procedural Issues

1.4.1 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.

1.4.2 This application is supported by an application for full planning permission for a change of use from retail unit (Class 1) to restaurant (Class 3) including alterations to shopfront and installation of canopies (22/01884/FULL). A separate application for a change of use from public open space to form outside seating area and erection of awnings and balustrades (22/01885/FULL) has also been submitted.

1.4.3 This application was publicised in the Edinburgh Gazette on 28/06/2022 and The Courier on 30/06/2022.

1.4.4 The Royal Burgh of St Andrews Community Council requested statutory consultee status for this application and have subsequently objected. The comments made have been summarised in the representations section and discussed in the main body of this report where applicable.

2.0 Assessment

2.1 The issue to be assessed against the Development Plan and other guidance are as follows:
- Design and Visual Impact on Built Heritage

2.2 Design and Visual Impact on Built Heritage

2.2.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special attention should be given to preserving or enhancing the character or appearance of listed buildings. 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 a listed building and to ensure that its special characteristics are protected, conserved or enhanced.

2.2.2 Scottish Planning Policy (2014) notes that change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.

2.2.3 Policy 14 of the FIFEplan also states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Making Fife's Places - Supplementary Guidance (2018), and Historic Environment Scotland's Managing Change in the Historic Environment guidance set out the general principles that

should apply when proposing new work on listed buildings to ensure that their historical and/or architectural significance is safeguarded against insensitive change or damage.

2.2.4 Fife Council's Planning Customer Guidelines on Shopfront Design Guidelines (2016) provides advice on what the Planning Authority expects for proposed shopfront developments. This guidance identifies key policies, the principle of good design and examples of well-designed traditional and contemporary shopfronts. With regard to canopies/awnings, the guidance sets out the retractable, straight awnings are preferable, especially in Conservation Areas and on listed buildings. Furthermore, the guidance document details that awnings can be fitted above or below facias to ensure important features are not obscured, whilst the external proportions and scale of the blind should dictate the length of the canopy.

2.2.5 The proposed canopy would be of a traditional retractable design and would be coloured Red Magenta (RAL 3004) with no branding. The canopy would be approximately 6.2 metres wide and would project approximately 1.5 metres including the cubic cassette (box which houses recessed canopy) from the frontage. The canopy would be fixed to the existing fascia, in line with the existing canopies along the terrace. The design, materials, location and dimensions of the proposed canopy would be consistent with the advice within the St Andrews Design Guidelines (2011) and relevant Fife Council Planning Customer Guidelines. In addition, the proposed use of red is deemed to be appropriate in this locale and would not harm the character and appearance of the Conservation Area or any of the adjacent Listed Buildings. Similarly, the painting of the elevation black to match Units 2 and 3 would create a uniform approach to the terrace which would be acceptable. Overall, when assessed against the relevant policies and guidance noted above, the proposed alterations would be acceptable in regard to the proposed design, scale and finishing materials, according with the architectural and visual quality of the building.

2.2.6 Internally, two new openings would be formed between Units 1 and 2 and an existing opening would be stopped up between Unit 1 and the adjoining building to the north. To allow for this, part of the existing stair balustrade would be removed. The interior is not specifically mentioned within the listing of the adjoining building, however internal photographs have been provided to show this, which demonstrate a modern interior. The proposed partition would be of timber stud construction and would be finished to match the existing interior. The agent has confirmed that this element would be easily removable to the existing previous arrangement if so required.

2.2.7 This application has been reviewed by Historic Environment Scotland (HES), who confirmed that they had no comments to make.

2.2.8 The proposed alterations to the building would not have a detrimental impact on the character of the building and there will be no significant loss of historic fabric. The proposed alterations would be compatible with the character, appearance and scale of the existing building and surrounding environment in terms of design. Given the age of the building there are no architectural details internally of any merit and the exterior is designed to reflect a traditional shop front with glazed door and large window but all entirely contemporary from the 1980s.

2.2.9 For these reasons, the proposals accord with Policies 1 and 14 of FIFEplan and Scottish Planning Policy in regard to valuing the historic environment and are therefore acceptable.

CONSULTATIONS

Historic Environment Scotland

No comments.

