

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

Wednesday, 28th October, 2020 - 2.00 pm

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

In terms of section 5 of the Code of Conduct, members of the Committee are asked to declare an interest in particular items on the agenda and the nature of the interest(s) at this stage.

3. CHANGE OF MEMBERSHIP

Members are asked to note that Councillor Derek Glen had replaced Councillor Ian Ferguson as a member of the Central and West Planning Committee.

- 4. MINUTE** - Minute of Meeting of Central and West Planning Committee of 29th September, 2020. 3 - 5

ITEMS FOR DETERMINATION

- 5. 18/02425/FULL - LESLIE HOUSE, LESLIE, GLENROTHES** 6 - 48

Proposed conversion of Leslie House to form 24 flats, erection of 8 new build dwellinghouses, associated parking, access, landscaping and drainage.

- 6. 18/02426/LBC - LESLIE HOUSE, LESLIE, GLENROTHES** 49 - 68

Listed building consent for conversion of Leslie House (Category A Listed Building) with new build enabling development.

- 7. 20/00839/FULL - 251 AND 257 TO 261 HIGH STREET, KIRKCALDY** 69 - 97

Proposed demolition of existing shop unit at 251-255 High Street to provide mixed use development of 39 affordable housing flats, and commercial units.

- 8. 20/01466/FULL - SITE TO SOUTH OF TURPIE ROAD, LEVEN** 98 - 109

Erection of bakery shop unit (Class 1) with ancillary drive through facility, associated car parking and landscaping.

9./

9. **20/00163/FULL - LAND TO NORTH OF BURNBRAE HOUSE, OSBORNE DRIVE, KINCARDINE** 110 - 123

Erection of 3 no. dwellinghouses with associated garages and boundary fencing and formation of access, hardstanding and landscaping.

DEVELOPMENT MANAGEMENT - DELEGATED ITEMS

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

Lists of applications dealt with under delegated powers for the period 7th September to 4th October, 2020.

Note: These lists are available to view with the Committee papers on Fife.gov.uk

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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21st October, 2020

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THE FIFE COUNCIL - CENTRAL AND WEST PLANNING COMMITTEE – REMOTE MEETING

29th September, 2020

2.00 p.m. – 4.00 p.m.

PRESENT: Councillors Alice McGarry (Convener), David Alexander, Alistair Bain, John Beare, James Calder, Bobby Clelland, Dave Coleman, Ian Ferguson, Gordon Langlands, Mino Manekshaw, Derek Noble, Ross Paterson and Andrew Verrecchia.

ATTENDING: Mary Stewart, Service Manager – Major Business and Customer Service, Martin McGroarty, Lead Professional – Minerals and Mark Barrett, Lead Officer Transportation Development Management (South Fife), Economy, Planning and Employability Services; Laura Lamb, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

APOLOGY FOR ABSENCE: Councillor Mick Green

68. DECLARATIONS OF INTEREST

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

69. MINUTE

The Committee considered the minute of the Central and West Planning Committee of 2nd September, 2020.

Decision

The Committee agreed to approve the minute.

70. 18/01662/FULL - VALLEYFIELD ASH LAGOONS, MAIN STREET, LOW VALLEYFIELD

The Committee considered an application by the Head of Planning relating to an application for the final capping of the remaining ash lagoons and associated engineering works, including the erection of a wind turbine of up to 11.8m blade-tip height.

Mary Stewart, Service Manager advised members that Condition 2 would be amended to state that the timescale for the submission of the detailed restoration scheme would be 12 months instead of 3 months and that Condition 3 would be amended to insert '(in consultation with SEPA)' after 'by Fife Council as Planning Authority'.

Motion

Councillor/

Councillor McGarry, seconded by Councillor Beare, moved that the application be approved as per officer recommendation including amendments to Conditions 2 and 3.

Amendment

Councillor Clelland, seconded by Councillor Verrecchia, moved that Condition 9 be amended to include a requirement for further detail on the landscape planting plan, with the detailed wording to be delegated to the Head of Planning in agreement with the Convener.

Roll Call

For the Motion – 4 votes

Councillors Alice McGarry, Alistair Bain, John Beare and Dave Coleman.

For the Amendment – 9 votes

Councillors David Alexander, James Calder, Bobby Clelland, Ian Ferguson, Gordon Langlands, Mino Manekshaw, Derek Noble, Ross Paterson and Andrew Verrecchia.

Having received a majority of votes, the Amendment was carried.

Decision

The Committee agreed to approve the application subject to the fourteen conditions and for the reasons detailed in the report, incorporating the following amendments:-

- (1) amendments to Conditions 2 and 3 as set out by officers; and
- (3) amendment to Condition 9 to include a requirement for further detail on the landscape planting plan, with the detailed wording to be delegated to the Head of Planning in agreement with the Convener

71. 20/00545/FULL - LAND TO WEST OF MACDONALD SQUARE, MAIN STREET, HALBEATH

The Committee considered an application by the Head of Planning relating to an application for the erection of three retail units (Class 1), two cafe/restaurant units (Class 3) with associated drive thru element (Sui Generis) and one cafe/restaurant unit (Class 3) with associated parking and external works.

Motion

Councillor McGarry, seconded by Councillor Alexander, moved that the application be approved as per officer recommendation.

Amendment/

Amendment

Councillor Clelland, seconded by Councillor Coleman, moved that Condition 3 of the report be amended to ensure hours of operation be restricted for all units and not specifically units 1 to 4.

Roll Call

For the Motion – 2 votes

Councillors Alice McGarry and David Alexander.

For the Amendment – 11 votes

Councillors Alistair Bain, John Beare, James Calder, Bobby Clelland, Dave Coleman, Ian Ferguson, Gordon Langlands, Mino Manekshaw, Derek Noble, Ross Paterson and Andrew Verrecchia.

Having received a majority of votes, the Amendment was carried.

Decision

The Committee agreed to approve the application subject to the nineteen conditions and for the reasons detailed in the report including an amendment to Condition 3 to ensure hours of operation be restricted for all units and not specifically units 1 to 4.

72. 20/00625/FULL - 1 COVENANTERS RISE, DUNFERMLINE

The Committee considered a report by the Head of Planning relating to an application to raise the roof height and installation of replacement roofing.

Decision

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

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

Decision

The Committee agreed to note the list of applications.

ITEM NO: 5

APPLICATION FOR FULL PLANNING PERMISSION REF: 18/02425/FULL

SITE ADDRESS: LESLIE HOUSE GLENROTHES FIFE

PROPOSAL : PROPOSED CONVERSION OF LESLIE HOUSE TO FORM 24 FLATS, ERECTION OF 8 NEW BUILD DWELLINGHOUSES, ASSOCIATED PARKING, ACCESS, LANDSCAPING AND DRAINAGE

APPLICANT: BYZANTIAN DEVELOPMENTS LTD
25A KIRKGATE DUNFERMLINE FIFE

WARD NO: W5R14
Glenrothes North, Leslie And Markinch

CASE OFFICER: Katherine Pollock

DATE 24/09/2018

REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

Leslie Community Council has objected to the application as a statutory consultee and the recommendation is for approval.

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 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.1 Site Description

1.1.1 The application site extends to approximately 1.9 hectares, located to the east of Leslie and to the north of Glenrothes. It comprises the Category A listed Leslie House and associated gardens, part of the main driveway leading up to the house and an area of woodland and footpaths to the east. The application site is bound by woodland on all sides. Beyond the site to the north is the Lothrie Burn, the River Leven to the south, to the east is a car park and associated access road and to the west is the remainder of the Leslie House driveway and Category B listed entrance gates with boundary walls. The Category C listed Duke's Lodge is situated some 150 metres to the north west of the application site and the Category B listed Duchess Lodge is located approximately 450 metres to the west.

1.1.2 Leslie House is a 13-bay classical house comprising 3-storeys and basement with the remains of a conservatory on the east elevation and parts of an outbuilding remain to the rear of the house. There are three garden terraces with rubble retaining walls to the south, an area of hardstanding to the front of the house and remains of a parterre (formal garden laid in a symmetrical pattern) and terraced gardens to the east.

1.1.3 The house and gardens are currently derelict following a significant fire in 2009 which severely damaged the house with very little surviving of the interior, what remains today is effectively the shell of the house which is propped up by a series of metal supports. Internally, there is only the main spine walls, partial internal walls and parts of the north and south stairs remaining. There is metal security fencing enclosing the house.

1.1.4 The main access into the application site is taken from the A911 to the west however, there is a secondary access also from the A911 to the north which sits to the east of Duke's Lodge. There is an existing footpath network surrounding the house, this includes a core path (812) which runs through the eastern side of the site.

1.1.5 The application site lies within the Leslie House Inventory Garden and Designed Landscape which includes not only Leslie House and its associated gardens but extends from the woodland to the south of Prinlaws Mill to the west of Leslie House and including Riverside Park and Auchmuty Plantation to the Rothes Roundabout to the east. An area Tree Preservation Order covers all of the trees within the application site and the majority of the area recorded in the Inventory Garden and Designed Landscape.

1.1.6 The site is not within a Conservation Area. The Leslie Conservation Area is some 225 metres to the north west of the application site beyond the existing woodland.

1.1.7 Leslie House is identified as derelict in the Fife Council Vacant and Derelict Land Audit 2019 and has been recorded in the Buildings at Risk Register by Historic Environment Scotland since 2008.

1.1.8 The application site is allocated as a housing opportunity site within the adopted FIFEplan Local Development Plan 2017 through allocation reference LES 001.

1.2 Proposal Description

1.2.1 The application seeks full planning permission for the conversion of Leslie House to form 24 flats, erection of 8 new build dwellinghouses, associated parking, access, landscaping and drainage.

1.2.2 The proposal includes conversion and extension of the Category A listed Leslie House to create 24 flats which would comprise 1, 2, 3 and 4 bedrooms. There are two extensions proposed to the rear of the building, the main extension is proposed to the north side of the east elevation. The second extension would be on the south side of the east elevation on the footprint of the former conservatory which is to be demolished and removed. The main extension would be over three storeys, with the top floor set back from the bulk of the extension to form a single penthouse flat with roof top terrace. The ground and first floors of the extension would be finished in a buff facing brick with stone surrounds to the windows. The top floor would be finished in a dark grey zinc. The extension includes a green sedum flat roof. The second extension would be single storey and would also include a flat roof and be clad in the same buff facing brick. Both extensions would connect into Leslie House via glass corridors which would have a flat roofs and finished in steel with slim framed glazing.

1.2.3 The majority of the existing outbuilding to the rear of Leslie House is to be retained and would link into the basement of Leslie House to accommodate plant rooms and bin and bicycle storage.

1.2.4 No major alterations are proposed to the existing elevations of Leslie House with repairs to the stone work to be carried out as necessary.

1.2.5 There is currently no roof on Leslie House as this was destroyed during the fire of 2009 therefore, a new mansard roof incorporating stone chimneys is proposed to match the previous roof. This will include a dark blue/grey welsh slates to be laid in diminishing courses with a lead grey single ply membrane flat section. New roof lights proposed to all roof elevations.

1.2.6 New windows are proposed on all of the building elevations comprising a six over six pane formation with size variations to accommodate the variety of different window openings throughout Leslie House.

1.2.7 On the west elevation which forms the front of the house, the existing stone balustrade is to be retained and repaired. The carved stone armorial panel is to be reinstated with the entrance pillars to be retained. A new timber door with glazed panels which would be painted grey is to be installed at the entrance to the house.

1.2.8 In the gardens to the rear of Leslie House, six new build houses are proposed on the lower terrace. The proposed houses would all be detached, extending to two storeys and incorporating 3 and 4 bedrooms. The houses would be finished in a buff facing brick with pitched zinc roofs incorporating box dormers. Entrance canopies on supporting steel posts are proposed at the front doors to the houses and there would also be glass balconies at first floor level.

1.2.9 To the front of Leslie House two detached, new build gatehouses are proposed at the west end of the driveway, behind the main entrance gates. In common with the houses proposed to the rear of Leslie House, the gatehouses would be two storeys, incorporating 4 bedrooms. These houses would also be finished in a buff facing brick with pitched zinc roofs incorporating box dormers. The gatehouses include integral car ports incorporating perforated brick walling to rear of the covered car ports.

1.2.10 Improvements to the existing passing places are proposed along the drive to the front of Leslie House. A new access road is proposed at the east end of the application site from the B969

in order to provide vehicular access to the six new build houses. Formation of this access road will require removal of 21 trees.

1.2.11 The proposal includes removal of the avenue of Western Hemlocks along the drive on approach to the house. A total of 50 trees may need to be removed, six of these due to existing disease and decay. 33 of these trees were classed as Category C (low quality with a life expectancy of 10 years or young trees with a stem diameter of 150 mm), 7 were classed as Category B (moderate quality with a life expectancy of 20 years) and 4 were classed as Category A (high quality with a life expectancy of 40 years).

1.2.12 An area of car parking incorporating 30 spaces is proposed to the front of Leslie House to provide dedicated car parking for the flats. There would also be some informal parking spaces available on the drive. Courtyard car parking incorporating 18 spaces is proposed for the six houses to the rear of the house. The two proposed gate houses will each have three in curtilage parking spaces.

1.2.13 The terraced gardens to the south side of the site are to be retained and subject to new planting. All of the terrace stone walls and stairs will be repaired. The upper terraces of the gardens to the rear of Leslie House are to be replanted with the parterres to be reinstated and the fountain in the middle restored.

1.3 Planning History

1.3.1 Planning permission (06/00218/CFULL) was approved in 2007 for the conversion of Leslie House to form 17 flats and the development of 12 units on land outwith but to the north of current application site, adjacent to Dukes Lodge. The 12 units were approved as enabling development to subsidise the redevelopment of Leslie House. Sundial Properties (the applicants at the time) sold the enabling development site to Muir Homes and used the money from the sale to start work on Leslie House. Renovation of Leslie House was well advanced before a fire damaged the house in 2009. As work had started on the site, this planning permission is extant and could be completed at any point in the future. The site which is subject of the current application only includes part of the original site and relates only to Leslie House. It does not include the land where the enabling development was proposed at that time. Leslie House and this development site are now detached in land ownership terms with the current applicants, Byzantian Developments, having acquired the current application site from Sundial Properties in 2017, however, they are linked from a planning perspective through condition 3 of planning permission (06/00218/CFULL) which states:

“BEFORE ANY WORKS COMMENCE ON SITE, a phasing plan and specific contract documents detailing the timescales for the completion of the new build houses and the restoration of Leslie House shall be submitted to and approved by the Planning Authority. The 10th, 11th and 12th dwelling houses shall not be occupied until all the flats and associated works to Leslie House are completed.”

1.3.2 Planning application 14/01916/FULL was refused by Central Planning Committee on 19 August 2015. This application by Muir Homes was for a residential development of 28 units, associated access and landscaping. Committee refused the application for four reasons:

“(i) In the interests of protecting the natural heritage, amenity value and visual character of the site; the proposed loss of trees covered by a Tree Preservation Order as a result of the development would be contrary to Policy E24 of the Adopted Mid Fife Local Plan 2012 in that their

loss would not be justified on the basis of poor tree health or for any other good arboriculture practices.

(ii) In the interests of impact on built heritage; the proposed development by virtue of its scale, size, design and prominent location would have a detrimental impact on the setting of the category A listed Leslie House and its associated Designed Landscape and Gardens. The proposed development is therefore considered to be contrary to SPP (Historic Environment) (2014); Scottish Historic Environment Policy (SHEP) (2011); and Policies E8 and E11 of the Mid Fife Local Plan 2012.

(iii) In the interests of visual amenity; the proposed development by virtue of its size, scale, design and position on site is considered to be over development of a restricted site and is therefore contrary to Policies E2 and E4 of the Adopted Mid Fife Local Plan 2012.

(iv) The proposed development of 28 dwellings is considered to be contrary to the provisions of the Adopted Mid Fife Local Plan (2012) due to the increase in units for the enabling development from the maximum of 12 set out in Proposal LES01 of the plan. The proposed development is also considered to be contrary to the provisions of the Proposed FIFEplan Fife Local Development Plan (2014) due to the increase in units for the enabling development from the maximum of 12 set out in Proposal LES001 of the plan, and would involve the development of substantially more than 12 dwellings separate from Leslie House and would not result in any additional cross subsidisation of the renovation of Leslie House.”

1.3.3 This refusal of planning permission was subject of an appeal (PPA-250-2239) to the Planning and Environmental Appeals Directorate (DPEA). The Reporter for this case upheld the appeal and granted planning permission for the development. The decision by the Reporter was subject to 27 planning conditions and a planning obligation requiring contributions for affordable housing and strategic transport interventions. Condition 11 of the planning permission states that:

“The dwellings to be constructed on plots 23 to 27 inclusive, as shown on approved drawing 12071(PL)001-A (Site Layout Plan), shall not be occupied until the works of conversion and restoration of Leslie House, permitted by planning permission 06/00218/CFULL, have been completed.’

Reason: In the interests of preserving the listed Leslie House.”

1.3.4 Application reference 17/02065/FULL was lodged by Muir Homes in June 2017. This was an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) for the deletion of condition 11 of planning permission PPA-250-2239 which requires the restoration and conversion of Leslie House prior to occupation of plots 23 to 27 as noted above. This application was recommended for approval by Officers in their Report of Handling to Committee and refused by the Central Planning Committee for the following reason:

“1. In the interests of preserving the Category A listed Leslie House, the proposed deletion of condition 11, is considered to be contrary to Scottish Planning Policy paragraph 142, Historic Environment Scotland's Policy Statement (June 2016) Key Principles and Policy 14 of the Adopted FIFEplan 2017 which seeks to protect built heritage of special architectural or historic interest, in that the deletion of condition 11 would significantly reduce the likelihood of works recommencing to preserve the listed building. The Planning Authority are of the view that condition 11 as imposed by the Reporter in Planning Appeal PPA-250-2239 remains necessary and conforms to the tests set out in Circular 4/1998: The Use of Conditions in Planning Permissions.”

1.3.5 The applicant (Muir Homes) appealed against this decision to the Scottish Government and the appeal was dismissed on 25th April 2018 therefore, Condition 11 was retained.

1.3.6 Application 06/00221/LBC was the listed building consent approval for the works relating to planning permission 06/00218/CFULL to Leslie House but also included the re-positioning of gate and gate piers. The works granted by this listed building consent have been implemented and the gate and gate piers have now been repositioned.

1.3.7 Following the fire and the damage to the building, a further application for listed building consent (ref: 09/00964/CLBC) was approved. This included the agreement for a steel frame to be included within the design of the renovation to provide stability and flexibility where damage to the internal structure had occurred. Apart from the installation of the steel frame, no further works have been carried out on Leslie House with the exception of boarding up the doors and windows to make the building secure.

1.3.8 Planning permission (ref: 12/03535/FULL) was approved for a 3m high security fence. This is due to instances of vandalism and trespassing on site. Until recently there was on site security providing surveillance for the house and its immediate grounds.

1.3.9 There is currently an associated application for listed building consent for the various alterations to the listed building as required for redevelopment of the site. The application below is also before this committee for determination:

- 18/02426/LBC -Listed building consent for conversion of Leslie House (Category A Listed Building) with new build enabling development.

1.4 Application Process

1.4.1 The application seeks planning permission for under 50 dwellings and has a site area of less than two hectares. It is therefore, is classed as a Local Development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. There is no statutory requirement for pre-application consultation and as such no Proposal of Application Notice (PAN) was submitted by the applicant.

1.4.2 The application involves works to a listed building and would impact on its setting therefore, an advertisement was published in The Courier on 4th October 2018. A site notice was posted on site on 29th September 2018.

2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Impact on Listed Building
- Impact on Inventory Landscape and Designed Gardens
- Design and Visual Amenity
- Road Network and Parking
- Archaeology
- Natural Heritage
- Trees
- Flooding and Drainage
- Contamination and Land Stability

- Developer Contributions
- Education
- Sustainability

2.2 Principle of Development

2.2.1 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act. The Development Plan is the preferred mechanism for the delivery of housing land rather than individual planning applications. The Development Plan comprises the SESplan Strategic Development Plan (2013) and the adopted FIFEplan Local Development Plan (2017). SESplan promotes a series of policy aims which include promoting the development of urban brownfield land for appropriate uses and conserving and enhancing the built environment.

2.2.2 SESplan Policy 5: Housing sets the housing land requirement for the Edinburgh City Region, which was amended by Supplementary Guidance. This Guidance also established in which constituent local authority the housing land should be met. In Fife, SESplan directs the Local Development Plan to allocate land for 17,140 homes in the period from 2009 - 2019 and 7,430 for 2019 - 2024. The Fife Council Housing Land Audit 2019 (May 2020) confirms that there will be an estimated surplus of 362 private market units and 203 affordable units within the Kirkcaldy, Glenrothes and Central Fife Housing Market Area for the five-year period between 2019 and 2024 therefore, Fife Council's position is that there is a five-year effective land supply.

2.2.3 FIFEplan Policy 1: Development Principles 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 (1) 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 LDP. Part B requires development proposals to address their impact by complying with a number of criteria and supporting policies. Of relevant to this application is (7) Safeguard the character and qualities of the landscape, (8) Avoid flooding and impacts on the water environment, (9) Safeguard or avoid the loss of natural resources and (10) Safeguard the characteristics of the historic environment, including archaeology. Part C requires proposals to demonstrate compliance with the various FIFEplan supporting policies. These individual policies are considered in greater detail in the assessment of the proposal in the sections below.

2.2.4 FIFEplan Policy 2: Homes promotes the development of new homes to meet strategic land requirements and maintain a five year supply of effective housing land at all times. To achieve this objective, Policy 2 supports housing proposals on sites allocated for housing in the Plan.

2.2.5 The application site along with land to north, south, east and west is allocated as a housing opportunity site within the adopted FIFEplan 2017 through allocation reference LES 001. The allocation notes that the site has an estimated capacity of 29 units. This estimated capacity was based on the number of units permitted under the extant consent (ref: 06/00218/CFULL) granted in 2007 for a change of use from a nursing home to 17 flats and development of part of the grounds to for the erection of 12 houses. The appeal decision for PPA-250-2239 in effect, granted an additional 16 houses beyond the allocated 29. The proposed development would add an additional 15 units. On the basis of housing numbers, the proposed development is contrary to the site allocation. The site allocation also notes that any further development outwith the current consent will be resisted. However, the circumstances surrounding the application site and its planning history have created a unique situation, there are material considerations which outweigh the

requirement to comply strictly with the estimated number of units noted in the allocation. In practical terms, land ownership has changed. Viability of the proposed development and acceptability of the proposed new build elements as enabling development, the importance and benefits of saving a locally and nationally important Category A listed building which is fast deteriorating as time goes on are critical points which must also be weighed up and balanced against any potentially negative impacts of the proposal in determining whether the principle of the proposed residential development is acceptable.

2.2.6 Paragraph 32 of Scottish Planning Policy (SPP) states that for proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

2.2.7 SPP states that policies and decisions should be guided by the following principles:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;
- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery;
- and avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

2.2.8 The proposal would make efficient use of a brownfield site and bring land back a dilapidated Category A listed building which has been recorded in the Buildings at Risk Register since 2008 back into beneficial use. The proposed development would protect, enhance and promote access to cultural heritage and in particular the historic environment by creating an opportunity for people to purchase a property within a converted listed building or a new build house within the associated grounds whilst also allowing for continued public access on the adjacent core path and local path network. The proposal will also result in a constant presence being on site which will naturally deter antisocial behaviour and create a sense of security for anyone wishing to use the local path network and surrounding area. The proposed development would be of high quality design and use materials appropriate to the historic environment. It would comply with the six qualities of successful places (as outlined in Section 2.5 of this report). The proposal would support climate change mitigation and adaptation including sustainable measures and has been designed to ensure that it would not increase flood risk within the site or elsewhere. It would deliver the required level of surface water drainage infrastructure in a sustainable manner. The proposed development would protect natural heritage assets and where there is a potential impact suitable mitigation measures are proposed plus biodiversity enhancements. The proposal would avoid over-

development of the site with some new build development justified as enabling development to fund conversion of the Category A listed building. Overall, the proposal would result in a development that would contribute to sustainable development in accordance with the relevant SPP sustainability principles.

Enabling Development

2.2.9 Paragraph 142 of SPP and FIFEplan Policy 14 state that enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

2.2.10 The sub-text to FIFEplan Policy 14 advises that enabling development should meet a pre-defined need either to prevent the loss of or to enhance a historic asset. This may have been identified through the Buildings at Risk Register or through Conservation Area Character Appraisals. It may also be a need that has been identified by communities where built heritage is recognised for important associations. To be acceptable, it must be demonstrated that the enabling development is the only means of preventing the loss of the asset and securing its long-term future. Development should be the minimum necessary to achieve these aims. All work to the asset should comply with Fife Council's and Historic Environment Scotland's policy, advice and standards. Enabling development should not be separated from the works that are to be carried out on the asset. Permission for enabling development will be clearly tied to these works.

2.2.11 Justification for the proposed development has been put forward in a development appraisal provided by the Applicants which demonstrates that the number of new build residential units proposed (both within the extensions to Leslie House and the detached new build houses) are required in order to make conversion of Leslie House viable. The submitted appraisal confirms that the conversion of Leslie House would result in a profit of a profit of 4.52% on Gross Development Value(GDV). Such a small profit would not be viewed as financially viable by any developer and therefore, the conversion of Leslie House alone would be unviable. Taking account the enabling development proposed (both within the extensions to Leslie House and the detached new build houses) this is estimated to result in a profit of 17.14% on GDV. The District Valuer confirmed that in his opinion, the sales values noted by the Applicants in their appraisal were ambitious therefore, the resulting profit could in fact be less than estimated in the appraisal. There is also a risk with listed buildings that the costs of conversion could be higher. In adjusting the figures, the District Valuer estimated that resulting profit could be in the region of 13.23% profit on GDV. This level of profit is likely to be viewed at best, as unattractive by the majority of developers. By way of comparison, the majority of national and large regional housebuilders generally look to obtain a profit on GDV of 20% for a straightforward greenfield development. The District Valuer concluded that the amount of new build development proposed is required in order to enable the restoration and conversion of Leslie House to be viable.

2.2.12 While the development is contrary to the adopted FIFEplan in terms of housing numbers, it is considered that there are a number of positive material considerations which outweigh this. The proposed development would save a locally and nationally important Category A listed building which is fast deteriorating and would result in a development that would contribute to sustainable development in accordance with the relevant SPP sustainability principles. A condition is proposed to restrict the timing for commencement of construction of the new build houses to ensure that the conversion of Leslie House is complete before construction of the new build houses commences. The principle of the proposed development is acceptable subject to

consideration of more detailed considerations as set out in the sections below and the noted condition.

2.3 Impact on Listed Building

2.3.1 Scottish Planning Policy states that positive change should be enabled in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where listed building consent is 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.

2.3.2 SESplan Policy 1B seeks to ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites including listed buildings.

2.3.3 The Historic Environment Policy for Scotland Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Policy HEP5 states that decisions affecting the historic environment should contribute to the sustainable development of communities and places.

2.3.4 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 listed buildings or their setting, including structures or features of special architectural or historic interest. For all historic buildings support will only be given if, allowing for any possible mitigating works, there is no adverse impact on the special architectural or historic interest of the building.

2.3.5 The proposed development involves the conversion and restoration of, and repairs to the Category A listed Leslie House. Enabling development is required in order to fund the works to the house in the form of extensions to the rear of the house and new build houses within the grounds. The main additions and areas of change with regard to built development can be summarised as follows:

1. Extensions to Leslie House
2. Six detached houses on the lower east garden terrace
3. Two detached gate houses to the front of Leslie House
4. Conversion, restoration, and repairs to Leslie House

2.3.6 The impact on the key features of Leslie House, its associated gardens and setting have been assessed as outlined below.

1. Extensions to Leslie House

Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on Extensions advises that extensions:

1. Must protect the character and appearance of the building;
2. Should be subordinate in scale and form;
3. Should be located in a secondary elevation;
4. Must be designed in a high quality manner using appropriate materials.

Both extensions proposed are to the rear of Leslie House to the east elevation which is a secondary elevation. The extensions would appear subordinate to Leslie House with both extensions sitting well below the roofline of the house. The roof of the main extension would sit below the second floor of Leslie House and would be situated on the footprint of the former north range which was demolished following a fire in the 18th century. The smaller extension would be single storey, sitting on the footprint of the former conservatory. It would sit below the first floor windows of Leslie House. Both extensions would not be visible from the principal elevation, the west elevation at the front of the house. The extensions have purposely been designed to be read as modern additions to avoid a pastiche design which could negatively impact on the appearance of the house. The design is simple incorporating a limited palette of high quality materials. However, it is important that the colours, tones and textures of the modern materials and in particular, the proposed brick would sit comfortably alongside the Leslie House stonework therefore, a condition is proposed requiring submission of material samples to allow for a full comparison. The fenestration on the main extension is similar to that of Leslie House. The proposed glazed links would further limit any potential impact on the house creating a degree of separation from the house. The siting of the extensions allows the existing east terrace to be framed and contained at an appropriate scale and allowing its earlier courtyard character to be enhanced. The existing area of asphalt which is currently having a negative impact would be removed when the main extension is constructed. The view from the upper floors of Leslie House would be over the proposed green' sedum roof. Views of the main extension from the south terraced gardens are likely to be negligible. Overall, the character and appearance of Leslie House would be protected.

2. Six detached houses on the lower east garden terrace

Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on Setting states that :

“Setting should be thought of as the way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated. Monuments, buildings, gardens and settlements were not constructed in isolation. They were often deliberately positioned with reference to the surrounding topography, resources, landscape and other monuments or buildings. These relationships will often have changed through the life of a historic asset or place. This often extends beyond the immediate property boundary of a historic structure into the broader landscape context”.

The part of the proposal which could potentially have the greatest impact on the setting of Leslie House are the six detached houses on the lower east garden terrace. In a best case scenario there would be no development on the garden terraces however, the site is physically constrained and therefore, there are limited options as to where within the site enabling development could be accommodated. During the pre-application process the Applicants worked through various options for enabling development. It was agreed with both Historic Environment Scotland and the Fife Council Built Heritage Officer that of all the garden terraces that the lower terrace to the rear

of Leslie House represents the least sensitive part of the gardens. The proposed houses would inevitably impact on the views from Leslie House however, the houses would be carefully situated around a new courtyard which would allow the central axis from the house down the east terraces to be maintained. The courtyard would incorporate sensitive hard and soft landscaping with appropriate materials to soften the impact. Modern requirements such as car parking to be meaningfully integrated into the landscape. As would be the case with the extensions to Leslie House, the houses would follow the same colour and materials palette to limit any potential impact. The reinforcement and reconnection with the longer east-west axis with the woodlands (part of the designed landscape) beyond the site is a hugely positive impact on the house and garden as well as the surrounding parkland and the new courtyard can be read as part of a series of linked spaces along this axis (as in the original garden) rather than as part of a single garden area.

3. Two detached gatehouses to the front of Leslie House (West Courtyard)

The proposed gatehouses have been purposely situated as far away from Leslie House as possible. Their position either side of the driveway will allow the view of Leslie House on approach from the west to still be appreciated. As would be the case with the proposed courtyard houses to the east of Leslie House, the gatehouses would be of a simple modern design incorporating the same colours and materials palette to ensure that they do not compete with Leslie House. In addition, they would have integral car ports to minimise any potential visual impact of parked cars. The submitted 'Overview of Conservation Impacts of Proposed Development (July 2020) by Georgina Allison confirms that there were two garden pavilions originally within the courtyard. The design principle of garden pavilions in corners of formal courtyards has strong Scottish historical precedent. As located, the gatehouses allow the courtyard to open up from the gates, and this, along with clearance of the overgrown avenue, helps to reinstate the idea of the original eighteenth century west courtyard and allow the full west elevation to be viewed. This wider 'courtyard' also helps to, visually and spatially, separate the new houses from the main house. The symmetry of the original courtyard is respected by the two mirrored buildings.

4. Conversion, restoration, and repairs to Leslie House

Historic Environment Scotland - Managing Change in the Historic Environment Guidance Note on Roofs notes that the roof and associated features of a historic building form important elements in defining its character. The roof of Leslie House was largely destroyed in the 2009 fire with any remaining sections subject to decay. There is currently no roof on Leslie House leaving it open to the elements. The proposal includes a new mansard roof incorporating dark blue/grey welsh slates to be laid in diminishing courses and random widths with single nail holes using copper nails. The flat section of the roof would include a lead grey single ply membrane. The roof would include sheep's wool insulation with a breathable sarking membrane on 22mm treated traditional sarking boards. The historic roof on Leslie House was also a slated mansard roof, replication of the mansard roof form is considered to be the most appropriate option taking into account the historic precedent. The existing balustrade would be retained and repaired using salvaged stones, where viable, and new stones to match. The existing chimneys would be repaired and where repair is not sufficient the chimneys would be reinstated in full, including chimney pots all to match existing in natural stone. These factors would have a positive impact on the building. New roof lights are proposed on the flat section of the roof and to all roof elevations. Views of the roof lights on the flat section would be minimal from the ground and those on the roof slopes are in alignment with the windows on the elevations of Leslie House and therefore, would not have a negative impact on the how the west elevation would be read from the ground. Historically there were dormers on the roof, with the remaining stone wall head dormers removed immediately after the 2009 fire, but only two have survived complete. The submitted 'Overview of Conservation Impacts

of Proposed Development (July 2020) by Georgina Allison advises that these were a later addition to the building from the nineteenth and twentieth century and, although imposing, they did little to improve the stolid effect of the west elevation. Given that the majority (6 out of 8) would need to be newly carved, restoration of the earlier simpler balustrade shown in eighteenth century prints would be a more appropriate design solution, given their relatively modest significance. The existing salvaged stone remains would be retained and reused elsewhere as appropriate.

Windows and Doors

Most of the windows have lost their original and more modern joinery. There are a few remains of sashes still in place. None of the external doors remain. New windows are proposed on all of the building elevations comprising a six over six pane formation with size variations to accommodate the variety of different window openings throughout Leslie House. The windows would be timber sash and case with full depth astragals and painted an off white colour. This would be in-keeping with the original 18th century windows. In order to meet modern living requirements and sustainability standards, the windows would be double glazed however, they would be slimline and in order to avoid any negative impact.

The main entrance door to Leslie House would be timber with glazed panels. The rear door to the east elevation would be a traditional timber door with panelling. These items would all have a positive impact on the appearance and be in-keeping with the character of Leslie House.

Elevations

A Structural Assessment by McGregor McMahon (dated 21st August 2020) confirmed that in general, the external walls of Leslie House are performing well with no significant areas of settlement or deflection. With regard to the building elevations in general, work would be largely limited to any stone repairs where required using traditional materials and techniques, which would have a positive impact. On the west elevation conservation and restoration of the armorial panel by an accredited conservation professional is proposed. The columns at the entrance portico would be retained and repaired as required.

Interiors

Within Leslie House there are no remaining ceilings or floors. There are two sets of historic stairs remaining, referred to as the north stair and the south stair. The submitted Statement of Significance for Leslie House and Gardens confirms that the north stair is a stone pencheck stair with moulded nosings returned down at wall side and around 'stringer'. There are two main flights per lift, with two quarter landings and a short perpendicular flight to the east. The balustrade consisted of turned timber balusters fixed to iron plugs set into the stone step. The flights continue from ground to attic floor. Above floor level, the stair is supported on stone arches which spanned across landing (no longer existing). The north stair shows significant loss of fabric to the balustrade and wall finishes compared with post 2009 fire. Although traditional pencheck stairs, the balustrades were of timber, not the more usual cast iron: only fragments remain. On the south wall the remains of the entrance into the great stair survive, indicating that this wall predates the eighteenth century stair. The wall has also been ragged, presumably for wall strapping, although it is more usual for plaster on the stair walls. The proposal includes retention and repair of the north stair which is a positive conservation gain.

The south stair was significantly affected by the 2019 fire. The submitted Statement of Significance for Leslie House and Gardens confirms that the south stair is a handed version of the north stair,

but this area was affected more severely by the fire. The principal landings are no longer in situ, just the stone arches which support the main flights. It appears that the walls are mid eighteenth century and contemporary with the stair. Although the stone stair structure was complete immediately after the fire, the first flight from second to third is now missing. The first steps have chipping and the fixings for the timber balusters have corroded and will require to be drilled out. Interestingly the treads are much less worn than in the north stair, suggesting either much less use or of a later date (unlikely given the exact replication of design details). The entire stair is propped, but the upper flight of the first/second floor lift has partially collapsed, making this propping critical. Given how the structure relies the wall above, this also gives structural concern for this flue wall in the future.

Historic Environment Scotland (HES) have noted in their consultation responses that the 18th century pencheck stone staircases are highly significant survivals of the building's historic interior. They note that the proposals would result in the loss of the southern stair and the insertion of new floor plates that would cut across both of the southern stair's windows. Restoration of this important staircase would represent a significant conservation benefit. It is their view that the retention of both staircases would best retain Leslie House's special interest. A number of submissions were made by the applicants in setting out their case for justification of removal of the south stair. An annotated drawing by the architect noted several areas of concern with the structural soundness at various locations throughout the stair with the stairs currently being propped up at numerous locations. As noted above, there is a missing flight between the first and second floors. Many of the stair landings are missing. A statement following a structural inspection of the south stair by McGregor McMahon Engineers (dated 8th October 2019) confirmed that due to the various defects throughout the stairs, the combination of these has resulted in the movement of the stair and landings resulting in the stair being structurally unsound. It is only the temporary propping up by the scaffold board and acrow props that is preventing a catastrophic collapse. It is their professional opinion that the stair, landing and support mechanism is structurally unsound and requires to be taken down to prevent a catastrophic failure which could damage other areas of the building.

From a viability perspective, the applicant confirmed that reinstatement of the south stair would result in the following:

- The building would have to be redesigned which would result in the loss of three flats, thereby impacting on viability.
- The actual cost for the stone stair treads would be significant per floor plus the cost of balustrade etc.
- An additional lift would require to be installed as use of the main corridor would be lost in the redesign. This would be an additional cost noted accounted for in the submitted development appraisal.

From a viability perspective, reinstatement of the south stair would have financial implications which would make the proposal unviable. Taking into account the condition of the south stair and the negative implications of its retention as outlined above, it is considered that removal of the stair is justified.

In general, there is very little surviving of any original Leslie House interiors due to the fires of 1763 and 2009 plus extensive alterations over time. As a result, there is very limited information upon which to base any restoration. The majority of historic joinery and plasterwork has been lost however, the submitted 'Overview of Conservation Impacts of Proposed Development (July 2020) by Georgina Allison notes that the Royal Commission on the Ancient and Historical Monuments

of Scotland (RCAHMS) recorded some of the rooms in 2009 after the fire. A typical room is shown to display relatively simple features including a plain plastered room, with plain plaster cornices, timber skirting and dado rail. The proposals include such interior finishes in a traditional style, with recreation of plasterwork, doorways and panelling. The original spatial volumes would be kept as far as possible however, there would be some division in order to create the flats. The proposals have been generally designed to minimise the effect of the changes on the surviving fabric of Leslie House.

Entrance Hall

The submitted Statement of Significance confirms that the entrance hall is a masonry shell with the reinforcing steel structure added when the salon was subdivided upstairs. This consists of two steel beams, held on steel columns with modern plaster coverings. There is also a steel 'truss' which would have sat in the subdividing partition above. The surviving fabric includes the solid floor but both the north and south west corners are missing any floor finish. The walls have no plaster surviving and exposed masonry shows a long history of alteration. The south wall has been stitched and grouted where the west portico has started to separate. Some of the entrance hall floor survives, which shows the slate diamond pattern, inserted into a concrete type material. The proposal would retain the entrance hall as the communal entrance area with the diamond patterned floor and columns reinstated and the coffered ceiling and sectional floor to be replicated.

Other Works

2.3.7 Retention and repair of gates – The gates at the entrance to the Leslie House driveway would be retained and repaired with new gates added to the smaller side arches on either side of the main gate. This would have a positive impact on the approach to Leslie House and the appearance of the gates.

2.3.8 Removal of the Western Hemlocks - Although the removal of any mature trees needs to be carefully considered, the removal of Hemlocks will be of great architectural and landscape design benefit to the setting of the house. The axis and curtailed entrance drive was overpowering and hid much of the west elevation of the main house, as well as reduced the impact of the entrance courtyard, which was a key part of the seventeenth century landscape design. The axis and central drive remain, but its more subdued treatment will allow the courtyard to be seen as such and to open up views over the south gardens as planned in the seventeenth century. The removal of the asphalt road and its replacement with gravel will encourage a more domestic and softer character to the courtyard which is of benefit.

2.3.9 Car Parking at the Front of Leslie House – The submitted 'Overview of Conservation Impacts of Proposed Development (July 2020) by Georgina Allison confirms that as no suitable land is available outwith the current gates, the necessary car parking for the future residents of Leslie House has been proposed within the west courtyard. Although the car parking is adjacent to the house, the negative impact has been mitigated. The car parking is laid out to the east of the courtyard, at each side of the main drive rather than in front of the entrance block. It is also screened from the main west courtyard lawn by hedges and planting. Currently the land immediately at the base of, and to the front of, Leslie House is hard surfaced comprising of a mixture of stone and tarmac surfaces. This gives a hard, institutional character the house and removal of this and replacement with lawn and planting is positive. This would also have the technical benefit of avoiding the build-up of moisture and splashback onto the main west elevation stonework. The stone pathways which define the car parking areas also tie in with the existing stairs into the further landscaped gardens beyond.