REPRESENTATIONS

One objection has been received, which noted the following points:

The floor plans show 1 Logies Lane is isolated from the adjacent building, which is not the case. Details of the proposed opening infill were requested, including details of fire risk. - Details of the opening have been provided, however the fire risk implications have not been assessed as this is not a material planning consideration. This will be considered by Building Standards department, however.

The tables would be too close together and would block openings which would restrict disabled access. - This is not relevant to this application.

The external tables would also be too close together and would narrow Logies Lane, making it difficult for pedestrians to pass. - This is not relevant to this application.

The entrance was originally to be moved from the centre to the south of the unit, which would concentrate tables to the northern end and block the escape exit from 94 Market Street. - Although the entrance is now to be retained, the potential impact on escape exits is not relevant to this application.

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 design and scale and will not have any significant impact built heritage. The proposed development is therefore considered to be acceptable and is recommended for conditional approval.

RECOMMENDATION

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

1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.
1. Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance

Scottish Planning Policy (2014) (Valuing the Historic Environment)

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

Development Plan

The Adopted FIFEplan (2017)

Making Fife's Places - Supplementary Guidance (2018)

Fife Council's Planning Customer Guidelines on Shopfront Design Guidelines (2016)

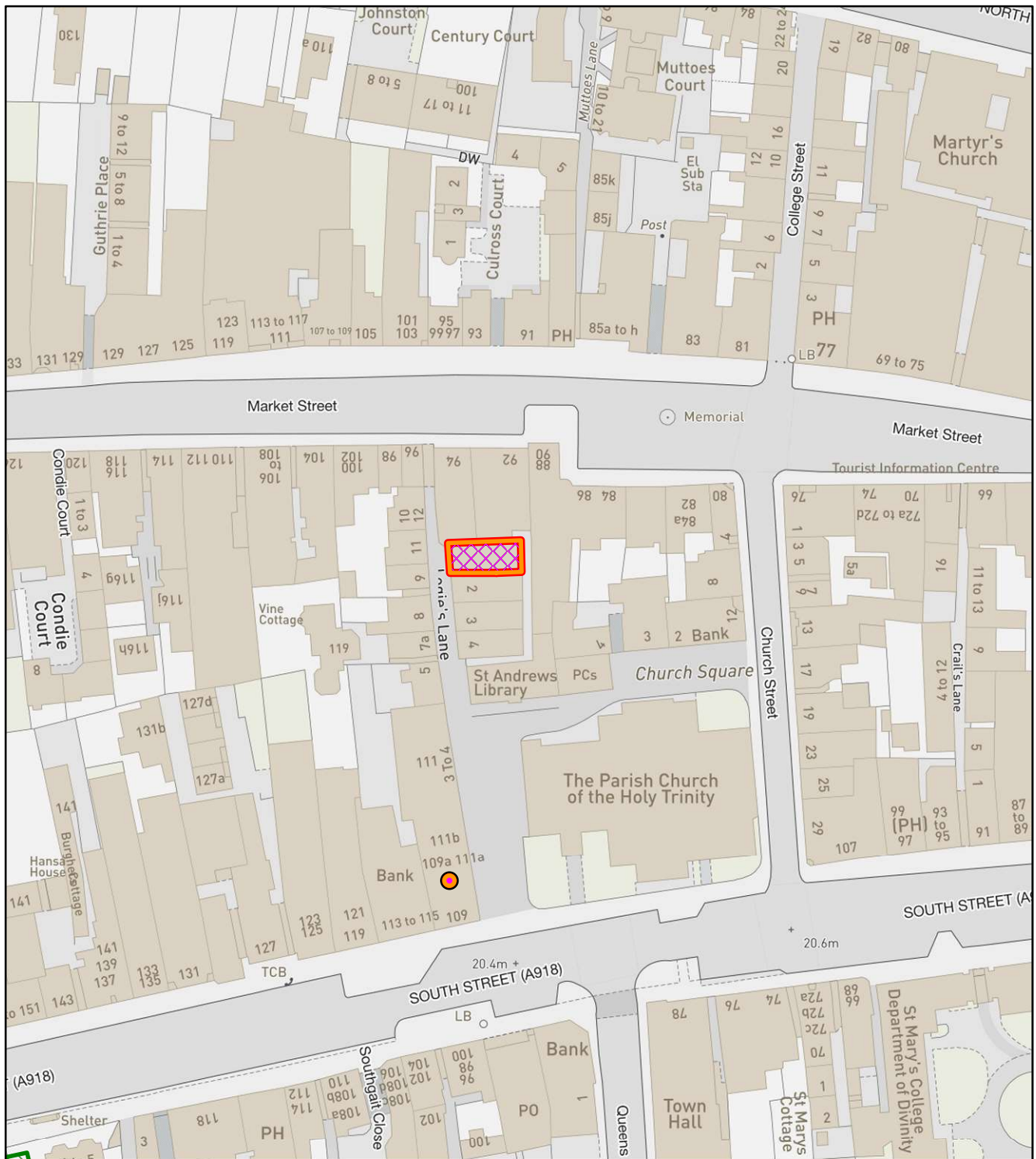
Report prepared by Sarah Purves, Planner and Case Officer

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 30/9/22.

Date Printed 15/09/2022

22/02021/LBC

1 Logies Lane St Andrews



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 11

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01913/FULL

SITE ADDRESS: FARMHOUSE BALBUTHIE BALBUTHIE ROAD

PROPOSAL: CHANGE OF USE OF PART FROM AGRICULTURAL STORAGE BUILDING TO MUSEUM (CLASS 10)

**APPLICANT: CAMERON RAILWAY TRUST
BALBUTHIE OPEN FARM BALBUTHIE FARM KILCONQUHAR**

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

CASE OFFICER: Scott McInroy

DATE REGISTERED: 20/06/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 objections contrary to officers' 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 relates to part of an existing storage building (approved through application 19/00793/FULL and subsequently built) which is located at Balbuthie Farm which is located less than one mile to the east of the village of Kilconquhar. To the south and east of the site is open farmland, to the west is a visitor centre (approved through application 19/00793/FULL), while to the north are existing agricultural buildings. Existing vehicular access is provided by the internal farm access roads which links into Balbuthie Road via two junctions, one of which is situated to the southwest and the other beyond the farm buildings to the northwest. Pedestrian access along with visitor parking was installed as part of the approved visitor centre which sits to the west of the application site.

1.2 Planning permission is sought for the change of use of part from agricultural storage building to museum (Class 10). The museum is proposed to house 2 locomotives and tender and one ex observation coach which would rest on plinths within the building. These locomotives would not be operated or moved from this building. The proposed museum would take up 572sqm of the building, with 553sqm remaining for agricultural use. Internally a partition wall would be erected in concrete blockwork to subdivide the building. No external alterations are proposed.

1.3 Planning history on this site is as follows;

- 17/03912/FULL - Erection of a visitor centre - Refused 02/10/2018

- 19/00793/FULL - Erection of agricultural storage building - Approved 19/11/2019

- 19/00794/FULL - Erection of open farm visitor centre (Sui Generis) - Approved 19/11/2019

1.4 Application Process

1.4.1 The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

2.0 PLANNING ASSESSMENT

2.1 The matters to be assessed against the development plan and other material considerations are:

- Principle of development
- Transportation
- Design/Visual Impact on the Countryside
- Residential Amenity

2.2 Principle of development

2.2.1 Policy 1: Development Principles of the adopted FIFEplan Fife Local Development Plan supports the principle of development outwith defined settlement boundaries, such as is the case here, in locations where the proposed use is supported by the plan.

2.2.2 Policy 7: Development in the Countryside of the plan only supports development in the countryside where it is required for agricultural, horticultural, woodland, or forestry operations; will diversify or add to those land-based businesses to bring economic support to same; is for the extension of established businesses; is for some small-scale employment land adjacent to settlement boundaries; is for facilities for access to the countryside; is for facilities for outdoor recreation, tourism, or other development demonstrating a proven need for a countryside location; or is for housing in line with Policy 8: Houses in the Countryside of the plan. In all cases, development must: be of a scale and nature compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area. Development on prime agricultural land is not supported except in certain circumstances.