2.3.10 Creation of an Eastern Access – The proposal includes a new access road to the east of the lower garden terrace to the rear of Leslie House which could potentially have a negative impact on the setting of the house. The road is required as an essential piece of infrastructure to provide access to the six new build courtyard houses for residents, emergency and refuse vehicles. Building a new road at this location would avoid the need for any new access roads to the north and south of Leslie House which could have a significant detrimental impact on the character and appearance of the house and its setting. In practical terms, the site is physically constrained to the north and south due to topography and the situation of the Lothrie Burn to the north and the garden terraces to the south. An access road to the south would sever the south garden terraces from the house and the rest of the gardens. On balance, an access road from the east is considered to be the least intrusive option. The impact of tree loss in this area could be compensated by way of further tree planting.

2.3.11 South Garden Terraces – The terraced gardens would be retained, tidied up and supplemented with new planting. The external staircases and stone terrace walls are early features of the ornate gardens and these features are to be retained and repaired as part of the works. Balusters, handrails, step edges and any supporting walls will be inspected and any movement within the structures addressed as part of the remedial works to reinstate the features. This part of the proposal is a significant benefit.

2.3.12 Reinstatement of East Parterre and Former Italianate Garden – The first section of garden (closest to Leslie House) the ‘Italianate Garden’ would be reinstated with the fountain in the middle restored. The middle garden terrace would be subject to landscaping works with stone walls and stairs repaired as required.

2.3.13 Removal of fencing – Leslie House is currently enclosed by an unsightly metal security fence. This is having a significant detrimental impact on the character and appearance of the house and its setting. Intended as a temporary structure, its removal would have a significant positive impact.

2.3.14 The Leslie Conservation Area is some 225 metres to the north west of the application site beyond the existing woodland. It is visually separated from the application site by topography, woodland and a stone boundary wall which runs along the northern side of the designed landscape. The proposal would have no adverse impact on the Leslie Conservation Area.

2.3.15 In conclusion, there are some aspects of the proposed development which could have potentially negative impacts on Leslie House and its setting including the proposed new build enabling development with associated eastern access road and removal of the south stair within the house. However, any potentially negative impacts must be weighed against the significant benefits of the proposal. The ultimate benefit being securing the future of Leslie House as an important Category A listed building which has been on the Buildings at Risk Register since 2008 and has continued to deteriorate since the fire in 2009. The Applicant’s Engineer considers the external walls of the building to be structurally sound however, there is evidence of significant areas of cracking with internal walls showing signs of erosion. Many parts of the building are being propped up. The Applicants’ conservation architect has advised that the current condition in combination with the fact that the house is open to the elements and is subject to continued vandalism the likelihood is that significant sections of the remaining structural masonry could be lost within the next year if a ‘do nothing’ scenario prevailed.

2.3.16 Overall, the proposal would minimise adverse impacts on the fabric and setting of Leslie House and would ensure that its special characteristics are conserved and enhanced. HES and the Fife Council Built Heritage Officer were consulted throughout the application process. HES concluded that the proposals do not raise historic environment issues of national significance and therefore they do not object. The Fife Council Built Heritage Officer has concluded that she also does not object to the proposed development.

2.3.17 The proposed development is in compliance with Scottish Planning Policy, Historic Environment Policy for Scotland and FIFEplan Policy 14 subject to conditions which are discussed further in the Report of Handing for the associated application for listed building consent (ref: 18/02426/LBC).

2.4 Impact on Inventory Landscape and Designed Gardens

2.4.1 Paragraph 148 of Scottish Planning Policy states that planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes.

2.4.2 FIFEplan Policy 14: Built and Historic Environment states that proposals will not be supported where it is considered they will harm or damage sites recorded in the Inventory Historic Gardens and Designed Landscapes. For all historic buildings and archaeological sites, whether statutorily protected or not, support will only be given if, allowing for any possible mitigating works, there is no adverse impact.

2.4.3 The Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on Gardens and Designed Landscapes advises that Gardens and designed landscapes are a significant element of Scotland's historic environment. Legislation defines them as grounds that are consciously laid out for artistic effect. They usually include a combination of planting, land-forming (for example creating artificial slopes), built structures, open grounds, water management and natural landscape features. All of these may contribute to the value of the site. The main purpose of the Inventory is to identify sites of national importance and to provide information on them. This is a basis for sustainable management of change through the planning system. Development proposals should maintain the specific qualities, character and integrity of the site. Proposals should seek to avoid, minimise and mitigate detrimental impacts on the site, and enhance positive benefits. The Guidance notes that landscape management plans help to develop a longer-term vision for engaging owners and land managers in managing change sensitively.

2.4.4 The Leslie House Inventory Landscape and Designed Gardens is described by Historic Environment Scotland (HES) as 17th-century formal garden and designed landscape, with 18th–20th century modifications. A rare survival of a 17th-century formal garden design of this period, with a well-documented history. The wooded policies provide an important green space for the town of Glenrothes. It was added to the Inventory on 31st March 2005. The Inventory entry sets out the main values for which the land was designated and levels of interest as follows:

- *“Artistic Interest- High - Despite some late 18th century and 19th century modifications, the late 17th-early 18th century formal gardens at Leslie House combine with the designed landscape to give the site high value as a Work of Art.*
- *Historical – Outstanding - The well documented history of the Rothes family, especially its associations with John, 7th Earl and 1st Duke of Rothes, and the rarity of the formal*

gardens, as a surviving late 17th example of formal gardens give Leslie outstanding Historical value.

- *Horticultural – Some - The woodland gives this site some Horticultural value.*
- *Architectural – Outstanding - Leslie House, the estate buildings and structures, including the formal garden terraces have a well-documented architectural history. This together with the importance of the architects associated with the property and their patron, give the site outstanding Architectural value.*
- *Archaeological – Outstanding - The site of the water garden has archaeological potential and a landscape and tree survey would be of value in documenting the landscape development and its features. Leslie can be considered to have outstanding Archaeological value.*
- *Scenic – Outstanding - The surviving wooded policies are an important amenity and have outstanding Scenic value in relation to the town of Glenrothes.*
- *Nature Conservation – High - Extensive tracts of long-established woodland within the Leslie policies and along the River Leven give this site high Nature conservation value.”*

2.4.5 The Site History section of the HES Inventory entry notes that the Glenrothes trunk road system has fragmented the designed landscape; the junction of Leslie Road (A911) with Western Avenue (B969) has truncated the East Avenue and bridging the River Leven has divorced Forester's Lodge and East Lodge from the core landscape. The '*garden by the riverside, with a waterwork in the middle*' has reverted to boggy land. Nevertheless, the core structure of the designed landscape is relatively intact; the stone walls of the West Court survive, as do the main framework of the East Parterre, the Long Walk and the formal terraces south of Leslie House.

2.4.6 In assessing the impact of a development on an Inventory Landscape and Designed Gardens the guidance note advises that Inventory entries identify the values for which sites are designated. It is important to consider these when assessing the impact of development.

2.4.7 These impacts are normally defined in three broad categories:

1. Direct: physical changes within an Inventory site boundary
2. Setting: changes to land outside the boundary that makes a contribution to the experience, appreciation and understanding of an Inventory site
3. Cumulative: development or alterations which combine with existing impacts and make them more significant.

2.4.8 Looking at the above categories the majority of the impact of the proposed development would be more localised, direct impacts of the physical changes within the immediate grounds of Leslie House. The greatest impacts could potentially be the loss of the lower garden terrace on the east side of Leslie House to new build enabling development however, this is considered to be least sensitive of the garden sections and is the most distant from the House. In terms of views, the new build gatehouses and courtyard houses would not be visible from outwith the site from Riverside Park and the B969 to the east or from the west as they would be shielded from view by the surrounding woodland. Removal of the Western Hemlocks would have a minimal impact in the Inventory site, the most important wooded areas to the Inventory site are the more substantial

woodland areas to the north and south of Leslie House and beyond at Riverside Park. The proposed development will result in a very limited loss of trees, mainly to the east of Leslie House to accommodate the new vehicular access, with the valued woodland which contributes to the outstanding scenic and high nature conservation values of the Inventory site remaining intact and undisturbed by the proposed development. The site of the water garden which is identified as having the greatest archaeological potential to the overall outstanding archaeological value is outwith the application site boundary and therefore, the proposed development would not have any impact on the archaeological value of this area. In terms of the potential impact of the development on archaeology in general terms this is assessed in Section 2.6 of this report.

2.4.9 With regard to the setting of the Inventory site, there are no changes proposed beyond the Inventory site boundary as part of the proposal. There would be no impact to the setting (as defined in the HES guidance note) of the Inventory site as a result of the proposed development.

2.4.10 In terms of cumulative impact, it is considered that there would be no significant cumulative impact with existing and planned development which would erode the integrity of the Inventory site. The approved residential development for 28 houses (approved under appeal ref: PPA-250-2239) to the north west of the application site would be largely contained by its woodland setting. The two developments would be contained and function separately within the designed landscape.

2.4.11 The loss of the lower garden terrace and any other potentially minor negative impacts must be balanced against the significant conservation gains offered by the proposed development including reinstatement of the East Parterre an important example of a formal, ornamental garden including restoration of the fountain, a key feature of the garden; and the conservation and sensitive repair of the south garden terraces and associated walls. All of which contribute to high and outstanding levels of artistic and historical interest identified in the Inventory entry. Compensatory tree planting is proposed which would be largely located on the edges of the woodland to the north and south of Leslie House thereby, enhancing this important Inventory woodland. The applicants have submitted an outline of what such a landscape management plan may contain for the part of the Inventory Site within their ownership however, it is accepted that further surveys will need to be carried out by the applicants' landscape architect in order to prepare a more comprehensive landscape management plan. Submission of a detailed landscape management plan will be required by condition.

2.4.12 The Leslie House Landscape and Designed Gardens has undergone significant change over time as acknowledged by the Inventory entry, most noticeably the impact of new road infrastructure (B969) which has severed truncated the East Avenue and bridging the River Leven has divorced Forester's Lodge and East Lodge from the core landscape. However, the Inventory site has demonstrated significant capacity to accommodate change. The proposed development would sit comfortably within the Landscape and Designed Gardens while maintaining the core structure of the designed landscape acknowledged in the Inventory entry namely the stone walls of the West Court, the main framework of the East Parterre, the Long Walk and the formal terraces south of the house.

2.4.13 Overall, the proposed development is considered to be in accordance with SPP and FIFEplan Policy 14 with regard to protection and enhancement of the Leslie House Landscape and Designed Gardens subject to the noted condition.

2.5 Design and Visual Impact

2.5.1 Scottish Government Policy Statements Creating Places and Designing Streets both state that an emphasis should be placed on design providing a 'sense of place' and taking cognisance of the context of the surrounding area, design should connect and relate to the surrounding environment. This is mirrored within FIFEplan Policy 14 and Making Fife's Places which require a high quality of design in order to create successful places.

2.5.2 FIFEplan Policy 14 requires new development to demonstrate good design and show how the proposals adhere to the principles of good place making. Fife Council will apply the six qualities of successful places in order to assess a proposals adherence to these principles. The six qualities require places to be: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around.

2.5.3 FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area.

2.5.4 The proposed development displays distinctiveness in that the extensions and new build houses are distinct from Leslie House. This is important in order to enable them to be clearly read as modern additions. This was a deliberate decision in order to avoid the creation of pastiche design which could ultimately be detrimental to the appearance of Leslie House. While the new build elements of the proposal are distinct in their own right it is also important that the colours, tones and textures of the modern materials proposed are in-keeping with and are not so distinctive that they would clash or compete with Leslie House. The proposed materials are considered to be acceptable in principle however, a condition is proposed requiring samples to be submitted for approval.

2.5.5 The development is adaptable providing a range of 1, 2, 3 and 4 bedroom flats and also 3 and 4 bedroom houses therefore, providing a choice and range of different accommodation types to a variety of potential occupiers. The proposed conversion of Leslie House demonstrates that ability of the building to change and adapt to a new use. The interior spatial volumes of the listed building would be retained including the entrance lobby. The proposed flats have been designed within the spaces created by the retained spine walls as far as is practicable with the structural patterns and window positions retained and utilised to create attractive rooms and spaces. The original floor levels are also used to re-create the mass and heights which would have existed within the building before both fires in 1763 and 2009.

2.5.6 Leslie House and grounds currently have quite an unwelcoming appearance due to the derelict nature of the site and ruinous state together with the surrounding metal security fence. The proposal presents an opportunity to bring the house and gardens back to life respectfully and allowing for some new build houses which will create a presence at the east of the site. The proposed development will encourage more passive surveillance and active frontages that look out onto the areas at both the front and back of the house. The development will create a more permanent people presence providing a sense of security which is currently lacking. It is considered that the development would provide a safe and pleasant residential environment both for occupiers and the general public.

2.5.7 With regard to resource efficiency, the proposed development makes efficient use of the ruinous listed building and land resource available providing a development of an acceptable density which also incorporates all key elements including garden space, landscaping and supporting infrastructure. The submitted supporting documents confirm that the buildings would

incorporate water efficient fittings to minimise water use and all materials will come from local and sustainable sources as far as is possible.

2.5.8 The site is constrained by due to its location between the Lothrie Burn and the River Leven and surrounding infrastructure. The proposed development would be easy to move around utilising the existing paths and accesses. Also, a new access road from the east and creation of a new footpath link into the development from the existing path on the northern side of the site will make the development easy to move around. The development would connect into the surrounding core and local path network providing access to Leslie to the north and west and Riverside Park and Glenrothes to the east.

2.5.9 Overall, the proposed development would result in a significant improvement in visual amenity by offering substantial improvements to a derelict site which been vacant for some years and includes a Category A listed building which is in a ruinous state. The proposed new build houses to the east of Leslie House have been carefully positioned on the lower garden terrace to minimise the visual impact on Leslie House and to ensure they don't detract from the prominence of the house. The positioning of the new build gatehouses at the west entrance to the site have also been positioned as far from the house as possible and to allow the view of the house on approach from the west, along the avenue to still be appreciated. Removal of the Western Hemlock trees from the avenue would also enhance this experience. The proposed extensions to the rear of Leslie House would be connected to the house via glazed links to maintain a degree of separation from the house. They would be subservient to the house both visually and physically. The massing of the main extension in particular was substantially reduced during the application process to minimise any potential for visual dominance. The proposed window pattern and design on the extensions has been kept as simple as possible to reflect their modern elevations and align with the windows above as can be seen on the proposed east elevation drawing.

2.5.10 In terms of the cumulative visual impact of the proposal with the approved residential development by Muir Homes to the north west of the application site, this is considered to be negligible with this neighbouring development largely contained by its woodland setting. In addition, the new build gatehouses and courtyard houses would not be visible from outwith the site from Riverside Park and the B969 to the east or from the west as they would be shielded from view by the surrounding woodland.

2.5.11 The proposed development will clearly be visible by virtue of its presence by those using the core path and linking path running along the east and northern edges of the site.

2.5.12 In conclusion, the proposal offers a high quality development which demonstrates the six qualities of successful places and would have a positive impact on visual amenity. The development complies with FIFEplan Policies 10 and 14 subject to the noted condition on materials.

2.6 Road Network and Parking

2.6.1 Scottish Planning Policy (SPP) indicates that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. Development should be supported in locations that are accessible by walking, cycling and public transport, making best use of or adding to existing networks. The amount of associated car parking permitted should be controlled to encourage more sustainable travel choices.

2.6.2 FIFEplan 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. This includes local transport and safe access routes which link with existing networks, including for walking and cycling.

2.6.3 Fife Council Transportation Development Management (TDM) raised the following points:

- The existing west access is restricted by a gated entrance on the A911, Leslie Road. It is therefore important that the developer assesses the full implications of this and makes suitable arrangements on site for construction vehicles and large deliveries.
- Refuse collection will generally be from the east access to the site although the two gate houses will have their own dedicated waste collection arrangements. The supporting information submitted with the application does not, however, go into further detail of how this will be carried out.
- The driveway on approach to Leslie House from the west will require upgrading to provide passing places to cater for the additional traffic associated with the proposed development.
- The lighting on the access roads must, therefore, be upgraded and designed to current Fife Council standards. This is particularly important considering the access roads will be shared use.
- The nearest bus stops to the site are on the A911 Leslie Road, some 540 metres from Leslie House. This is slightly further than the recommended 400 metres.
- Pedestrians and cyclists have opportunity to utilise nearby pedestrian and cycling routes. Cycle storage will be provided on site.

2.6.4 TDM confirmed that they have no objection to the proposed development subject to conditions to address the above matters in relation to car parking, cycle storage, wheel cleaning facilities, street lighting, construction traffic and details of the proposed access road.

2.6.5 As noted by Fife Council TDM in their consultation response, the arched access at the west end of the site would present an issue for construction, refuse and large vehicles. With regard to waste management arrangements the applicant subsequently confirmed that refuse vehicles would access the site from the new access on the east side of the site. They confirmed the arrangements would be as follows: 1. All waste bins from each flat in the Leslie House will have direct access to deposit their waste bins into the large waste bins in the basement area; 2. All waste bins from the gatehouses and the new build houses to the eastern courtyard will be collected on designated days and times by a site operative appointed by the factor and taken to the main storage area and deposited into the large waste bins; 3. The factor will load the large bins onto a site vehicle which will take the storage bins to the turning area immediately adjacent to the eastern site entry point for collection by the local authority. The collection days will be agreed with Fife Council and the site management. Therefore, there would be no requirement for refuse vehicles to utilise the west or northern access roads into the site.

2.6.6 The proposed development will result in an increase in the volume of cars accessing the application site via the existing internal road to the west. This is inevitable given the current vacant and derelict status of the site. However, the driveway on approach to Leslie House from the west would be upgraded to provide passing places to cater for the additional number of vehicles accessing the development. The additional traffic generated by the development would have a negligible impact on the surrounding local road network including the A911 and the B969 and therefore, Fife Council TDM did not require a Transport Assessment to be submitted with the planning application. Formation of the new access road on the east side of the site will result in a small reconfiguration of the footpath on this side of the site and a temporary closure or diversion of the core path at this location during construction of the access road. This could have a short term, temporary impact on the use of the core path.

2.6.7 The proposed car parking area at the front of the house, the courtyard parking to the rear and the integral car port parking (for the gatehouses) is sufficient to serve the number of flats proposed in accordance with the Fife Transportation Development Guidelines contained within Appendix G of the Making Fife's Place Supplementary Guidance.

2.6.8 The proposed development is highly accessible via a range of sustainable transport modes including walking, cycling and public transport, linking into existing networks. Given the number of units proposed, this is unlikely to have detrimental impact on the local road network. The proposal is acceptable and in compliance with FIFEplan Policy 3 subject to the noted transport related conditions.

2.7 Archaeology

2.7.1 SPP provides that planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording. There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

2.7.2 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.*

In all the above, development proposals must be accompanied with the appropriate investigations. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations”.

2.7.3 The Council Archaeologist confirmed that Leslie House and garden occupies the *caput* (head place) of the 14th century barony and later earldom of Leslie. It is entirely probable that archaeological deposits pre-dating the baronial *caput* exist on site. The area to be developed also includes significant historic landscape features and gardens associated with various phases of the post-medieval house. The development has the potential to impact on buried archaeological deposits. The Archaeologist recommended that should planning permission be granted that it is subject to a condition requiring submission of a written scheme of investigation and subsequent implementation of any approved programme of archaeological work.

2.7.4 The proposed development is in accordance with FIFEplan Policy 14 with regard to archaeology subject to the condition noted above.

2.8 Trees

2.8.1 Scottish Planning Policy (Paragraphs 194 and 216) state that the planning system should protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value and should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest.

2.8.2 FIFEplan Policy 13: Natural Environment and Access states that development proposals will only be supported where they protect or enhance natural heritage and access assets including: trees that have a landscape or amenity value. Where adverse impacts on existing assets are unavoidable proposals will only be supported where these impacts will be satisfactorily mitigated. The acceptability of development in terms of adverse impacts on natural heritage assets, and what would constitute appropriate mitigation measures will be considered on a site by site basis.

2.8.3 The woodland within the application site is subject to SNH Semi-Natural Woodland and in parts, SNH Ancient Woodland designations. In addition, all trees within the application site are subject to a Tree Preservation Order.

2.8.4 It is anticipated that a total of 50 trees would need to be removed and a yew hedge, six of the trees would be removed due to existing disease and decay or on health and safety grounds. The principal area of tree removal would be on the east side of the site, in order to accommodate the new proposed access road. It is estimated that 23 trees would need to be removed from this area. 14 classed as Category C (low quality with a life expectancy of 10 years or young trees with a stem diameter of 150 mm), 6 were classed as Category B (moderate quality with a life expectancy of 20 years) and 3 were classed as Category A (high quality with a life expectancy of 40 years).

2.8.5 The other trees to be removed are spread across the site including the nine Western Hemlocks and one Cedar tree along the drive on approach to the house, 13 on the lower garden terrace to the rear of Leslie House (11 Category C plus two young self-sown trees), seven (Category C) on the middle garden terrace and a small number of trees on the western access road before the listed gated entrance. The Fife Council Tree Officer objected to the proposed development due to the number of trees to be removed.

2.8.6 The submitted Tree Survey dated September 2018 by Fife Landscaping found that two of the Western Hemlocks are in a very poor state, one is dead (T288) and one in irreversible decline (T285) with extensive hollowing and significant decay fungus present. All trees of these trees are displaying signs of some crown dieback and reduced crown density. They are also suffering from soil compaction.

2.8.7 In addition to the Tree Survey from September 2018, a further survey of the trees to be removed to on the eastern side was undertaken in October 2019 'Leslie House East Access Tree Survey dated October 2019 by Fife Landscaping'. Both of these tree surveys set out a number of recommendations in relation to future tree reports and tree protection measures. The September 2018 report identified indicative locations for protective barriers on a Tree Assessment Plan for retained trees and landscaped areas from construction activities and advised that these should be extended to trees on the approach road to the main site entrance. Both reports advised that detailed Arboricultural Method Statements specifying tree works should be submitted with the Tree Protection Plan illustrating Root Protection Area (RPA) barriers to protect retained trees, existing formal garden and landscaping areas from construction activities. Such documents will be required via condition. Where work is unavoidable within the RPA of trees (veteran trees excepted), for example, for the installation of footpaths, driveways and/or car parking, a "no dig" technique is recommended in order to retain suitable trees. Areas designated for landscaping and replacement planting should be protected from compaction and contamination during construction. Protective barriers around the RPA form a construction exclusion zone. Examples of protective barriers were suggested including a 2 metre high Heras style fence. Once the design of the east access road is confirmed then the trees to be removed should be re-surveyed to confirm the extent of removals required.

2.8.8 Compensatory tree planting will be required in order to mitigate against the loss of trees as direct result of the proposed development. The submitted Compensatory Tree Planting Proposal document confirms that the essence of the present landscaping proposal is to repair and reinstate what were the original gardens of the house, planting of significant numbers of new trees, beyond the of smaller ornamental varieties proposed would not be appropriate. Compensatory tree planting would be concentrated in the woodland and river valley areas to the north and south of the house and to the woodland bordering the main driveway.

2.8.9 These woods already contain some significant trees but they have suffered from lack of management for some considerable time. There are many self-seeded trees, saplings and shrubs, in the main birches, sycamores and willows which have grown strongly often to the detriment of the existing trees. Also, rhododendrons have taken over large areas of the under canopy. A survey of these woodland areas will be required in order to prepare a long term woodland management plan. Most of the self-seeded trees will be removed and invasive rhododendron cut back or replaced with less vigorous varieties. This would enable cleared areas to be replanted with the native species that are already a significant part of this woodland. There are many fine specimens of oak, yew, beech, mature sycamore and large individual conifers within these areas, particularly along the driveway. A detailed tree planting programme would be prepared once a thorough survey has been completed, however, the intention is to restore the approach to the house and augment it, where appropriate. This will result in a significant amount of new planting of native tree species well in excess of the 50 trees that would be lost. Further details of the compensatory tree planting programme, associated surveys and woodland management plan will be required by condition.

2.8.10 Despite the objection from the Fife Council Tree Officer, it is considered that the loss of trees to accommodate this development would create only some short term disbenefit to the area. The development however, would reinstate the historic terraced gardens to the east and south of the house including the parterre to the east. It would protect and enhance the important woodland areas to the north and south of Leslie House and enhance the driveway area, creating an improved woodland with the compensatory trees and a much needed woodland management scheme. The loss of trees protected by the Tree Preservation Order would not cause a significant disamenity and the mitigation proposed would offset any long term impact on the area. The tree loss as a result of the proposed development can therefore be accepted in this instance given the mitigation and compensation proposed. It is noted that Nature Scot (formerly SNH) have not objected in relation to any potential impact on the Semi-Natural and Ancient Woodland designations. The proposed development is in accordance with SPP and FIFEplan Policy 13 subject to the noted conditions.

2.9 Natural Heritage

2.9.1 FIFEplan Policy 13: Natural Environment and Access states that development proposals will only be supported where they protect or enhance natural heritage and access assets including: biodiversity in the wider environment and protected and priority habitats and species. Where adverse impacts on existing assets are unavoidable proposals will only be supported where these impacts will be satisfactorily mitigated.

2.9.2 An Extended Phase 1 Survey Report (dated 25th September 2018 by Direct Ecology) was undertaken in 2018 and subsequently updated and supplemented in 2020 with further Extended Phase 1 Survey Reports, Bat Survey Reports, Species Protection Plans and a Draft Biodiversity Enhancement Plan. These reports found evidence of a number of protected species within and surrounding the application site as summarised below.

Bats

2.9.3 The bat surveys undertaken included preliminary roost assessments of the buildings (Leslie House and an outbuilding) and walls, a ground-based survey of the trees and three nocturnal surveys.

2.9.4 The buildings on site were assessed as being of moderate bat roost potential. Whilst multiple features suitable for roosting bats were identified, both Leslie House and the outbuilding are severely dilapidated as a result of fire damage, leaving them both exposed to the elements; thereby reducing the likelihood of them being used by a maternity colony of bats. The boundary walls were considered to be of low bat roost potential, with cracks and crevices suitable for roosting bats noted.

2.9.5 All trees likely to be directly impacted by the proposed works have been surveyed. A number of trees on site were also considered to be suitable for roosting bats, with trees of moderate and high roost potential identified. Further surveys of these trees will be required prior to any tree felling or limbing works commencing.

2.9.6 The surveys identified roosting locations for common pipistrelles, soprano pipistrelles and Daubenton's bats, with a maximum of five soprano pipistrelle bats, two common pipistrelle bats and two Daubenton's bats observed roosting within the building during any one survey visit. As the majority of the bats were roosting individually, with a maximum of two bats of any one species

observed emerging from the same area, the surveys concluded that the building supports summer non-maternity bat roosts of these three species.

2.9.7 To comply with the relevant legislation, the surveys confirmed that a bat derogation licence from Nature Scot should be obtained prior to works commencing.

Badger

2.9.8 Potential badger foraging activity was observed to the north of the site and mammal paths were identified south-west of the site boundary in 2018. Suitable foraging and sett-building habitats are present on site and in the vicinity. However, no conclusive evidence of badger activity, in the form of prints, latrine sites, hairs or setts, was identified during the 2018 or 2020 survey visits.

Otter

2.9.9 The Lothrie Burn has potential for otters commuting but is generally shallow with a bedrock substrate. It is also heavily disturbed by walkers and dogs. A potential old spraint stain and two potential temporary resting up sites were identified along the watercourse in 2018, and two sprainting sites and a non-breeding resting up site was identified during the 2020 survey.

2.9.10 The River Leven to the south provides suitable habitat for otter. Whilst no resting up sites were identified, three well-used spraint sites were recorded during the 2020 survey visit, indicating more frequent use of this watercourse by otter.

2.9.11 The Scottish Natural Heritage guidance for disturbance distances for otters is 30m for a confirmed non-breeding resting-up site and up to 200m for a site being used for breeding. Whilst the non-breeding resting up site on the Lothrie Burn is approximately 40m away from the site development boundary, there are proposals for the installation of a uPVC storm outfall pipe which will enter the watercourse within 10m of the resting up site. It is understood that the route of the outfall pipe was chosen to ensure that no mature trees were affected. As a result, it is considered likely that the level of disturbance will be minimal, and that the resting up site can be retained as part of the proposed works. However, due to the proximity of the works to the resting up site, it will be necessary to apply for an SNH European Protected Species disturbance licence prior to works commencing.

Nesting Birds

2.9.12 The surveys noted that the site has good foraging and nesting habitat for a range of bird species. In addition to the trees, areas of ornamental planting, woodland and scrub, the buildings and walls on site could support breeding birds. During the 2020 survey, wood pigeon were confirmed nesting within Leslie House.

2.9.13 Also, no evidence of water vole activity was recorded along Lothrie Burn or the River Leven or squirrel dreys within the survey area.

2.9.14 The surveys found the presence of Japanese Knotweed north of the burn within the woodland. Given that it is located over 50m beyond the northern site boundary, the surveys advised that it is not expected to affect the site. Other potentially invasive non-native plant species, including Japanese rose, *Rhododendron ponticum* and a *cotoneaster sp.*, were identified within the site boundaries. The surveys advised that any works in the areas where these plants are

present should be undertaken following appropriate biosecurity measures. The plants should be removed and appropriately disposed of; either through burning on site, or removal from site by a licensed waste carrier.

2.9.15 The reports made recommendations in relation to preparation of a habitat management plan to enhance the ecological value of the site and surrounding area and control invasive species including rhododendron and Japanese Knotweed; as well as enhancing habitats on site to increase their biodiversity value. The report advised that a further survey should be undertaken in the winter months for hibernating bats and of the trees to be felled, including those along the eastern access route. Measures for bats should be incorporated into the building design including installation of bat boxes on nearby trees, integrated bat boxes in the new build areas (minimum eight), incorporation of bat roost features into the renovated building such as bat access slates (minimum six) will all be required. In addition, either a standalone bat house or 'grotto' type building will be required or adaptation of a small part of the retained outbuilding into a bat roost areas to provide potential hibernation sites.

2.9.16 The Fife Council Natural Heritage Officer commented that no breeding bird survey was undertaken however, recommendations have been made to protect nesting birds during works and for compensatory bird nesting boxes/bricks to be integrated into the new and renovated buildings. The survey identified habitat suitable for and potential evidence of badger foraging. Recommendations are made to protect badgers and terrestrial mammals from entrapment, lighting impacts and with exclusion buffers. These are appropriate and should be secured by condition. Badgers can move into new areas and dig setts over a short period of time therefore, prior to construction commencing a re-survey for badgers is required. The survey work should be carried out no more than one month before works are due to commence. e.g. along the access roads/tracks and drainage route. The Natural Heritage Officer noted that the surveys contained a number of limitations. The ground-based tree survey and assessment was undertaken on trees likely to be directly impacted by the proposed works. 1 tree was identified as having high bat roost potential (BRP), 1 tree with moderate to high BRP, 14 trees with moderate BRP, 14 trees with low to moderate BRP, and the remaining trees with low to negligible. No bat roosts were found but further survey is required. High and moderate BRP trees require nocturnal surveys, low BRP trees require supervised felling. Aerial surveys were not undertaken, the reports advise that it would not be possible to adhere to the Covid 19 social distancing guidelines whilst climbing. Three dusk surveys were undertaken (as opposed to two dusk surveys and one dawn survey). Whilst BCT guidelines (Collins, 2016) recommend that one of the surveys undertaken is carried out at dawn, it was not possible to do so in this case due to health and safety considerations on site (lack of security on site at dawn and health and safety issues associated with driving in the early hours without a second driver present (due to Covid 19 social distancing guidelines).

2.9.17 Further to receipt of the Natural Heritage Officer's comments, an Aerial and Nocturnal Tree Assessment Update by Direct Ecology (dated 15th October 2020) was submitted. This confirmed that no bat roosts were found during the ground-based and aerial assessments of the trees or the nocturnal survey. During the "at height" inspections, a number of trees were re-graded from their initial bat roost potential, a of which were downgraded. Of the trees to be felled, two trees are of moderate potential, five are of low/moderate potential and all others of low potential or less. Of the trees to be limbed, one is of high potential, one of moderate potential, two of low/moderate potential and all others of low potential or less. During the survey, two species of bat were recorded; common pipistrelle and soprano pipistrelle. No bats were observed emerging from the dead sycamore tree (which was considered to have the highest bat roost potential). The first bat recorded was a soprano pipistrelle commuting from north to south next to the tree. During the survey, low levels of foraging were recorded over the grass nearby the sycamore tree. The Report

set out a number of recommendations including pre-work checks and supervised felling by a licensed bat worker; toolbox checks for contractors and emergency procedures should a bat or signs of a bat(s) be encountered during works. These recommendations are to be secured via condition.

2.9.18 Nature Scot (formerly SNH) were consulted and confirmed that it is likely a disturbance licence would be granted in relation to otters and the mitigation proposed seems reasonable for a non-breeding otter shelter. With regard to bats, Nature Scot advised that providing that all measures outlined in the bat survey reports are adhered to, it is likely that the tests would be met and therefore that a derogation licence would be granted. The mitigation measures are sufficient for the number of bats found.

2.9.19 The Draft Biodiversity Enhancement Plan (dated 7th July 2020 by Direct Ecology) sets out a number of potential options in order to enhance the biodiversity of the application site and reiterates mitigation measures mentioned in the other reports. This includes, but is not limited to, measures including areas of new planting incorporating species that provide a wildlife benefit and be native species; in areas where grassland borders woodland, scrub or hedges less vigorous mowing regimes should be used to allow plants to flower and seed; provision of alternative bat roost opportunities on the site, installation of a minimum of 17 bird nest boxes and wildflower planting within the proposed landscaping. The principle of the proposed enhancements and mitigation measures as proposed are considered to be acceptable. However, as requested by the Fife Council Natural Heritage Officer, a condition is needed requiring a detailed Biodiversity Enhancement Plan to confirm which enhancement options are to be implemented.

2.9.20 The proposed development is in accordance with FIFEplan Policy 13 subject to the noted conditions.

2.10 Flooding and Drainage

2.10.1 The national context on the flooding and drainage risk associated with new developments is set out in SPP. Planning authorities must take into account the probability of flooding from all sources when determining planning applications. Flood risk can be a secondary impact from poorly designed surface water drainage systems.

2.10.2 FIFEplan Policy 3: Infrastructure and Services requires development to be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Such infrastructure includes foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS).

2.10.3 FIFEplan Policy 12: Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate compliance with a number of criteria including, they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.10.4 The SEPA flood risk maps indicate the site is not at risk from flooding from known sources of flood risk therefore, no Flood Risk Assessment was required for the proposed development.

2.10.5 Following a review of the proposed drainage scheme and submitted design and check certificates, Fife Council Flooding, Shoreline and Harbours Team raised a number of queries in relation to surface water drainage, requesting a completed version of the SEPA Simple Index Approach tool for each separate component of the surface water drainage system to demonstrate

that sufficient treatment provisions have been applied and calculations to demonstrate that there is adequate attenuation in the gravel trench proposed to drain the eastern access road, and show how these flows will be attenuated. On receipt of this information the Flooding, Shoreline and Harbours Team confirmed that they have no objection to the proposed development.

2.10.6 The proposed development is in accordance with FIFEplan Policies 3 and 12 and meets the requirements of the Fife Council Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note.

2.11 Contamination and Land Stability

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

2.11.2 The application site lies within a Coal Authority Development Low Risk Area and therefore, is not considered to be at risk from past coal mining hazards, a Coal Mining Risk Assessment is not required in support of the proposal.

2.11.3 The application site has not been subject to any past industrial or potentially contaminating uses. Fife Council Land and Air Quality Team reviewed the submitted planning application and confirmed that they had no comments to make.

2.11.4 The proposed development is in compliance with PAN 33 and Policy 10 with regard to contamination and land stability.

2.12 Developer Contributions

2.12.1 FIFEplan Policy 4 states 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 includes transport, schools, affordable housing, greenspace, public art and employment land. Policy 4 sets out a list of specific types of development which are exempt from the payment of contributions, including proposals for the conversion or renovation of listed buildings; the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement; employment uses and town centre redevelopment proposals; residential development of fewer than 10 houses, or retail proposals of less than 2,500 square metres gross floor area; affordable housing, special needs housing, and sheltered housing; or student housing.

2.12.2 Leslie House is identified as derelict in the Fife Council Vacant and Derelict Land Audit 2019, the proposed development involves conversion and renovation of a Category A listed building and therefore is exempt from the payment of contributions however, the Planning Obligations Development Framework states that where there is a critical capacity issue the exemption does not apply. There is currently no capacity or critical capacity issues at the catchments schools as outlined in the Education section below.

2.12.3 In relation to affordable housing contributions, the Fife Council Affordable Housing Supplementary Guidance also sets out a number of exemptions. This includes where a proposal involves the reuse of long term vacant or derelict land within a defined settlement as is the case

with the proposed development which lies within the Leslie settlement boundary as defined in FIFEplan and therefore, it is exempt from affordable housing contributions.

2.13 Education

2.13.1 FIFEplan Policy 4 states that developer contributions will be sought in relation to development proposals that will have an adverse impact on infrastructure capacity including education. The contributions will mitigate development impact by making a contribution to existing infrastructure, or providing additional capacity or improving existing infrastructure; or providing new infrastructure. This is reinforced in the Planning Obligations Framework Supplementary Guidance.

2.13.2 The application site lies within the catchment areas of Leslie Primary School, St Paul's Roman Catholic Primary School, Glenwood High School and St Andrew's Roman Catholic High School. Fife Council Education Department were consulted on the planning application and confirmed there is no capacity risk at the catchment schools and therefore, have no objection to the planning application.

2.14 Sustainable Development

2.14.1 Scottish Planning Policy (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. To achieve this, planning should seek to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to energy efficiency, heat recovery, efficient energy supply and storage, electricity and heat from renewable sources and electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

2.14.2 FIFEplan Policy 11: Low Carbon states that planning permission will only be granted for new development where it has been demonstrated that:

- 1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;*
- 2. Construction materials come from local or sustainable sources;*
- 3. Water conservation measures are in place;*
- 4. Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and*
- 5. Facilities are provided for the separate collection of dry recyclable waste and food waste.*

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

2.14.3 The Fife Council Low Carbon Fife Supplementary Guidance (January 2019) provides that applications for local developments are required to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into the proposal.

2.14.4 The proposed development incorporates a sustainable drainage system. Fife Council Flooding, Shoreline and Harbours Team have confirmed that the scheme as proposed is acceptable and will not have detrimental impacts with regard to flooding or the water environment. Facilities would be provided for the separate collection of dry recyclable waste and food waste in line with the Fife Council waste standards with suitable and adequate hardstanding areas provided within the curtilage of each of the new build houses and within the basement of Leslie House for the storage of wheeled refuse and recycling containers. The submitted supporting documents confirm that the buildings would incorporate water efficient fittings to minimise water use and all materials will come from local and sustainable sources as far as is possible.

2.14.5 The proposed development is in accordance with FIFEplan Policy 11 and SPP in relation to low carbon and sustainability.

CONSULTATIONS

Historic Environment Scotland	No objection. South stair should ideally be retained.
Nature.Scot	No objection. Proposed mitigation is sufficient in order for the required licenses to be granted.
Archaeology Team	Advised that the proposed development has the potential to impact on buried archaeological deposits and therefore, requested a condition requiring submission of a written scheme of investigation and implementation of a programme of archaeological work.
Built Heritage	No objection.
Natural Heritage - EPES	No objection subject to the biodiversity enhancements proposed being secured and conditions.
Trees - EPES	Object to the proposed development due to the loss of trees.
Land And Air Quality - EPES	No comment.
Education (Directorate)	No objection. There are no capacity issues at any of the catchment schools.
Housing And Neighbourhood Services	Confirmed that the affordable housing requirement for the development is 10% which equates to 3.6 units.
Structural Services - Flooding, Shoreline And Harbours	No objection.
Environmental Health (Public Protection) - EPES	No objection.
Transportation	No objection subject to conditions in relation to construction of roads, car parking, bicycle storage, wheel cleaning facilities, grit bins, street lighting and a traffic management plan.

Transportation And Environmental Services - No response.

Operations Team

Parks Development And Countryside

Community Council

No response.

Object in relation to the number of dwellings proposed, traffic impact, inadequate access, tree loss and over-ambitious development.

REPRESENTATIONS

There were five representations received, consisting of three letters of objection and two letters of support, however, one of the objections was received beyond the deadline for representations. The letters of objection included an objection from Leslie Community Council as a statutory consultee.

The letters of support welcomed the reconstruction of Leslie House, recognised the importance to local communities, effectiveness of the grouping of new build courtyard houses, and acknowledged preservation of some areas within the grounds of Leslie House.