2.2.3 Concerns have been raised regarding the principle of this development. In this instance it is considered that the proposal can be linked to the continued diversification of the existing farming enterprise at Balbuthie, which would be ancillary to the approved visitor centre (approved through application 19/00794/FULL), bringing economic support to the wider business. The proposed museum would complement the existing recreational activities associated with the open farm and would be well located next to the visitor centre and associated amenities such as car parking, toilets and café facilities, therefore not interfering with the wider agricultural operations of the farm.

2.2.4 Therefore, it is considered that the proposed development is suitable for its location and is thus acceptable in principle. The overall acceptability of any such development must however also satisfy other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

2.3 Transportation

2.3.1 Adopted FIFEplan (2017) Policy 3 and Making Fife's Places Supplementary Guidance (2018) apply in this instance.

2.3.2 Concerns have been raised regarding road safety. Transportation Development Management responded to a previous application for a visitor centre (19/00794/FULL) and suggested that roads safety conditions be added to that application by way of junction improvements, improvements to existing passing places and the installation of additional passing places. These conditions have all been complied with. It is considered that proposed change of use would have no significant effect on road safety as this proposal is not expected to generate an increase in trip generation to the site on top of the existing uses and that the improvements requested through application 19/00794/FULL (which have been completed) are sufficient in this location.

2.3.3 It is therefore concluded that the proposal would comply with the Fife Council Transportation Development Guidelines and relevant development plan policies.

2.4 Design/Visual Impact on the Countryside

2.4.1 FIFEplan Local Development Plan (2017) Policies 1, 7 and 10, the Making Fife's Places Supplementary Guidance (2018) apply with regard to the design and visual impact of the proposal.

2.4.2 Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area.

2.4.3 As defined previously, Policies 7 of FIFEplan (2017) advises that development proposals in the countryside must be of scale and nature that is compatible with the rural surroundings; be located and designed to protect the overall landscape and environmental quality of the area; and improve the landscape and environmental quality of the countryside.

2.4.4 Making Fife's Places Supplementary Guidance (2018) is Fife Council's Guidance on expectations for the design of development in Fife. This sets out guidance on how to apply the six qualities of successful places as set out in the above policy documents. In respect of this application, for example, key principles include reflecting the pattern of the local settlement form - including street widths, building setback etc; creating streets and spaces with particular character and a sense of identity to create visual interest; integrate green networks with the built development; creating developments that are not dominated by cars. This Supplementary Guidance document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places, alongside advice for developers on the process of design and the information required to allow the planning authority to fully assess any design proposals.

2.4.5 The only alteration proposed to the building are internally where a concrete blockwork partition wall is proposed to subdivide the agricultural building. No external alterations are proposed. Therefore, this proposal will have no visual impact on the countryside.

2.5 Residential Amenity

2.5.1 Policies 1 and 10 of the Adopted FIFEplan (2017) Fife Council Customer Guidelines on Daylight and Sunlight, Garden Ground and Minimum Window-to-Window Distances apply in terms of residential amenity.

2.5.2 The above policies and guidelines set out guidance for 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 dwellings, and that they should not adversely affect the privacy and amenity of neighbours.

2.5.3 The closest proposed third-party residential dwelling is 195m away from the application site and is separated by existing agricultural sheds. Given the distance and the fact there are operational agricultural shed between the application site and nearest residential property, it is not considered that the proposal would significantly impact on the amenity of this property.

CONSULTATIONS

TDM, Planning Services	No objection
Environmental Health (Public Protection)	No objection
Community Council	No objection

REPRESENTATIONS

13 objections were received in connection with this proposal. The material planning considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.3 (Road Safety) of this report of handling.

Concerns raised about other business ventures in this location are not a material planning consideration in the assessment of this application. The Visitor Centre building and agricultural building has been constructed on site; therefore these, consents are extant and have been implemented.

Concerns regarding how the locomotives would be transported to the site are not a material planning consideration in the assessment of this application.

Comments regarding previous applications are noted, however, each planning application is assessed on its own merits.

20 letters of support received including one from Kilconquhar Community Council. The letters of support made the following points:

- Beneficial to the local area
- Compliment/enhance existing uses on site
- Tourism benefits to wider area

CONCLUSIONS

The proposal is acceptable in meeting the terms of National Guidance, the Development Plan, and relevant Council Planning Customer Guidelines and is compatible with its surrounds in

terms of land use and its siting, design and finish will not have any adverse impact on the amenity of the surrounding area.

RECOMMENDATION

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

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

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

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 (June 2014)

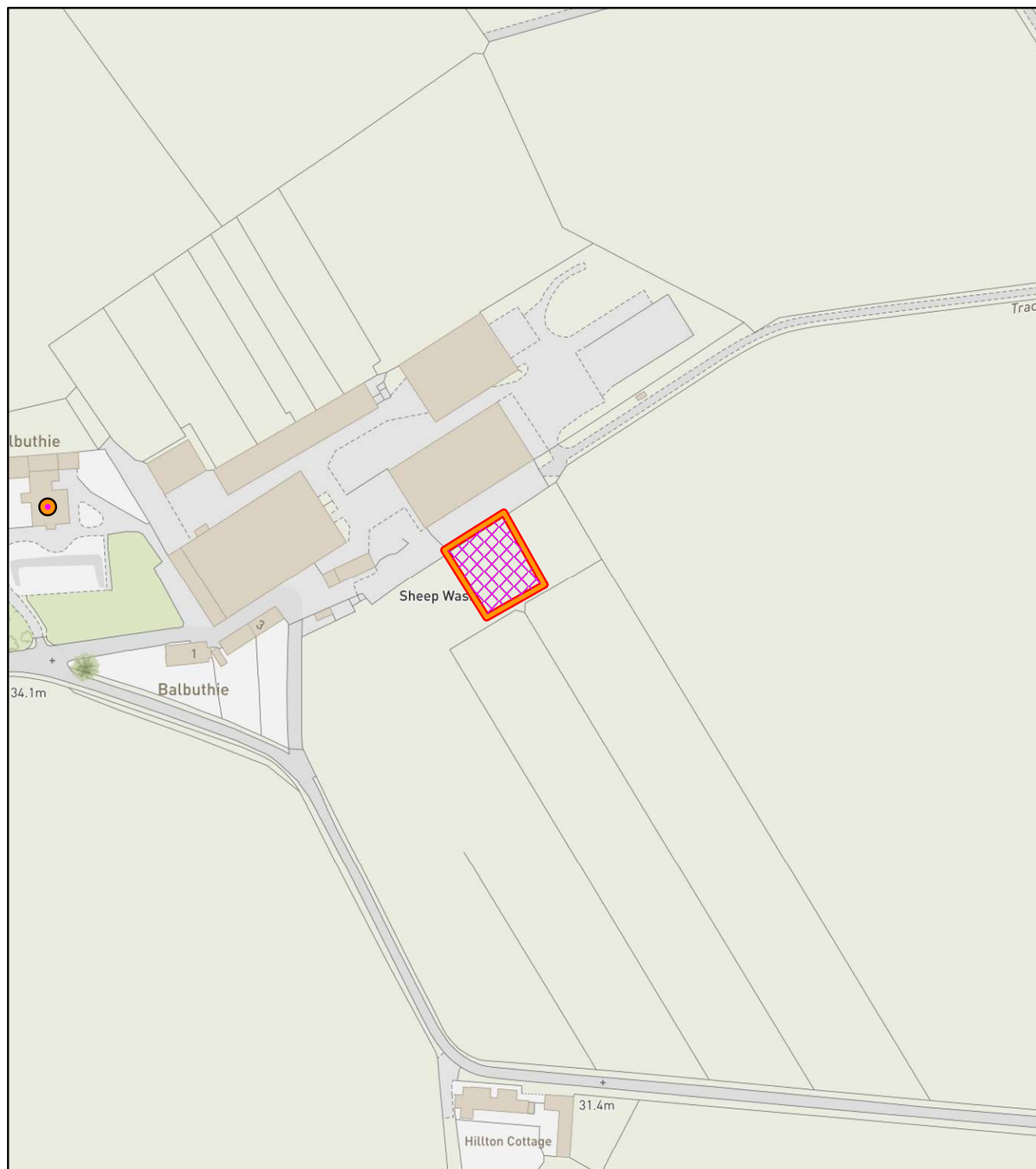
Development Plan and Supplementary Guidance:
FIFEplan Local Development Plan (September 2017)
Making Fife's Places Supplementary Guidance (August 2018)

Report prepared by Scott McInroy, Planner, Development Management
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 20/9/22.