The issues raised in the objections are summarised as follows:

1. Adequacy of assessment of enabling development.
2. Leslie House should be refurbished prior to the commencement of the new build development.
3. The application must be determined using the planning history of the whole Leslie House Estate not just the area where Byzantian have arbitrarily decided to draw their red line boundary.
4. The Byzantian application calls the 6 new proposed houses on the lower part of the Historic gardens and the 2 new proposed gate houses as "Enabling Development", but does not include the 9 flats proposed within the pavilion extension. As these flats are being proposed to cross-subsidise the restoration of Leslie House itself, it is "Enabling Development" and should be assessed by the Planning Department as such. Byzantian are therefore proposing 17 housing units as "Enabling Development".
5. This is in addition to the 28 houses already approved for Muir Homes and confirmed by the DPEA reporter as "Enabling Development" for the refurbishment of Leslie House.
6. Impact of 45 houses on the Historic Landscape of Leslie House.
7. Additional units should be resisted as set out in the FIFEplan allocation.
8. Impact of additional traffic.
9. Conservatory to the rear of Leslie House should be refurbished.
10. Impact on public access around Leslie House, creation of a "Gated Community" with no public access to the Leslie House approach or the historic gardens.

11. It would appear that the well-used path through the grounds to the north of Leslie House, above the Lothrie Burn, may also be restricted meaning there will no longer be public access through the Leslie House Estate to the Town Park or Glenrothes.
12. Lack of benefits to the community if public have no access.
13. Six new build houses will restrict the view of Leslie House from the Town Park.
14. New access road will affect the usability of the area and break up the continuity of the park, leading to conflicts between park users and traffic.
15. The two gate houses proposed behind the wall at the main gate will also restrict the views of Leslie House and we do not see how they can be built without the removal of the large Redwood trees adjacent to them.

Leslie Community Council:

A. Contrary to the Adopted FIFEplan

According to the Plan the whole site LES001 has an estimated housing capacity of 29 comprising 12 units within the garden grounds (Muir Homes development already consented) and 17 flats in the refurbishment of Leslie House. Muir Homes have now gained planning consent for 28 houses in the garden grounds, meaning that the original plan to develop 17 flats in Leslie House would take the total development to 45 – considerably higher than the adopted plan supported number of 29. However, the new application is for a much greater development including 28 flats, plus 6 houses to the east of Leslie House, and a further two ‘gatehouses’ to the west. This will bring the total site development to 36 at Leslie House, plus 28 in the gardens, a total of 64 – over double the planned figure of 29. Fife Council professes to be a ‘plan lead’ planning authority, therefore since this application is contrary to the adopted plan, it should be refused. The Development Plan also states, ‘Any further development of garden ground outwith the current consent will be resisted.’ which, since the new application includes eight (6 plus 2) new build developments in the garden grounds of Leslie House, means that these should ‘be resisted’.

- B. Traffic volumes are incompatible with the site and the traffic management measures are inadequate and unsatisfactory.
- C. Inadequate service vehicle access.
- D. Loss of trees.
- E. Over-ambitious development.
- F. Relying on a large scale development to maximise the profit.
- G. As currently proposed, the extension would, in our view have a detrimental impact on the character and appearance of the A listed house and its setting on the garden’s upper east terrace.’

- H. The vehicle access and parking area's scale and form in the east courtyard would both detract from the landscape setting of the house and diminish the character of the designed landscape.
- I. The existing 'orangery' should be repaired and restored to complement the traditional house and so the application in its current form is not acceptable.

If the planning committee are minded to overrule our objections and decide to approve this application, then we would ask for the following conditions to be considered:

1. Regarding the six houses to the east of the site, we strongly suggest that the slab level of the construction area be lowered by removal of the two raised banks at the bottom of the site, to prevent over dominance and blocking of the view of the house from the east.
2. Regarding the building of the eastern access road, we recommend that a tunnel be built beneath the raised part of the road to allow safe pedestrian access between the northern and eastern footpaths and those of the south.
3. Regarding the two gatehouses to the west of the site, we strongly recommend that the roofing material be changed from zinc to slate to match that of the west wing of Leslie House and the bricks used should complement the golden stone on the Leslie House facade. These two gatehouses should blend in with the existing building and the original lodges rather than their current appearance as 'add-on' developments.
4. Regarding the access road through Duchess Lodge, we strongly recommend a redesign of the passing places and pedestrian access to ensure that all users are able to access the area without danger from passing vehicles.
5. It is vital that a full archaeological survey is conducted before any construction begins on the northern extension, or soil disturbance occurs in the eastern grounds. The recent dry summer revealed the 'tell-tale' signs of underground structures that could have considerable archaeological significance.
6. Any transportation plan must include physical barriers between the two road systems – Leslie House and Muir Homes developments. Without this barrier, any indications of traffic flow will be inaccurate with considerable potential for disruption.

Response:

Points 1, 4, 5, 7, A, E and F. The proposed enabling development is considered to be acceptable in order to fund the restoration of Leslie House and has been assessed by the external third party, namely the District Valuer. The assessment has been carried out against the relevant local and national policies. Assessment is provided in relation to the estimated site capacity in terms of housing numbers as set out in the FIFEplan allocation for Leslie House. As for all site capacities of FIFEplan allocations, these are only ever estimated and the total number of units which a site can accommodate can only be considered via a planning application, once a detailed design has been submitted. The full assessment is set out in Section 2.2 Principle of Development which sets out the other significant material considerations which are considered outweigh the estimated site capacity in this instance.

Point 2 – See proposed Condition 1.

Point 3 – Every planning application is determined on its own merits. See Section 2.2 Principle of Development of which assesses the number of units proposed and the relevant material considerations which mean that there is now a disconnect between Leslie House and previously approved enabling development.

Point 6 – See Section 2.3 on the Impact on Listed Buildings and Section 2.4 on the Impact on Inventory Landscape and Designed Gardens.

Point 8 and B – See Section 2.6 Road Network and Parking.

Point 9 and I – Refurbishment of the conservatory would result in the loss of flats from the total enabling development and therefore, would likely result the proposal not being a viable.

Points 10, 11 and 12 – The Applicants submitted a Public / Private Access Plan which shows the areas which will be private and public. The existing public footpaths would remain open. There is likely to be a temporary closure or diversion of the core path on the east side of the during construction of the east access road.

Point 13 – See Section 2.4 on the Impact on Inventory Landscape and Designed Gardens.

Point 14 – Any impact on usability would be temporary during construction of the access road. The access road would be utilised by residents of the six courtyard houses, emergency and refuse vehicles. The frequency of vehicles using the access road would be low and therefore, the potential for any conflict between pedestrians and drivers would be minimal.

Point 15 - Section 2.3 Impact on Listed Buildings, Section 2.4 on the Impact on Inventory Landscape and Designed Gardens and 2.8 Trees. The Western Hemlocks would be removed as part of the proposed development. Their removal is justified for the reasons set out earlier in this report.

Point C – The six courtyard houses would be serviced using the proposed eastern access road. The two gatehouses would be accessed via the main driveway. Section 2.6 Road Network and Parking explains the arrangements proposed with regard to waste collection arrangements, which are considered to be acceptable.

Point D – See 2.8 Trees.

Point G – See Section 2.3 on the Impact on Listed Building.

Point H – See Section 2.4 on the Impact on Inventory Landscape and Designed Gardens.

With regard to the conditions proposed by Leslie Community Council, comments are provided as follows:

Proposed Condition 1 – Views are considered at Section 2.3 on the Impact on Listed Buildings and Section 2.4 on the Impact on Inventory Landscape and Designed Gardens. Such a revision is considered to be unnecessary as the eastern elevation of Leslie House is not its principle elevation. Furthermore, the proposed extensions to the eastern elevation is supported by HES policy and will result in the eastern elevation being altered from its current form. Lastly, as a

planning condition, it would not be compliant with the Circular tests for planning conditions so would not be competent to attach to planning permission.

Proposed Condition 2 – Such a condition would not be reasonable or necessary and therefore fails the relevant Circular tests.

Proposed Condition 3 – This view is now shared and zinc is considered acceptable for the reasons set out above. See Sections 2.3, 2.4 and 2.5. A condition is proposed requiring submission of material samples.

Proposed Condition 4 – This view is shared and a condition on passing places on the driveway is already recommended.

Proposed Condition 5 – Again, this view is shared and a condition requiring submission of a written scheme of investigation and subsequent implementation of any approved programme of archaeological work is recommended.

Proposed Condition 6 – Physical barriers could be visually intrusive and detrimental to the setting of Leslie House. Such interventions and therefore, the proposed condition, are not considered to be necessary or reasonable. Each development would have its own direct access from the surrounding local road network.

CONCLUSIONS

The proposal involves conversion and extension of a Category A listed building to create a residential development which will protect the existing built heritage assets with no significant adverse impacts on their setting and the character of the listed building and any features of special architectural or historic interest. The proposed design is complementary and sympathetic to the surroundings and will improve the overall quality of the area. The proposed development was assessed against the provisions of national planning policy, the Development Plan and other guidance in relation to the principle of development; impact on listed buildings and designed landscape; design and visual amenity; impact on the road network and parking; archaeology; trees; natural heritage; flooding and drainage; contamination and land stability; developer contributions; education and sustainable development. Whilst the approval of this application will result in the total number of units set out in the Local Development Plan allocation being exceeded, this is considered acceptable in the interests of safeguarding the future of the Category A listed building. On balance, the proposal is acceptable and in accordance with the Development Plan and relevant guidance subject to the planning conditions noted below.

RECOMMENDATION

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

1. Construction of the 8 new build houses shall not commence until completion of the 24th flatted dwelling within Leslie House and, the new roof shall have been installed and all new external windows and external doors fitted to Leslie House and be wind and water tight.

Reason: To protect the listed asset.

2. 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 to be submitted for the approval in writing by Fife Council.

Reason: In order to safeguard the archaeological heritage of the site.

3. All roads and associated works serving the proposed development being constructed in accordance with the current SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations and Designing Streets.

Reason: In the interest of road safety; to ensure the provision of adequate design

4. Prior to occupation of each property, off-street parking with minimum dimensions of 2.5m x 5m per space shall be provided for that property in accordance with the following schedule and remain in place in place for the lifetime of the development:

- 1.25 spaces for each of the 17 of the apartments within the listed building
- 2.25 parking spaces for each of the remaining apartments and each 3 bedroom new build house
- 3.25 parking spaces for each of the 4 bedroom new build houses.

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

5. Prior to construction of the 8 new build houses commencing, there shall be provided within the site cycle storage facilities in accordance with the current Parking Standards contained within the SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations.

Reason: In the interest of road safety; to ensure the provision of adequate cycle parking provision.

6. Prior to commencement of works on site, adequate wheel cleaning facilities shall be provided and maintained throughout the construction of the development so that no mud, debris or other deleterious material is carried by vehicles onto the public roads. Details of the proposed wheel cleaning facilities shall be provided for the written approval of this planning authority prior to installation on site.

Reason: In the interest of road safety; to ensure that public roads are kept free of mud and debris.

7. Prior to the occupation of the first dwellinghouse, grit bins shall be provided. These shall be maintained and filled regularly by the factor for the development. The grit bins shall remain in place for the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate winter maintenance facilities.

8. Prior to the commencement of work, street lighting details shall be submitted for the approval of Fife Council. The street lighting shall be designed in accordance with Fife Council's current street lighting standards and shall be installed prior to the occupation of the development. For the avoidance of doubt this shall include a scheme of street lighting on both the east and west access roads to the site. For the avoidance of doubt, the design of the street lighting columns shall be appropriate to the setting of the category A listed building and its setting.

Reason: In the interest of road safety; to ensure the provision of adequate street lighting.

9. A traffic management plan covering the construction of the development shall be submitted for written approval of this planning authority prior to commencement of any works on site. The traffic management plan will contain details on routing and timing of deliveries to site, site operatives parking area, traffic management required to allow off site operations such as public utility installation, traffic management, etc. The approved traffic management plan shall thereafter be implemented for the duration of the construction works.

Reason: In the interest of road safety; to ensure minimum disruption to residences in the vicinity of the site.

10. Prior to commencement of construction works on site, details of the new access road to the east of the site shall be submitted to this planning authority for written approval. The road shall thereafter be constructed prior to commencement of construction of the six houses to the rear of Leslie House.

Reason: In the interest of road safety; to ensure the provision of adequate site access.

11. Where roads and parking areas are to be constructed that will infringe on tree root protection zones a no-dig construction solution must be utilised. Prior to commencement of any construction on site details of the no-dig solution must be submitted to this planning authority for written approval and construction carried out thereafter in accordance with these approved details.

Reason: To ensure the trees are fully protected during construction.

12. BEFORE ANY WORK STARTS ON SITE, an Arboricultural Method Statement as set out in Section 11.0 of the Arboricultural Report by Fife Landscaping dated September 2018 shall be submitted to, for the approval of Fife Council. The works shall thereafter be carried out in accordance with the approved statement.

Reason: To ensure the trees are fully protected during construction.

13. BEFORE ANY WORK STARTS ON SITE, a Scheme of Supervision for the arboricultural protection measures shall be submitted for the approval in writing with Fife Council as Planning Authority and the agreed scheme shall be carried out in full. The scheme shall be appropriate to the scale and duration of the works and shall include details of the following:

- Induction and personnel awareness details of arboriculturalist matters,
- Details of the identity of individual responsibilities and key personnel,
- A statement of the delegated powers afforded to key personnel,
- Details of the timing and methods of site visiting and record keeping, and
- Details on the updates procedures for dealing with variations and incidents.

The approved scheme shall be carried out in full.

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

14. BEFORE ANY WORKS START ON SITE, details of the factoring arrangements to provide for the future maintenance of Leslie House (including but not limited to, roof maintenance, gutter cleaning, surveying the stonework and pointing) and associated grounds (including but not limited to, maintenance of grit bins and street lighting) shall be submitted for approval in writing by this

Planning Authority. Thereafter, maintenance shall be carried out in accordance with these approved details.

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

15. All planting carried out on site shall be maintained in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced within the first planting season (November to March).

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

16. Prior to the commencement of works, a detailed phasing plan for the development shall be submitted for the approval of Fife Council. Thereafter, the development shall proceed in accordance with this plan unless otherwise agreed in writing with Fife Council.

Reason: In the interests of protecting the listed buildings; to ensure that this Planning Authority retains effective control over the timing of the development.

17. Prior to the commencement of works, details of compensatory tree planting shall be submitted for the approval of Fife Council. All replacement trees in any phase of the development pursuant to condition 16 shall be planted in the first planting season (November to March) following the first occupation of dwellings within that phase. Any trees that are lost, damaged, missing, diseased or fail to establish prior to the completion of the development shall be replaced with a species of equivalent type and size.

Reason: To ensure adequate compensation is provided for the trees lost through this development.

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

Reason: In the interests of ecology, to minimise disruption within the bird nesting season.

19. BEFORE ANY WORK STARTS ON SITE, full samples of external materials for buildings and roads, shared spaces and parking areas shall be submitted for the written approval of this Planning Authority. The development shall proceed in accordance with the details approved through this condition, unless otherwise approved in advance in writing.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

20. BEFORE ANY WORK STARTS ON SITE, details of all boundary treatments, walls, gates, and fencing to be used on site shall be submitted for the written approval of Fife Council as Planning Authority. The development shall proceed in accordance with the details approved through this condition, unless otherwise approved in advance in writing.

Reason: To consider these aspects in detail to protect the historic environment.

21. BEFORE ANY WORK STARTS ON SITE, a copy of the bat and otter derogation licences obtained from Nature Scot together with the SNH approved Bat and Otter Protection Plans shall be submitted to, for the written approval of Fife Council as Planning Authority.

Reason: To ensure the protected species are not impacted by the proposed development.

22. Prior to the commencement of development, a badger survey, including mitigation if appropriate, of the application site and surrounding grounds should be undertaken and submitted for the approval of Fife Council. For the avoidance of doubt, the badger survey should be carried out no more than one month before works are due to commence.

Reason: To ensure the protected species are not impacted by the proposed development.

23. For the avoidance of doubt, the recommendations of the Extended Phase 1 Survey Report (dated 7th July 2020), Bat Survey Report and Species Protection Plan (dated 28th July 2020) and the Aerial and Nocturnal Tree Assessment Update (dated 15th October 2020) all by Direct Ecology shall be implemented in full.

Reason: To ensure the protected species are not impacted by the proposed development.

24. Prior to the commencement of development, a detailed Biodiversity Enhancement Plan to confirm which enhancement options identified in the Draft Biodiversity Enhancement Plan (dated 7th July 2020) by Direct Ecology are to be implemented shall be submitted to, for the approval of Fife Council. All approved biodiversity enhancement measures shall be implemented in full.

Reason: In order to secure an acceptable programme of biodiversity enhancement measures.

25. Prior to the commencement of development, a Landscape Management Plan including a Woodland Management Plan shall be submitted to, for the approval of Fife Council.

Reason: To protect the Leslie House Inventory Landscape and Designed Gardens

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)

Historic Environment Policy for Scotland (May, 2019)

PAN 33 Development of Contaminated Land (October, 2000)

Scottish Government Creating Places - A Policy Statement on Architecture and Place for Scotland (June, 2013)

Scottish Government Designing Streets - A Policy Statement for Scotland (March, 2010)

Historic Environment Scotland - Managing Change in the Historic Environment - Setting (June, 2016, Revised February 2020)

Historic Environment Scotland - Managing Change in the Historic Environment – Gardens and Designed Landscapes (September, 2016, Revised February 2020)

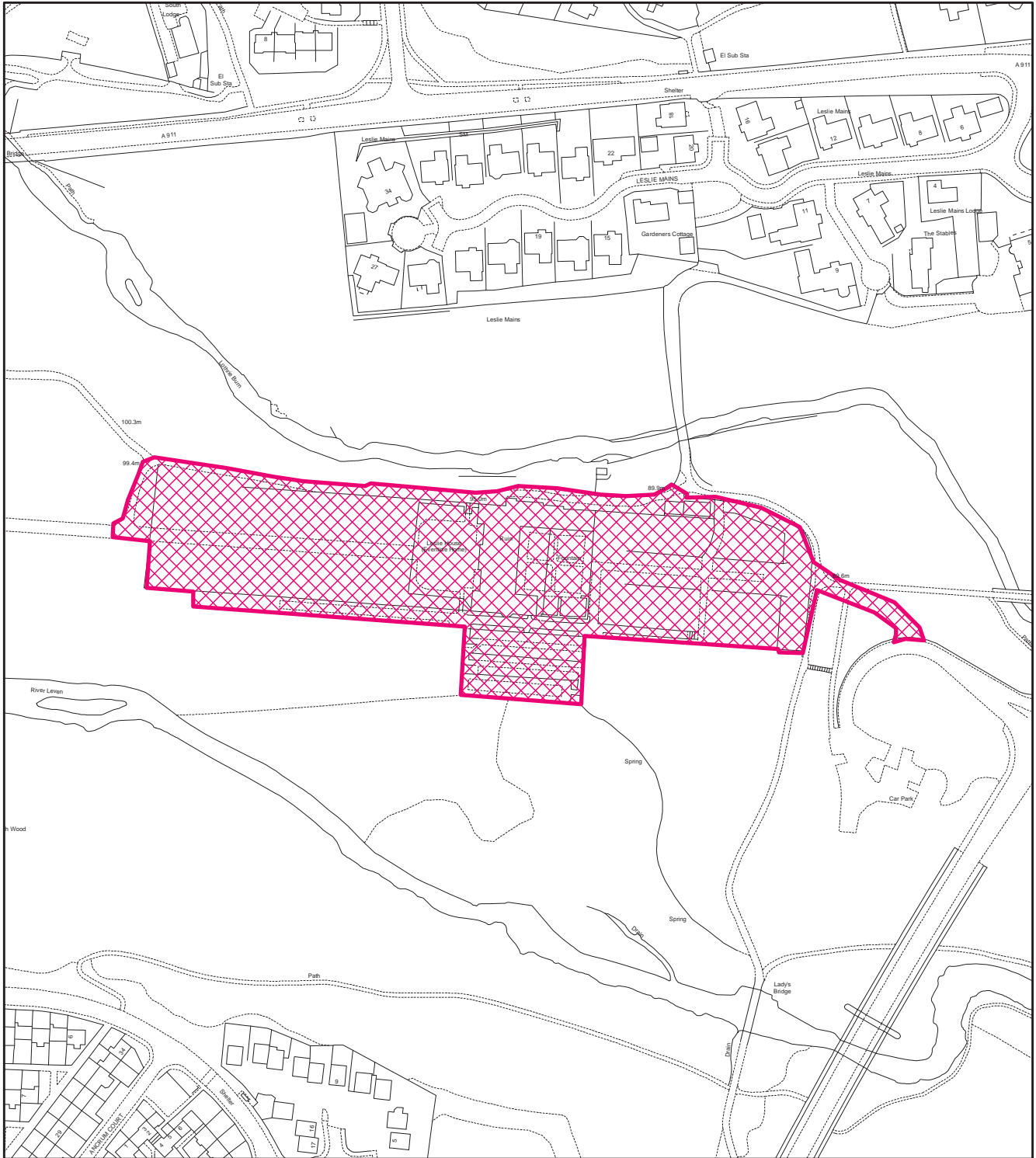
Historic Environment Scotland - Managing Change in the Historic Environment – Extensions (Published October, 2010, Revised February 2020)

Historic Environment Scotland - Managing Change in the Historic Environment – Roofs (Published October, 2010, Revised February 2020)
Historic Environment Scotland - Managing Change in the Historic Environment – Windows (Published October, 2010, Revised February 2020)
Circular 4/1998 (Use of planning conditions)
Development Plan and Supplementary Guidance:
SESplan Strategic Development Plan (June, 2013)
FIFEplan Local Development Plan (September, 2017)
Making Fife's Places Supplementary Guidance (August, 2018)
Affordable Housing Supplementary Guidance (October, 2018)
Fife Council Sustainable Drainage Systems (SUDS) - Design Criteria Guidance Note
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (March 2018)
Fife Council Planning Customer Guidelines on Garden Ground (March, 2016)
Fife Council Planning Obligations Supplementary Guidance (February, 2017)
Fife Council Low Carbon Fife Supplementary Guidance (January, 2019)
Fife Council Vacant and Derelict Land Audit 2019 (June, 2020)
Fife Council Housing Land Audit 2019 (May, 2020)

Report prepared by Katherine Pollock, Chartered Planner and Case Officer
Report reviewed and agreed by Kevin Treadwell, Service Manager and Committee Lead.