Date Printed 20/09/2022

22/01913/FULL

Farmhouse Balbuthie Balbuthie Road Kilconquhar



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Legend

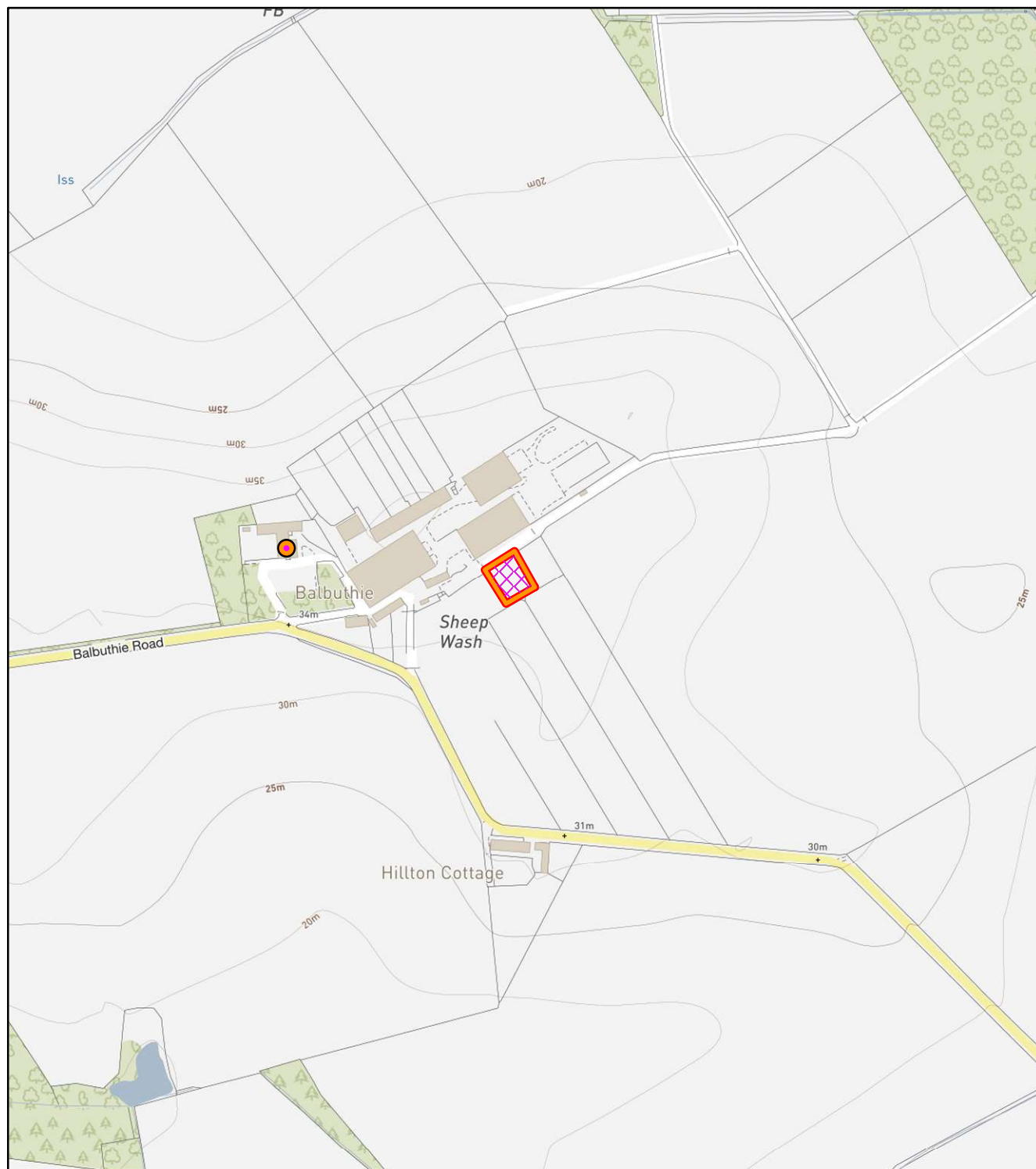
 Application Boundary

0 12.5 25 50 75 m



Fife
COUNCIL
Economy, Planning & Employability Services

Farmhouse Balbuthie Balbuthie Road Kilconquhar



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Legend			
	Application Boundary		

12th October 2022

Agenda Item No. 12

Legislative Requirement to Limit the Duration of Planning Permission by Applying Time Conditions

Report by: Pam Ewen, Head of Planning

Wards Affected: All

Purpose

The purpose of this report is to update Members in respect of a change to planning legislation which came into effect on 1st October 2022 and to advise the Committee of the need to implement the requirements of the legislation in respect of the applications which the Committee has already indicated it is minded to grant, where that decision has not yet been issued.

Recommendation(s)

To agree that, in respect of the applications listed in Appendix 1 the additional conditions required to limit the life of the planning permission (also noted in Appendix 1) shall be added to those decisions.

Resource Implications

None.

Legal & Risk Implications

There are no known direct or indirect legal implications affecting Fife Council as Planning Authority in the event the Committee agree the recommendation. In the event the recommendation is not accepted, a further report on each application would require to be considered by Committee in order to add a time limit condition or conditions to comply with legislation and should such time limitation conditions not be agreed the decisions issued would not be lawful.

As in all circumstances when a refusal of planning permission is agreed or conditions imposed on an approval, the applicant has a right of appeal within 3 months of the date of decision, to the Scottish Government Planning and Environmental Appeals Division.

Consultation

Consultation was undertaken with the Head of Legal and Democratic Services, who raised no objection to the proposal.

1.0 Background

- 1.1 Section 32 of The Planning (Scotland) Act 2019 amends the provisions of Section 58 and Section 59 of The Town and Country Planning (Scotland) Act 1997 which relate to the duration of Planning Permission. The provisions of Section 32 of the 2019 Act came into effect on the 1st October 2022.
- 1.2 Under the provisions of the 1997 Act, the duration of planning permission was implied, rather than expressed in the form of a specific condition expressed as part of the decision notice issued in granting planning permission (including planning permission in principle and approval of matters specified in conditions). Where a planning authority considered that the duration of a permission should be something other than the prescribed standard time period, the legislation provided for any alternative time period to be provided by means of a Direction.
- 1.3 The provisions of Section 32 of the 2019 Act mean that the duration of planning permission must be limited by means of a condition attached to the grant of planning permission. In the vast majority of cases, the standard times for duration of planning permission would be applied, although the option to allow for different durations remains available.
- 1.4 Where a Committee has indicated that they are minded to grant planning permission, following the conclusion of a legal agreement, the planning permission is normally issued immediately after the legal agreement has been concluded. In these cases, the permission will almost always be subject to conditions and as the Committee will have considered and agreed the conditions to be attached to that grant permission, in terms of the List of Officer Powers, any change to those conditions would require further Committee authorisation.
- 1.5 The process of negotiating legal agreements is complex and can take a considerable length of time. There are currently 5 applications which a Committee has approved subject to conditions following the conclusion of a legal agreement where a decision is still to be issued. As these decisions will be issued after the 1st of October 2022, in each case a condition or conditions will require to be added to restrict the duration of the permission in order to comply with the provisions of the 1997 Act, as amended by the 2019 Act.
- 1.6 These conditions are required by legislation and as such must be applied to all decisions issued from the 1st of October 2022. The conditions to be applied would specify either the standard duration of the permission which is set out in the legislation or the duration which would previously have been applied in the form of a Direction. In the case of applications for planning permission, the standard time period prescribed is 3 years from the date of the issue of planning permission. In the case of applications for planning permission in principle, the standard time period provided for the submission of subsequent applications for Approval of Matters Specified in Conditions is 3 years. Thereafter, the standard time period provided for the duration of Approval of Matters Specified in Conditions is 2 years from the date of issue of permission.
- 1.7 In the case of a Direction, the time period to be applied will already have been considered and agreed by the Committee as part of the determination that the Committee was minded to grant planning permission.