18/02425/FULL

Leslie House, Glenrothes



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Legend

 Application Boundary

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ITEM NO:	6
APPLICATION FOR LISTED BUILDING CONSENT REF: 18/02426/LBC	
SITE ADDRESS:	LESLIE HOUSE GLENROTHES FIFE
PROPOSAL :	LISTED BUILDING CONSENT FOR CONVERSION OF LESLIE HOUSE (CATEGORY A LISTED BUILDING) WITH NEW BUILD ENABLING DEVELOPMENT
APPLICANT:	BYZANTIAN DEVELOPMENTS LTD 25A KIRKGATE DUNFERMLINE FIFE
WARD NO:	W5R14 Glenrothes North, Leslie And Markinch
CASE OFFICER:	Katherine Pollock
DATE REGISTERED:	24/09/2018

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

Leslie Community Council has objected to the application as a statutory consultee and the recommendation is for approval.

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 Site Description

1.1.1 The application site extends to approximately 1.9 hectares, located to the east of Leslie and to the north of Glenrothes. It comprises the Category A listed Leslie House and associated gardens, part of the main driveway leading up to the house and an area of woodland and footpaths to the east. The application site is bound by woodland on all sides. Beyond the site to the north is the Lothrie Burn, the River Leven to the south, to the east is a car park and associated access road and to the west is the remainder of the Leslie House driveway and Category B listed entrance gates with boundary walls. The Category C listed Duke's Lodge is situated some 150 metres to the north west of the application site and the Category B listed Duchess Lodge is located approximately 450 metres to the west.

1.1.2 Leslie House is a 13-bay classical house comprising 3-storeys and basement with the remains of a conservatory on the east elevation and parts of an outbuilding remain to the rear of the house. There are three garden terraces with rubble retaining walls to the south, an area of hardstanding to the front of the house and remains of a parterre (formal garden laid in a symmetrical pattern) and terraced gardens to the east.

1.1.3 The house and gardens are currently derelict following a significant fire in 2009 which severely damaged the house with very little surviving of the interior, what remains today is effectively the shell of the house which is propped up by a series of metal supports. Internally, there is only the main spine walls, partial internal walls and parts of the north and south stairs remaining. There is metal security fencing enclosing the house.

1.1.4 The main access into the application site is taken from the A911 to the west however, there is a secondary access also from the A911 to the north which sits to the east of Duke's Lodge. There is an existing footpath network surrounding the house, this includes a core path (812) which runs through the eastern side of the site.

1.1.5 The application site lies within the Leslie House Inventory Garden and Designed Landscape which includes not only Leslie House and its associated gardens but extends from the woodland to the south of Prinlaws Mill to the west of Leslie House and including Riverside Park and Auchmuty Plantation to the Rothes Roundabout to the east. An area Tree Preservation Order covers all of the trees within the application site and the majority of the area recorded in the Inventory Garden and Designed Landscape.

1.1.6 The site is not within a Conservation Area. The Leslie Conservation Area is some 225 metres to the north west of the application site beyond the existing woodland.

1.1.7 Leslie House is identified as derelict in the Fife Council Vacant and Derelict Land Audit 2019 and has been recorded in the Buildings at Risk Register by Historic Environment Scotland since 2008.

1.1.8 The application site is allocated as a housing opportunity site within the adopted FIFEplan Local Development Plan 2017 through allocation reference LES 001.

1.2 Proposal Description

1.2.1 The application seeks full planning permission for the conversion of Leslie House to form 24 flats, erection of 8 new build dwellinghouses, associated parking, access, landscaping and drainage.

1.2.2 The proposal includes conversion and extension of the Category A listed Leslie House to create 24 flats which would comprise 1, 2, 3 and 4 bedrooms. There are two extensions proposed to the rear of the building, the main extension is proposed to the north side of the east elevation. The second extension would be on the south side of the east elevation on the footprint of the former conservatory which is to be demolished and removed. The main extension would be over three storeys, with the top floor set back from the bulk of the extension to form a single penthouse flat with roof top terrace. The ground and first floors of the extension would be finished in a buff facing brick with stone surrounds to the windows. The top floor would be finished in a dark grey zinc. The extension includes a green sedum flat roof. The second extension would be single storey and would also include a flat roof and be clad in the same buff facing brick. Both extensions would connect into Leslie House via glass corridors which would have a flat roofs and finished in steel with slim framed glazing.

1.2.3 The majority of the existing outbuilding to the rear of Leslie House is to be retained and would link into the basement of Leslie House to accommodate plant rooms and bin and bicycle storage.

1.2.4 No major alterations are proposed to the existing elevations of Leslie House with repairs to the stone work to be carried out as necessary.

1.2.5 There is currently no roof on Leslie House as this was destroyed during the fire of 2009 therefore, a new mansard roof incorporating stone chimneys is proposed to match the previous roof. This will include a dark blue/grey welsh slates to be laid in diminishing courses with a lead grey single ply membrane flat section. New roof lights proposed to all roof elevations.

1.2.6 New windows are proposed on all of the building elevations comprising a six over six pane formation with size variations to accommodate the variety of different window openings throughout Leslie House.

1.2.7 On the west elevation which forms the front of the house, the existing stone balustrade is to be retained and repaired. The carved stone armorial panel is to be reinstated with the entrance pillars to be retained. A new timber door with glazed panels which would be painted grey is to be installed at the entrance to the house.

1.2.8 In the gardens to the rear of Leslie House, six new build houses are proposed on the lower terrace. The proposed houses would all be detached, extending to two storeys and incorporating 3 and 4 bedrooms. The houses would be finished in a buff facing brick with pitched zinc roofs incorporating box dormers. Entrance canopies on supporting steel posts are proposed at the front doors to the houses and there would also be glass balconies at first floor level.

1.2.9 To the front of Leslie House two detached, new build gatehouses are proposed at the west end of the driveway, behind the main entrance gates. In common with the houses proposed to the rear of Leslie House, the gatehouses would be two storeys, incorporating 4 bedrooms. These houses would also be finished in a buff facing brick with pitched zinc roofs incorporating box dormers. The gatehouses include integral car ports incorporating perforated brick walling to rear of the covered car ports.

1.2.10 Improvements to the existing passing places are proposed along the drive to the front of Leslie House. A new access road is proposed at the east end of the application site from the B969 in order to provide vehicular access to the six new build houses. Formation of this access road will require removal of 21 trees.

1.2.11 The proposal includes removal of the avenue of Western Hemlocks along the drive on approach to the house. A total of 50 trees may need to be removed, six of these due to existing disease and decay. 33 of these trees were classed as Category C (low quality with a life expectancy of 10 years or young trees with a stem diameter of 150 mm), 7 were classed as Category B (moderate quality with a life expectancy of 20 years) and 4 were classed as Category A (high quality with a life expectancy of 40 years).

1.2.12 An area of car parking incorporating 30 spaces is proposed to the front of Leslie House to provide dedicated car parking for the flats. There would also be some informal parking spaces available on the drive. Courtyard car parking incorporating 18 spaces is proposed for the six houses to the rear of the house. The two proposed gate houses will each have three in curtilage parking spaces.

1.2.13 The terraced gardens to the south side of the site are to be retained and subject to new planting. All of the terrace stone walls and stairs will be repaired. The upper terraces of the gardens to the rear of Leslie House are to be replanted with the parterres to be reinstated and the fountain in the middle restored.

1.3 Planning History

1.3.1 Planning permission (06/00218/CFULL) was approved in 2007 for the conversion of Leslie House to form 17 flats and the development of 12 units on land outwith but to the north of current application site, adjacent to Dukes Lodge. The 12 units were approved as enabling development to subsidise the redevelopment of Leslie House. At this time Sundial Properties (the applicants at the time) sold the enabling development site to Muir Homes and used the money from the sale to start work on Leslie House. Renovation of Leslie House was well advanced before a fire damaged the house in 2009. As work had started on the site, this planning permission is extant and could be completed at any point in the future. The site which is subject of the current application only includes part of the original site and relates only to Leslie House. It does not include to the land where the enabling development was proposed at that time. Leslie House and this development site are now detached in land ownership terms with the current applicants, Byzantian Developments having acquired the current application site from Sundial Properties in 2017, however, they are linked from a planning perspective through condition 3 of planning permission (06/00218/CFULL) which states:

“BEFORE ANY WORKS COMMENCE ON SITE, a phasing plan and specific contract documents detailing the timescales for the completion of the new build houses and the restoration of Leslie House shall be submitted to and approved by the Planning Authority. The 10th, 11th and 12th dwelling houses shall not be occupied until all the flats and associated works to Leslie House are completed.”

1.3.2 Planning application 14/01916/FULL was refused by Central Planning Committee on 19 August 2015. This application by Muir Homes was for a residential development of 28 units, associated access and landscaping. Committee refused the application for four reasons:

“(i) In the interests of protecting the natural heritage, amenity value and visual character of the site; the proposed loss of trees covered by a Tree Preservation Order as a result of the development would be contrary to Policy E24 of the Adopted Mid Fife Local Plan 2012 in that their loss would not be justified on the basis of poor tree health or for any other good arboriculture practices.

(ii) In the interests of impact on built heritage; the proposed development by virtue of its scale, size, design and prominent location would have a detrimental impact on the setting of the category A listed Leslie House and its associated Designed Landscape and Gardens. The proposed development is therefore considered to be contrary to SPP (Historic Environment) (2014); Scottish Historic Environment Policy (SHEP) (2011); and Policies E8 and E11 of the Mid Fife Local Plan 2012.

(iii) In the interests of visual amenity; the proposed development by virtue of its size, scale, design and position on site is considered to be over development of a restricted site and is therefore contrary to Policies E2 and E4 of the Adopted Mid Fife Local Plan 2012.

(iv) The proposed development of 28 dwellings is considered to be contrary to the provisions of the Adopted Mid Fife Local Plan (2012) due to the increase in units for the enabling development from the maximum of 12 set out in Proposal LES01 of the plan. The proposed development is also considered to be contrary to the provisions of the Proposed FIFEplan Fife Local Development Plan (2014) due to the increase in units for the enabling development from the maximum of 12 set out in Proposal LES001 of the plan, and would involve the development of substantially more than 12 dwellings separate from Leslie House and would not result in any additional cross subsidisation of the renovation of Leslie House.”

1.3.3 This refusal of planning permission was subject of an appeal (PPA-250-2239) to the Planning and Environmental Appeals Directorate (DPEA). The Reporter for this case upheld the appeal and granted planning permission for the development. The decision by the Reporter was subject to 27 planning conditions and a Planning Obligation requiring contributions for affordable housing and strategic transport interventions. Condition 11 of the Planning Permission states that:

“The dwellings to be constructed on plots 23 to 27 inclusive, as shown on approved drawing 12071(PL)001-A (Site Layout Plan), shall not be occupied until the works of conversion and restoration of Leslie House, permitted by planning permission 06/00218/CFULL, have been completed.’

Reason: In the interests of preserving the listed Leslie House.”

1.3.4 Application reference 17/02065/FULL was lodged by Muir Homes in June 2017. This was an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) for the deletion of condition 11 of Planning Permission PPA-250-2239 which requires the restoration and conversion of Leslie House prior to occupation of plots 23 to 27 as noted above. This application was recommended for approval by Officers in their Report of Handling to Committee and refused by the Central Planning Committee for the following reason:

“1. In the interests of preserving the Category A listed Leslie House, the proposed deletion of condition 11, is considered to be contrary to Scottish Planning Policy paragraph 142, Historic Environment Scotland's Policy Statement (June 2016) Key Principles and Policy 14 of the Adopted FIFEplan 2017 which seeks to protect built heritage of special architectural or historic interest, in that the deletion of condition 11 would significantly reduce the likelihood of works recommencing to preserve the listed building. The Planning Authority are of the view that condition 11 as imposed by the Reporter in Planning Appeal PPA-250-2239 remains necessary and conforms to the tests set out in Circular 4/1998: The Use of Conditions in Planning Permissions.”

1.3.5 The applicant (Muir Homes) appealed against this decision to the Scottish Government and the appeal was dismissed on 25th April 2018 therefore, Condition 11 was retained.

1.3.6 Application 06/00221/LBC was the Listed Building Consent approval for the works relating to planning permission 06/00218/CFULL to Leslie House but also included the re-positioning of gate and gate piers. The works granted by this Listed Building Consent have been implemented and the gate and gate piers have now been repositioned.

1.3.7 Following the fire and the damage to the building, a further application for Listed Building Consent (09/00964/CLBC) was approved. This included the agreement for a steel frame to be included within the design of the renovation to provide stability and flexibility where damage to the internal structure had occurred. Apart from the installation of the steel frame, no further works have been carried out on Leslie House with the exception of boarding up the doors and windows to make the building secure.

1.3.8 Planning permission (12/03535/FULL) was approved for a 3m high security fence. This is due to instances of vandalism and trespassing on site. Until recently there was on site security providing surveillance for the house and its immediate grounds.

1.3.9 There is currently an application for Listed Building Consent for the various alterations to the listed building as required for development of the site. The application below is also before this committee for determination:

1.3.9 There is currently an application for planning permission for the proposed development. This will also be before this committee for determination as follows:

- 18/02425/FULL - Proposed conversion of Leslie House to form 24 flats, erection of 8 new build dwellinghouses, associated parking, access, landscaping and drainage.

1.4 Application Process

The application involves works to a listed building therefore, advertisements were published in the Edinburgh Gazette and The Courier on 2nd and 4th October 2018 respectively. A site notice was posted on site on 29th September 2018.

2.0 ASSESSMENT

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

- Impact on Listed Building

2.2 Impact on Listed Building

2.2.1 Scottish Planning Policy states that positive change should be enabled in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced. Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where listed building consent is 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.

2.2.2 SESplan Policy 1B seeks to ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites including listed buildings.

2.2.3 The Historic Environment Policy for Scotland Policy HEP4 states that changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate. If detrimental impact on the historic environment is unavoidable, it should be minimised. Policy HEP5 states that decisions affecting the historic environment should contribute to the sustainable development of communities and places.

2.2.4 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 listed buildings or their setting, including structures or features of special architectural or historic interest. For all historic buildings support will only be given if, allowing for any possible mitigating works, there is no adverse impact on the special architectural or historic interest of the building.

2.2.5 The proposed development involves the conversion and restoration of, and repairs to the Category A listed Leslie House. Enabling development is required in order to fund the works to the house in the form of extensions to the rear of the house and new build houses within the grounds. The main additions and areas of change with regard to built development can be summarised as follows:

1. Extensions to Leslie House
2. Six detached houses on the lower east garden terrace
3. Two detached gate houses to the front of Leslie House
4. Conversion, restoration, and repairs to Leslie House

2.2.6 The impact on the key features of Leslie House, its associated gardens and setting have been assessed as outlined below.

1. Extensions to Leslie House

Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on Extensions advises that extensions:

1. Must protect the character and appearance of the building;
2. Should be subordinate in scale and form;
3. Should be located in a secondary elevation;
4. Must be designed in a high quality manner using appropriate materials.

Both extensions proposed are to the rear of Leslie House to the east elevation which is a secondary elevation. The extensions would appear subordinate to Leslie House with both extensions sitting well below the roofline of the house. The roof of the main extension would sit below the second floor of Leslie House and would be situated on the footprint of the former north range which was demolished following a fire in the 18th century. The smaller extension would be single storey, sitting on the footprint of the former conservatory. It would sit below the first floor windows of Leslie House. Both extensions would not be visible from the principal elevation, the west elevation at the front of the house. The extensions have purposely been designed to be read as modern additions to avoid a pastiche design which could negatively impact on the

appearance of the house. The design is simple incorporating a limited palette of high quality materials. However, it is important that the colours, tones and textures of the modern materials and in particular, the proposed brick would sit comfortably alongside the Leslie House stonework therefore, a condition is proposed requiring submission of material samples to allow for a full comparison. The fenestration on the main extension is similar to that of Leslie House. The proposed glazed links would further limit any potential impact on the house creating a degree of separation from the house. The siting of the extensions allows the existing east terrace to be framed and contained at an appropriate scale and allowing its earlier courtyard character to be enhanced. The existing area of asphalt which is currently having a negative impact would be removed when the main extension is constructed. The view from the upper floors of Leslie House would be over the proposed green' sedum roof. Views of the main extension from the south terraced gardens are likely to be negligible. Overall, the character and appearance of Leslie House would be protected.

2. Six detached houses on the lower east garden terrace

Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on Setting states that :

“Setting should be thought of as the way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated. Monuments, buildings, gardens and settlements were not constructed in isolation. They were often deliberately positioned with reference to the surrounding topography, resources, landscape and other monuments or buildings. These relationships will often have changed through the life of a historic asset or place. This often extends beyond the immediate property boundary of a historic structure into the broader landscape context”.

The part of the proposal which could potentially have the greatest impact on the setting of Leslie House are the six detached houses on the lower east garden terrace. In a best case scenario there would be no development on the garden terraces however, the site is physically constrained and therefore, there are limited options as to where within the site enabling development could be accommodated. During the pre-application process the Applicants worked through various options for enabling development. It was agreed with both Historic Environment Scotland and the Fife Council Built Heritage Officer that of all the garden terraces that the lower terrace to the rear of Leslie House represents the least sensitive part of the gardens. The proposed houses would inevitably impact on the views from Leslie House however, the houses would be carefully situated around a new courtyard which would allow the central axis from the house down the east terraces to be maintained. The courtyard would incorporate sensitive hard and soft landscaping with appropriate materials to soften the impact. Modern requirements such as car parking to be meaningfully integrated into the landscape. As would be the case with the extensions to Leslie House, the houses would follow the same colour and materials palette to limit any potential impact. The reinforcement and reconnection with the longer east-west axis with the woodlands (part of the designed landscape) beyond the site is a hugely positive impact on the house and garden as well as the surrounding parkland and the new courtyard can be read as part of a series of linked spaces along this axis (as in the original garden) rather than as part of a single garden area.

3. Two detached gatehouses to the front of Leslie House (West Courtyard)

The proposed gatehouses have been purposely situated as far away from Leslie House as possible. Their position either side of the driveway will allow the view of Leslie House on

approach from the west to still be appreciated. As would be the case with the proposed courtyard houses to the east of Leslie House, the gatehouses would be of a simple modern design incorporating the same colours and materials palette to ensure that they do not compete with Leslie House. In addition, they would have integral car ports to minimise any potential visual impact of parked cars. The submitted 'Overview of Conservation Impacts of Proposed Development (July 2020) by Georgina Allison confirms that there were two garden pavilions originally within the courtyard. The design principle of garden pavilions in corners of formal courtyards has strong Scottish historical precedent. As located, the gatehouses allow the courtyard to open up from the gates, and this, along with clearance of the overgrown avenue, helps to reinstate the idea of the original eighteenth century west courtyard and allow the full west elevation to be viewed. This wider 'courtyard' also helps to, visually and spatially, separate the new houses from the main house. The symmetry of the original courtyard is respected by the two mirrored buildings.