2.0 Conclusions

- 2.1 The change in planning legislation which took effect on the 1st October 2022 requires all Planning Authorities to express the duration of a permission in the form of a condition attached to that planning permission. Whilst changes to the conditions to be attached to a permission which have been agreed by a Committee would normally require further agreement by the Committee, in this case the additional conditions are required by statute and as such Fife Council, as Planning Authority is bound to apply them.

Background Papers

- Town and Country Planning (Scotland) Act 1997 (as amended) - Section 58 & Section 59
- Planning (Scotland) Act 2019 (as amended) – Section 32
- Planning Circular 3/2013: Development Management Procedures (as amended)

Report Contact

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Author's Job Title Service Manager
Workplace Fife House, Glenrothes
Email Maryj.stewart@fife.gov.uk

APPENDIX 1 - List of Applications and Relevant Conditions / Reasons

Application	Proposal
17/00536/FULL Gilliesfaulds Farm Carslogie Cupar	Construction of 55 houses, proposed site layout for up to a further 113 houses, provision of employment land [Class 4 Business], together with access, infrastructure, drainage, sustainable urban drainage systems, landscaping and open space.
Additional Condition / Reason	
<p>1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.</p>	

18/03153/PPP Development Site Motray Park Guardbridge	Planning permission in principle for major residential development and associated works including car parking, landscaping, drainage and formation of new access
Additional Condition / Reason	
<p>1. Applications for approval of matters specified in conditions must be made before:-</p> <p>the expiration of 3 years from the date of the approval of this decision;</p> <p>the expiration of 6 months from the date on which an earlier application for such approval was refused;</p> <p>the expiration of 6 months from the date on which an appeal against such refusal was dismissed or;</p> <p>the expiration of 6 months from the date of the notice to uphold the determination by virtue of Section 43A(11)(e)</p> <p>whichever is the latest, and</p> <p>The development to which this permission relates must be begun not later than:-</p> <p>the expiration of 3 years from the date of this decision, or</p> <p>if later, the expiration of 2 years from the final approval of the matters specified in conditions reserved matters as, in the case of approval on different dates, the final approval of the last such matter to be approved.</p> <p>Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.</p>	

18/03578/PPP Land To North Of Grange Road Earlsferry	Planning permission in principle for major residential development with associated car parking, landscaping, drainage and formation of new accesses
Additional Condition / Reason	
<p>1. Applications for approval of matters specified in conditions must be made before:-</p> <ul style="list-style-type: none"> the expiration of 3 years from the date of the approval of this decision; the expiration of 6 months from the date on which an earlier application for such approval was refused; the expiration of 6 months from the date on which an appeal against such refusal was dismissed or; the expiration of 6 months from the date of the notice to uphold the determination by virtue of Section 43A(11)(e) <p>whichever is the latest, and</p> <p>The development to which this permission relates must be begun not later than:-</p> <ul style="list-style-type: none"> the expiration of 3 years from the date of this decision, or if later, the expiration of 2 years from the final approval of the matters specified in conditions reserved matters as, in the case of approval on different dates, the final approval of the last such matter to be approved. <p>Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.</p>	

18/03579/PPP Land To East Of Wadeslea Elie	Planning permission in principle for major mixed use development comprising: residential units (Class 9), associated car parking, open space, landscaping, drainage and formation of new access points, small business units (Class 4), a care home (Class 8), retirement housing (Class 8), additional parking for an existing doctors surgery and community space/facilities
Additional Condition / Reason	
<p>1. Applications for approval of matters specified in conditions must be made before:-</p> <ul style="list-style-type: none"> the expiration of 3 years from the date of the approval of this decision; the expiration of 6 months from the date on which an earlier application for such approval was refused; the expiration of 6 months from the date on which an appeal against such refusal was dismissed or; 	

the expiration of 6 months from the date of the notice to uphold the determination by virtue of Section 43A(11)(e)

whichever is the latest, and

The development to which this permission relates must be begun not later than:-

the expiration of 3 years from the date of this decision, or

if later, the expiration of 2 years from the final approval of the matters specified in conditions reserved matters as, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In order to comply with the provisions of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.

22/00833/FULL Land To East Of Stratheden Place Auchtermuchty	Erection of 21 no. dwellinghouses and associated works
Additional Condition / Reason	
1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission. Reason: In order to comply with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of The Planning (Scotland) Act 2019.	