4. Conversion, restoration, and repairs to Leslie House

Historic Environment Scotland - Managing Change in the Historic Environment Guidance Note on Roofs notes that the roof and associated features of a historic building form important elements in defining its character. The roof of Leslie House was largely destroyed in the 2009 fire with any remaining sections subject to decay. There is currently no roof on Leslie House leaving it open to the elements. The proposal includes a new mansard roof incorporating dark blue/grey welsh slates to be laid in diminishing courses and random widths with single nail holes using copper nails. The flat section of the roof would include a lead grey single ply membrane. The roof would include sheep's wool insulation with a breathable sarking membrane on 22mm treated traditional sarking boards. The historic roof on Leslie House was also a slated mansard roof, replication of the mansard roof form is considered to be the most appropriate option taking into account the historic precedent. The existing balustrade would be retained and repaired using salvaged stones, where viable, and new stones to match. The existing chimneys would be repaired and where repair is not sufficient the chimneys would be reinstated in full, including chimney pots all to match existing in natural stone. These factors would have a positive impact on the building. New roof lights are proposed on the flat section of the roof and to all roof elevations. Views of the roof lights on the flat section would be minimal from the ground and those on the roof slopes are in alignment with the windows on the elevations of Leslie House and therefore, would not have a negative impact on the how the west elevation would be read from the ground. Historically there were dormers on the roof, with the remaining stone wall head dormers removed immediately after the 2009 fire, but only two have survived complete. The submitted 'Overview of Conservation Impacts of Proposed Development (July 2020) by Georgina Allison advises that these were a later addition to the building from the nineteenth and twentieth century and, although imposing, they did little to improve the stolid effect of the west elevation. Given that the majority (6 out of 8) would need to be newly carved, restoration of the earlier simpler balustrade shown in eighteenth century prints would be a more appropriate design solution, given their relatively modest significance. The existing salvaged stone remains would be retained and reused elsewhere as appropriate.

Windows and Doors

Most of the windows have lost their original and more modern joinery. There are a few remains of sashes still in place. None of the external doors remain. New windows are proposed on all of the building elevations comprising a six over six pane formation with size variations to accommodate the variety of different window openings throughout Leslie House. The windows would be timber sash and case with full depth astragals and painted an off white colour. This

would be in-keeping with the original 18th century windows. In order to meet modern living requirements and sustainability standards, the windows would be double glazed however, they would be slimline and in order to avoid any negative impact.

The main entrance door to Leslie House would be timber with glazed panels. The rear door to the east elevation would be a traditional timber door with panelling. These items would all have a positive impact on the appearance and be in-keeping with the character of Leslie House.

Elevations

A Structural Assessment by McGregor McMahon (dated 21st August 2020) confirmed that in general, the external walls of Leslie House are performing well with no significant areas of settlement or deflection. The Assessment did not include an inspection and assessment of the main spine walls or remaining internal walls due to access restrictions on safety grounds therefore, a full and detailed Structural Assessment is required. A condition is proposed recommending such an assessment prior to the commencement of works. With regard to the building elevations in general, work would be largely limited to any stone repairs where required using traditional materials and techniques, which would have a positive impact. On the west elevation conservation and restoration of the armorial panel by an accredited conservation professional is proposed. The columns at the entrance portico would be retained and repaired as required.

Interiors

Within Leslie House there are no remaining ceilings or floors. There are two sets of historic stairs remaining, referred to as the north stair and the south stair. The submitted Statement of Significance for Leslie House and Gardens confirms that the north stair is a stone pencheck stair with moulded nosings returned down at wall side and around 'stringer'. There are two main flights per lift, with two quarter landings and a short perpendicular flight to the east. The balustrade consisted of turned timber balusters fixed to iron plugs set into the stone step. The flights continue from ground to attic floor. Above floor level, the stair is supported on stone arches which spanned across landing (no longer existing). The north stair shows significant loss of fabric to the balustrade and wall finishes compared with post 2009 fire. Although traditional pencheck stairs, the balustrades were of timber, not the more usual cast iron: only fragments remain. On the south wall the remains of the entrance into the great stair survive, indicating that this wall predates the eighteenth century stair. The wall has also been ragged, presumably for wall strapping, although it is more usual for plaster on the stair walls. The proposal includes retention and repair of the north stair which is a positive conservation gain.

The south stair was significantly affected by the 2019 fire. The submitted Statement of Significance for Leslie House and Gardens confirms that the south stair is a handed version of the north stair, but this area was affected more severely by the fire. The principal landings are no longer in situ, just the stone arches which support the main flights. It appears that the walls are mid eighteenth century and contemporary with the stair. Although the stone stair structure was complete immediately after the fire, the first flight from second to third is now missing. The first steps have chipping and the fixings for the timber balusters have corroded and will require to be drilled out. Interestingly the treads are much less worn than in the north stair, suggesting either much less use or of a later date (unlikely given the exact replication of design details). The entire stair is propped, but the upper flight of the first/second floor lift has partially collapsed, making this propping critical. Given how the structure relies the wall above, this also gives structural concern for this flue wall in the future.

Historic Environment Scotland (HES) have noted in their consultation responses that the 18th century pencheck stone staircases are highly significant survivals of the building's historic interior. They note that the proposals would result in the loss of the southern stair and the insertion of new floor plates that would cut across both of the southern stair's windows. Restoration of this important staircase would represent a significant conservation benefit. It is their view that the retention of both staircases would best retain Leslie House's special interest. A number of submissions were made by the applicants in setting out their case for justification of removal of the south stair. An annotated drawing by the architect noted several areas of concern with the structural soundness at various locations throughout the stair with the stairs currently being propped up at numerous locations. As noted above, there is a missing flight between the first and second floors. Many of the stair landings are missing. A statement following a structural inspection of the south stair by McGregor McMahon Engineers (dated 8th October 2019) confirmed that due to the various defects throughout the stairs, the combination of these has resulted in the movement of the stair and landings resulting in the stair being structurally unsound. It is only the temporary propping up by the scaffold board and acrow props that is preventing a catastrophic collapse. It is their professional opinion that the stair, landing and support mechanism is structurally unsound and requires to be taken down to prevent a catastrophic failure which could damage other areas of the building.

From a viability perspective, the applicant confirmed that reinstatement of the south stair would result in the following:

- The building would have to be redesigned which would result in the loss of three flats, thereby impacting on viability.
- The actual cost for the stone stair treads would be significant per floor plus the cost of balustrade etc.
- An additional lift would require to be installed as use of the main corridor would be lost in the redesign. This would be an additional cost noted accounted for in the submitted development appraisal.

From a viability perspective, reinstatement of the south stair would have financial implications which would make the proposal unviable. Taking into account the condition of the south stair and the negative implications of its retention as outlined above, it is considered that removal of the stair is justified.

In general, there is very little surviving of any original Leslie House interiors due to the fires of 1763 and 2009 plus extensive alterations over time. As a result, there is very limited information upon which to base any restoration. The majority of historic joinery and plasterwork has been lost however, the submitted 'Overview of Conservation Impacts of Proposed Development (July 2020) by Georgina Allison notes that the Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS) recorded some of the rooms in 2009 after the fire. A typical room is shown to display relatively simple features including a plain plastered room, with plain plaster cornices, timber skirting and dado rail. The proposals include such interior finishes in a traditional style, with recreation of plasterwork, doorways and panelling. The original spatial volumes would be kept as far as possible however, there would be some division in order to create the flats. The proposals have been generally designed to minimise the effect of the changes on the surviving fabric of Leslie House.

Entrance Hall

The submitted Statement of Significance confirms that the entrance hall is a masonry shell with the reinforcing steel structure added when the salon was subdivided upstairs. This consists of two steel beams, held on steel columns with modern plaster coverings. There is also a steel 'truss' which would have sat in the subdividing partition above. The surviving fabric includes the solid floor but both the north and south west corners are missing any floor finish. The walls have no plaster surviving and exposed masonry shows a long history of alteration. The south wall has been stitched and grouted where the west portico has started to separate. Some of the entrance hall floor survives, which shows the slate diamond pattern, inserted into a concrete type material. The proposal would retain the entrance hall as the communal entrance area with the diamond patterned floor and columns reinstated and the coffered ceiling and sectional floor to be replicated.

Other Works

2.2.7 Retention and repair of gates – The gates at the entrance to the Leslie House driveway would be retained and repaired with new gates added to the smaller side arches on either side of the main gate. This would have a positive impact on the approach to Leslie House and the appearance of the gates.

2.2.8 Removal of the Western Hemlocks - Although the removal of any mature trees needs to be carefully considered, the removal of Hemlocks will be of great architectural and landscape design benefit to the setting of the house. The axis and curtailed entrance drive was overpowering and hid much of the west elevation of the main house, as well as reduced the impact of the entrance courtyard, which was a key part of the seventeenth century landscape design. The axis and central drive remain, but its more subdued treatment will allow the courtyard to be seen as such and to open up views over the south gardens as planned in the seventeenth century. The removal of the asphalt road and its replacement with gravel will encourage a more domestic and softer character to the courtyard which is of benefit.

2.2.9 Car Parking at the Front of Leslie House – The submitted 'Overview of Conservation Impacts of Proposed Development (July 2020) by Georgina Allison confirms that as no suitable land is available outwith the current gates, the necessary car parking for the future residents of Leslie House has been proposed within the west courtyard. Although the car parking is adjacent to the house, the negative impact has been mitigated. The car parking is laid out to the east of the courtyard, at each side of the main drive rather than in front of the entrance block. It is also screened from the main west courtyard lawn by hedges and planting. Currently the land immediately at the base of, and to the front of, Leslie House is hard surfaced comprising of a mixture of stone and tarmac surfaces. This gives a hard, institutional character the house and removal of this and replacement with lawn and planting is positive. This would also have the technical benefit of avoiding the build-up of moisture and splashback onto the main west elevation stonework. The stone pathways which define the car parking areas also tie in with the existing stairs into the further landscaped gardens beyond.

2.2.10 Creation of an Eastern Access – The proposal includes a new access road to the east of the lower garden terrace to the rear of Leslie House which could potentially have a negative impact on the setting of the house. The road is required as an essential piece of infrastructure to provide access to the six new build courtyard houses for residents, emergency and refuse vehicles. Building a new road at this location would avoid the need for any new access roads to the north and south of Leslie House which could have a significant detrimental impact on the

character and appearance of the house and its setting. In practical terms, the site is physically constrained to the north and south due to topography and the situation of the Lothrie Burn to the north and the garden terraces to the south. An access road to the south would sever the south garden terraces from the house and the rest of the gardens. On balance, an access road from the east is considered to be the least intrusive option. The impact of tree loss in this area could be compensated by way of further tree planting.

2.2.11 South Garden Terraces – The terraced gardens would be retained, tidied up and supplemented with new planting. The external staircases and stone terrace walls are early features of the ornate gardens and these features are to be retained and repaired as part of the works. Balusters, handrails, step edges and any supporting walls will be inspected and any movement within the structures addressed as part of the remedial works to reinstate the features. This part of the proposal is a significant benefit.

2.2.12 Reinstatement of East Parterre and Former Italianate Garden – The first section of garden (closest to Leslie House) the 'Italianate Garden' would be reinstated with the fountain in the middle restored. The middle garden terrace would be subject to landscaping works with stone walls and stairs repaired as required.

2.2.13 Removal of fencing – Leslie House is currently enclosed by an unsightly metal security fence. This is having a significant detrimental impact on the character and appearance of the house and its setting. Intended as a temporary structure, its removal would have a significant positive impact.

2.2.14 The Leslie Conservation Area is some 225 metres to the north west of the application site beyond the existing woodland. It is visually separated from the application site by topography, woodland and a stone boundary wall which runs along the northern side of the designed landscape. The proposal would have no adverse impact on the Leslie Conservation Area.

2.2.15 In conclusion, there are some aspects of the proposed development which could have potentially negative impacts on Leslie House and its setting including the proposed new build enabling development with associated eastern access road and removal of the south stair within the house. However, any potentially negative impacts must be weighed against the significant benefits of the proposal. The ultimate benefit being securing the future of Leslie House as an important Category A listed building which has been on the Buildings at Risk Register since 2008 and has continued to deteriorate since the fire in 2009. The Applicant's Engineer considers the external walls of the building to be structurally sound however, there is evidence of significant areas of cracking with internal walls showing signs of erosion. Many parts of the building are being propped up. The Applicants' conservation architect has advised that the current condition in combination with the fact that the house is open to the elements and is subject to continued vandalism the likelihood is that significant sections of the remaining structural masonry could be lost within the next year if a 'do nothing' scenario prevailed.

2.2.16 Overall, the proposal would minimise adverse impacts on the fabric and setting of Leslie House and would ensure that its special characteristics are conserved and enhanced. HES and the Fife Council Built Heritage Officer were consulted throughout the application process. HES concluded that the proposals do not raise historic environment issues of national significance and therefore they do not object. The Fife Council Built Heritage Officer has concluded that she also does not object to the proposed development subject to conditions requiring a detailed Structural Assessment, treatment of openings, detailed stone condition survey, details of repairs, further details of interiors and details of fountain restoration works.

2.2.17 The proposed development is in compliance with Scottish Planning Policy, Historic Environment Policy for Scotland and FIFEplan Policy 14 subject to conditions which are discussed further in the Report of Handing for the associated application for listed building consent (ref: 18/02426/LBC).

CONSULTATIONS

Built Heritage	No objection subject to conditions in relation to a detailed Structural Assessment, treatment of openings, detailed stone condition survey, details of repairs, further details of interiors and details of fountain restoration works.
Historic Environment Scotland	No objection. South stair should ideally be retained.

REPRESENTATIONS

There were three representations received to the application in time including two letters of objection and one providing general comments from the Friends of Leslie House. The objections included one objection from Leslie Community Council as a statutory consultee and one from The Architectural Heritage Society of Scotland.

The Friends of Leslie House welcomed the plans to restore Leslie House and added that he current proposal, as a stand-alone design, we believe to be sympathetic to the listed building its gardens and historic landscape. They also commented as follows:

- 1) A full pre-construction Archaeological Impact Assessment is required.
- 2) In mitigation of the possible loss of the 1890s Conservatory, which was included in the original planning approval for conservation, we suggest that it be relocated to our village. This should be done in consultation with Friends of Leslie House, Leslie Community Council, Historic Environment Scotland and Fife Council (Heritage Department).
- 3) The existing footpath to the North of Leslie House has been in use from more than 20 years. We request assurance that this link from Leslie High Street, through the Duchess Lodge, down to the Riverside Park, would continue to be made available to members of the public as set out in the 2003 Land Reform Act.
- 4) Concerns about the cumulative impact of 46 new houses on the cultural landscape

Response: A condition requiring submission of archaeological information is proposed in relation to the associated planning application (ref:18/02425/FULL). Any gifting of the conservatory remains is outwith the scope of this listed building consent. This would require a separate conversation between the Friends of Leslie House and the applicants. Access to the footpath to the north of Leslie House would not be restricted by the proposed development. Cumulative impact of the proposed development along with the consented is considered to be minimal and is

assessed in full in Section 2.4 on the Impact on Inventory Landscape and Designed Gardens in the Report of Handling for the associated planning application (ref:18/02425/FULL).

The Architectural Heritage Society of Scotland raised the following points in their objection:

1. Scale of the north wing is not sympathetic to Leslie House. It should be a storey lower, subservient and with more separation from the façade.
2. Proposed garden room affects the overall symmetry of the rear façade.
3. Clarification on whether the main gates and side gates are being kept. Their loss would have a detrimental impact on the setting of Leslie House.
4. South stair should be retained
5. Smaller extension to the rear is an inappropriate solid new build element

Response:

The scale of the proposed main extension was reduced during the application process including a reduction in the number of storeys. It is considered that the extension would be subservient to Leslie House and the proposed glazed link provides a sufficient degree of separation from Leslie House. The garden room adds to the distinctiveness of the extension as a modern addition to ensure that the extension is read as a modern addition and not a pastiche design. The main gates would be retained and side gates reinstated within the arches. Retention of the south stair would be unviable. A full assessment is provided in Section 2.2 of this report. The smaller extension to the rear is considered to be appropriate, any solidity is broken up by glazing and it would sit on the footprint of the former conservatory and be in-keeping with its height.

Leslie Community Council:

A. Contrary to the Adopted FIFEplan

According to the Plan the whole site LES001 has an estimated housing capacity of 29 comprising 12 units within the garden grounds (Muir Homes development already consented) and 17 flats in the refurbishment of Leslie House. Muir Homes have now gained planning consent for 28 houses in the garden grounds, meaning that the original plan to develop 17 flats in Leslie House would take the total development to 45 – considerably higher than the adopted plan supported number of 29. However, the new application is for a much greater development including 28 flats, plus 6 houses to the east of Leslie House, and a further two ‘gatehouses’ to the west. This will bring the total site development to 36 at Leslie House, plus 28 in the gardens, a total of 64 – over double the planned figure of 29. Fife Council professes to be a ‘plan lead’ planning authority, therefore since this application is contrary to the adopted plan, it should be refused. The Development Plan also states, ‘Any further development of garden ground outwith the current consent will be resisted.’ which, since the new application includes eight (6 plus 2) new build developments in the garden grounds of Leslie House, means that these should ‘be resisted’.

B. Traffic volumes are incompatible with the site and the traffic management measures are inadequate and unsatisfactory.

- C. Inadequate service vehicle access.
- D. Loss of trees.
- E. Over-ambitious development.
- F. Relying on a large scale development to maximise the profit.
- G. As currently proposed, the extension would, in our view have a detrimental impact on the character and appearance of the A listed house and its setting on the garden's upper east terrace.'
- H. The vehicle access and parking area's scale and form in the east courtyard would both detract from the landscape setting of the house and diminish the character of the designed landscape.
- I. The existing 'orangery' should be repaired and restored to complement the traditional house and so the application in its current form is not acceptable.

If the planning committee are minded to overrule our objections and decide to approve this application, then we would ask for the following conditions to be considered:

1. Regarding the six houses to the east of the site, we strongly suggest that the slab level of the construction area be lowered by removal of the two raised banks at the bottom of the site, to prevent over dominance and blocking of the view of the house from the east.
2. Regarding the building of the eastern access road, we recommend that a tunnel be built beneath the raised part of the road to allow safe pedestrian access between the northern and eastern footpaths and those of the south.
3. Regarding the two gatehouses to the west of the site, we strongly recommend that the roofing material be changed from zinc to slate to match that of the west wing of Leslie House and the bricks used should complement the golden stone on the Leslie House facade. These two gatehouses should blend in with the existing building and the original lodges rather than their current appearance as 'add-on' developments.
4. Regarding the access road through Duchess Lodge, we strongly recommend a redesign of the passing places and pedestrian access to ensure that all users are able to access the area without danger from passing vehicles.
5. It is vital that a full archaeological survey is conducted before any construction begins on the northern extension, or soil disturbance occurs in the eastern grounds. The recent dry summer revealed the 'tell-tale' signs of underground structures that could have considerable archaeological significance.
6. Any transportation plan must include physical barriers between the two road systems – Leslie House and Muir Homes developments. Without this barrier, any indications of traffic flow will be inaccurate with considerable potential for disruption.

Response:

Points A, B, C, D, E, F and H – These are relevant to the planning application and therefore, comments on each have been made in the Report of Handling for the associated planning application (ref:18/02425/FULL).

Point G – See Section 2.2 on the Impact on Listed Building which assesses the potential impact of the proposed extensions on the character and appearance of Leslie House.

Point I – Refurbishment of the conservatory would result in the loss of flats from the total enabling development and therefore, would likely result the proposal not being a viable.

With regard to the conditions proposed by Leslie Community Council, these would be relevant to the planning application and therefore, comments on each have been provided in the Report of Handling for the associated planning application (ref:18/02425/FULL).

CONCLUSIONS

In conclusion, the proposal will continue to protect the special interest of the listed buildings while providing long term sustainable future uses for the buildings which have been on the Buildings at Risk Register for a significant period of time. The proposal will enhance the appearance of the listed building while respecting the integrity and fabric of the building and will not have a detrimental impact on any features of special architectural or historic interest. The proposal will impact on the setting of the listed building by virtue of its presence however, the conservation benefits of the proposal are considered to outweigh any potential negative impacts. It is therefore, acceptable and complies with national policy, the development plan and relevant guidance subject to the conditions noted in the Recommendation section below.

RECOMMENDATION

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

1. **PRIOR TO WORKS COMMENCING ON SITE**, a detailed survey of the buildings to be retained and walls within the grounds and garden terraces shall be carried out which identifies any areas where repair/maintenance work is proposed to be carried out as well as the proposed materials to be used for the repairs and a method statement advising how the repair/maintenance will be carried out. This survey report shall be submitted for the prior written approval of Fife Council. Thereafter, the details shall be implemented as per the agreed survey report prior to the occupation of the first flatted unit.

Reason: To safeguard the integrity of the Category A listed building.

2. **PRIOR TO WORKS COMMENCING ON SITE**, a detailed Structural Assessment including but not limited to, an assessment of the main spine walls and remaining internal walls shall be submitted for the prior written approval of Fife Council.

Reason: To safeguard the integrity of the Category A listed building.

3. PRIOR TO WORKS COMMENCING ON SITE, details of the proposed external or structural related materials, new windows or other proposed finishing details which are proposed for the re-instatement of former openings shall be submitted for written approval of this Planning Authority. Once agreed in writing, these elements shall be installed as per the approved details.

Reason: In order to allow consideration of details which have yet to be submitted and in the interests of protecting the listed buildings.

4. FOR THE AVOIDANCE OF DOUBT, all fixings to the physical fabric of Leslie House including its outbuildings and boundary walls shall be of a non-ferrous type, unless otherwise agreed in writing with this Planning Authority.

Reason: To safeguard the integrity of the Category A listed building.

5. PRIOR TO WORKS COMMENCING ON SITE, details for restoration and repair of the fountain shall be submitted for the approval of Fife Council.

Reason: To safeguard the integrity of the heritage assets.

6. PRIOR TO WORKS COMMENCING ON SITE, details of the interiors shall be submitted for the approval of Fife Council.

Reason: To safeguard the integrity of the heritage assets.

7. PRIOR TO WORKS COMMENCING ON SITE, details of any protected species mitigation measures shall be submitted for the prior written approval of Fife Council.

Reason: To safeguard the integrity of the Category A listed building.

8. PRIOR TO WORKS COMMENCING ON SITE, details of the gates and any fencing at the main entrance to the Leslie House driveway and within the grounds of the house shall be submitted to, for the approval of Fife Council.

Reason: To protect the setting of the Category A listed building.

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)

Historic Environment Policy for Scotland (May, 2019)

Historic Environment Scotland - Managing Change in the Historic Environment - Extensions (October, 2010)

Historic Environment Scotland - Managing Change in the Historic Environment - Setting (June, 2016)

Historic Environment Scotland - Managing Change in the Historic Environment - Roofs (October, 2010)

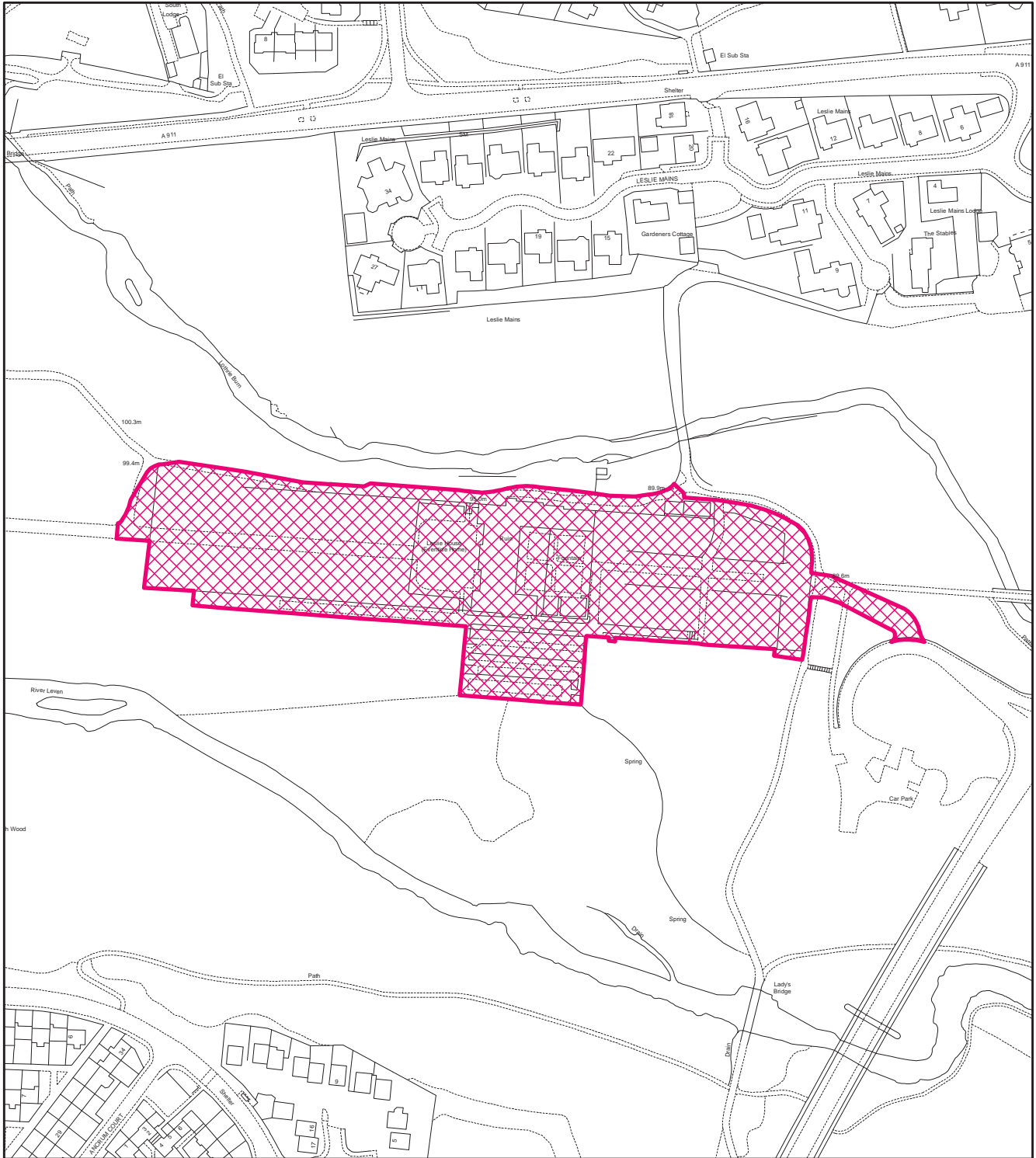
Historic Environment Scotland - Managing Change in the Historic Environment – Windows
(January, 2018)

Development Plan and Supplementary Guidance:
SESplan Strategic Development Plan (June, 2013)
FIFEplan Local Development Plan (September, 2017)
Making Fife's Places Supplementary Guidance (August, 2018)

Report prepared by Katherine Pollock, Chartered Planner and Case Officer
Report reviewed and agreed by Kevin Treadwell, Service Manager and Committee Lead.

18/02426/LBC

Leslie House, Glenrothes.



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Legend			
	Application Boundary		
			

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 20/00839/FULL

SITE ADDRESS: 251 AND 257 TO 261 HIGH STREET KIRKCALDY

PROPOSAL : PROPOSED DEMOLITION OF EXISTING SHOP UNIT AT 251-255 HIGH STREET TO PROVIDE MIXED USE DEVELOPMENT OF 39 AFFORDABLE HOUSING FLATS, AND COMMERCIAL UNITS

**APPLICANT: THE NEWPORT PROPERTY DEVELOPMENT COMPANY LTD.
56 TORRIDON ROAD BROUGHTY FERRY DUNDEE**

WARD NO: W5R11
Kirkcaldy Central

CASE OFFICER: Edward Bean

DATE 30/04/2020

REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The application received an objection from the community council.

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 Site Description

1.1.1 The 0.253 hectare diamond-shaped site is bounded to the west by shop units and the Old Kirk Cemetery, by the High Street to the south, Oswalds Wynd and its four storey traditional tenement to the east, and three storey flats to the north. The site encompasses 251-255 High Street, which is currently a furniture store, and 257-261 High Street, which has been cleared of the previous buildings and has become overgrown over the past fourteen years of inactivity. The surrounding area is a mixture of retail and commercial uses to the south and west, and residential use to the north and east. The topography of the site is sloping with a rise of almost three metres up towards the northern boundary. This boundary is formed by a large retaining wall of approximately four metres in height, to the rear of the flats above. The other boundaries are formed by the stone gable wall of the shop units to the west and by timber fencing to the street frontage. There is a square plot of mature trees and scrub land bounding onto the extreme north-west corner of the site.

1.1.2 The application site lies at the corner of the High Street and Oswalds Wynd, towards the north east end of Kirkcaldy town centre. It is located within the settlement boundary of Kirkcaldy, in the defined Kirkcaldy Town Centre and within the Kirkcaldy Merchants Quarter. The application site is a brownfield Housing Opportunity site (KDY 012). The development requirements for KDY 012 as set out within the Adopted FIFEplan Local Development (2017) are as follows:

- This site could accommodate a mix of complementary town centre uses including commercial uses at ground floor level and residential. New development must have active frontage to the High Street and be of a quality appropriate to its historic surroundings.

1.1.3 The east facing edge of the application site borders the Kirkcaldy Harbour and Port Brae Conservation Area, whilst the south east edge borders the Abbotshall and Central Kirkcaldy Conservation Area. The site is adjacent to the Beveridge Buildings on Oswalds Wynd, which are category B listed. Opposite the Beveridge Buildings is the category B listed 252-262 High Street which used to be the Kings Theatre. The other significant historic building in the area is the category B listed Old Parish Kirk on Kirk Wynd, parts of which date from the 15th century.

1.1.4 There are no designated trees within the site boundary or any other biodiversity constraints.

1.2 PLANNING HISTORY

1.2.1 Planning permission (05/00026/CFULL) was approved in September 2005 for the erection of 26 flats for private sale along with 293sqm of Class 1 retail space. The existing buildings on the site were demolished in 2006, which constituted a material start to the implementation of Planning Permission 05/00026/FULL. As such, the permission is extant. Due to the financial recession in 2008, the development stopped and work on site has never recommenced.

1.3 PROPOSAL

1.3.1 Full planning permission is now sought for the erection of 39 affordable flats, along with two commercial units (Class 2) at ground floor level, including parking and other associated ancillary works. The development will take place over the site encompassing 251-255 and 257-

261 High Street, and thus will involve the demolition of the existing furniture store at 251-255 High Street.

1.3.2 Housing Services have confirmed that the Council will take ownership and manage the 39 flatted properties as Council secure tenancies as part of a Community Letting Initiative. The properties will be allocated in accordance with legislation with the local lettings initiative taking account of the specific local factors;

- Properties will not be allocated to applicants with children due to the lack of available play space.
- To prevent additional pressures on local schools, applicants with school aged children will not be considered for these properties.
- The aim is to provide a balanced community with a focus on a more mature age group and demographic.

1.3.3 The proposed units at ground floor level will be used to create an 'Adaptations One Stop Shop'.

The purpose of the Adaptations One Stop Shop will be to -

o Provide advice and information to customers who are needing assistance with independent living.

- Create office space for the staff that will deliver this service.
- Create space to allow Adaptations Room Pods to be housed - these room pods allow customers to test adaptations in a range of "homely settings".
- Provide space for a range of voluntary agencies who could be linked in to provide advice sessions.
- Potential agencies which may use the Adaptations One Stop Shop are –
 - Fife Council Housing Service
 - Fife Health and Social Care Occupational Therapy Service
 - Disabled Persons Housing Service (Fife).

1.3.4 The block containing the proposed 39 flats and ground floor units would be arranged in an L-shape and would be four storeys in height on the High Street, stepping up to five storeys on the corner and along Oswalds Wynd. Its roof would be a combination of flat with pitched elements and dormers facing towards the High Street and Oswalds Wynd, whilst the rear elevations would feature a 'flat roof'. The principal access to the flats would be from the rear of the blocks, directly to the two circulation cores containing stairs and lifts, with access from Oswalds Wynd and the High Street provided via separate street entrances. The two commercial units at ground floor level would be accessed directly from the High Street. The proposed building would enclose a courtyard to the rear of the site which provides car parking, open space and a useable amenity area.

1.3.5 The proposed building would be predominantly clad in light coloured smooth render, with a reconstituted stone ground floor finish to the High Street and Oswalds Wynd. The reconstituted stone finish would also extend to the window frame surrounds. The rear courtyard elevations would be finished in a light render to the mid-levels with a masonry ground floor, while the recessed elements of the circulation cores are clad with standing seam metal cladding. The roof sections would also be clad with a grey standing seam metal cladding. Window frames would be constructed from dark grey uPVC (RAL 7012), whilst door frames would be constructed from timber, painted grey.

1.3.6 All garden ground for the flatted dwellings would be located within the rear courtyard area and would consist of a communal garden.

1.3.7 All car parking for the proposed residential development would be accommodated at the rear courtyard where 31 parking bays would be provided. The car parking layout includes 2 disabled spaces which would be located close to the entrances. There are also 5 existing parallel parking bays along the High Street frontage of the site which would be available for use for the proposed commercial space at ground level.

1.4 PROCEDURAL MATTERS

1.4.1 The application is not a Major development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. This is because the site area is below 2 hectares and the total number of dwellings does not exceed 50. The application is therefore a Local development which could be determined by an appointed officer of the Council. The application has however attracted an objection from the Community Council as a statutory consultee. As the recommendation is for approval, it requires to be determined by the Planning Committee.

1.4.2 Subsequent to the registration of the application, the applicant's agent has submitted revised drawings in response to the consultation responses received by the Council's Urban Design Officer and Community Council. These amendments were considered to be non-material and therefore re-notification of neighbouring properties was not required.

2.0 ASSESSMENT

2.1 The determination of this application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. The issues to be assessed against the development plan and other guidance are as follows:

- Principle of development
- Design, Layout and Landscaping
- Built Heritage
- Residential Amenity
- Garden Ground
- Open Space Provision
- Transportation, Access and Car Parking
- Education
- Ecology/ Natural Heritage/ Trees
- Flood Risk and Drainage
- Land Stability/ Contamination
- Air Quality
- Public Art
- Affordable Housing
- Houses in Multiple Occupation
- Archaeology
- Sustainability

2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 The national context for new development is set out within the Scottish Planning Policy (2014). This document emphasises that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the

costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place.

2.2.2 One of the many aims of SESplan, in addition to conserving and enhancing the natural and built environment, is to promote the development of urban brownfield land for appropriate uses.

2.2.3 FIFEplan Policy 1: Development Principles is divided into three parts. It provides support to development proposals which meet one of the points in Part A and conform to all applicable requirements in Parts B and C. Part A supports the principle of development if it is in a location supported by the LDP.

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

2.2.5 The application site, as detailed in section 1.1.2, is identified as being within the settlement of Kirkcaldy in terms of the adopted FIFEplan Fife Local Development Plan (2017). Therefore, the principle of the proposed development is acceptable, by virtue of it being within a defined settlement boundary, provided it is compliant with the policies for the location.

2.2.6 Part B of Policy 1: Development Principles requires that development proposals must comply with relevant criteria and supporting policies. The application site is identified as being a brownfield Housing Opportunity site (KDY 012), and within a Town Centre location, specifically within the Merchants Quarter of the Town Centre Framework.

2.2.7 KDY 012 is described as a 'Housing Opportunity Site' and states that the site could accommodate a mix of complementary uses, including commercial uses at ground floor and residential. The plans submitted show commercial units on the ground floor with residential units above. The proposed use therefore complies with the requirements of KDY 012, regarding the provision of 39 flatted dwellings, commercial uses at ground floor, and in regard to the provision of an active frontage along the High Street.

2.2.8 Policy 6 of the Adopted Local Plan advises that 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. In respect to the Merchants Quarter, Figure 6.5 of Policy 6 is relevant which details that Use Classes 1, 2, 3, 7, 8, 9, 10, and sui generis, such as a residential development as proposed, will be supported.

2.2.9 The principle of the proposed Class 2 commercial units combined with residential units therefore clearly meets the requirements of Policy 6 of the Adopted Local Plan in respect to being acceptable uses within The Merchants Quarter town centre framework area of Kirkcaldy.

2.9.10 On the basis of the above, the proposed commercial (Class 2) and residential (sui generis) units are an acceptable use within this Town Centre location, meeting the requirements of national guidance and the Development Plan. Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria which are considered in detail below.

2.3 DESIGN, LAYOUT AND LANDSCAPING

2.3.1 The SPP 2014 (Placemaking) advises that planning should take every opportunity to create high quality places by taking a design-led approach and planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place. These six qualities are distinctive; safe and pleasant; welcoming; adaptable; resource efficient and easy to move around and beyond. This is further expanded upon within the Scottish Government Policy document Designing Streets which states that an emphasis should be placed on design providing a sense of place and taking cognisance of the history and context of the surrounding area and design should connect and relate to the surrounding environment.

2.3.2 FIFEplan Policy 14 and Making Fife's Places Supplementary Guidance (August 2018) requires new development to demonstrate good design and show how the proposals adhere to the principles of good placemaking. Fife Council will apply the six qualities of successful places in order to assess a proposals adherence to these principles. The six qualities require places to be: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around.

2.3.3 FIFEplan Policy 10: Amenity states that development proposals must demonstrate that they will not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area.

2.3.4 The applicant has provided a Design and Access Statement (DAS) for this application which examines the context of the site and surrounding buildings. The DAS sets out how the intention with the proposed design is to maintain a defined street frontage, the existing point of vehicle access, and the provision of a view to the south across the Firth of Forth to as many of the flats as possible. In terms of massing, the DAS explains that given the heights and massing of the surrounding buildings (the Beveridge Buildings and the former cinema on the opposite side of the High Street), it was considered that building heights of four and five storeys were appropriate, with the five storey element addressing the corner and Oswalds Wynd, dropping to four storeys adjacent to the lower shop units to the south west. According to the DAS, the traditional Scottish town centre plot has a width of approximately 7m and so a corresponding vertical emphasis to the street elevations was adopted, with the façade divided into bays. The buildings' pitched roof towards the street elevations is explained as being reflective of the character of the taller, more prominent buildings in the surrounding area. In terms of the commercial units at ground floor level, the DAS sets out that the active frontage is to be expressed externally with larger glazed openings, a deeper reveal to the building façade, and a greater floor-to-floor height between ground and first floor level with the intention being to give the ground floor a more solid external expression, and a greater sense of scale in order to relate to the older buildings in the surrounding area.

2.3.5 The proposals have been reviewed by Fife Council's Urban Design officer, who has also reviewed the DAS provided by the applicant. They conclude that the DAS includes a reasonable, but not exhaustive, contextual assessment, covering the surrounding urban structure, drawing out cues that informs the design solution employed in relation to aspects including building heights, rooflines, fenestration patterns, and plot width components. Whilst overall positive, the Urban Design officer considers that an assessment of the character, design qualities, and distinctiveness of the adjacent Conservation Areas, and how this has informed the design solution as presented would have been helpful. This would provide a better indication of how the proposal impacts upon the setting of these designations. They advise that during pre-

application discussions, the principle of development on the site, along with the general arrangement of buildings and the proposed building heights had been agreed. The Urban Design officer has now provided comments on various aspects of the current proposal, and the applicant has had the opportunity to amend the design, and has done so via the submission of amended drawings, or otherwise provided a justification of why they were not incorporated.

2.3.6 The amended design is a result of extensive discussions to ensure a satisfactory design is achieved, taking into account the development requirements for KDY 012 and the local vernacular presented within the traditional heart of Kirkcaldy town centre. As the site sits directly on the edge of the Kirkcaldy Harbour and Port Brae Conservation Area, and the Abbotshall and Central Kirkcaldy Conservation Area. Consideration is therefore also needed as to the design and layout relative to these. Whilst the site is not within these two conservation areas, its actual visual interaction is relatively involved, given the proximity of the site to the conservation areas in combination with the narrow, enclosed nature of the historic High Street.

2.3.7 The Urban Design Officer considers that overall, the traditional scale of the proposed buildings, as viewed from the High Street, with the vertical proportions, and an essence of the modern nature of the building, through the design of the tower, dormer windows, fenestration pattern and the general palette of materials (with the exception of the recon stone), offers a strong sense of character and place, and can ground the development within the traditional heart of Kirkcaldy town centre. It is therefore considered that the Urban Design Officer's assessment of the proposed building can be adopted insofar that it fits well in the context of the existing High Street and the scale of the building has taken cognisance of the height and nature of the nearby neighbouring buildings. On the point of reconstituted stone, the Urban Design Officer considers that natural stone would be more appropriate and allow the development to sit comfortably within its wider historic location, relating more appropriately to the conservation areas. The applicant considers that if the site was located within either of the adjacent Conservation Areas it would be reasonable to expect that the use of natural stone. However, as the site has been omitted specifically from either area and therefore does not technically fall under the policy guidance for Conservation Area, their intention is to use reconstituted stone for the window surrounds at the upper levels, as per the ground floor. Furthermore, the applicant remarks that there are few buildings at this end of the High Street which have natural stone at the ground level, with the majority of the commercial units at street level clad in a contrasting material to their upper floors. Under the circumstances of this particular case, it is considered that although the use of reconstituted stone is not optimal, the benefit of the redevelopment of the application site in its prominent High Street position, albeit with the use of reconstituted stone, would result in a significant visual improvement to this part of the High Street. On this basis, the use of reconstituted stone would be acceptable, despite natural stone being more appropriate. Nevertheless, it would be pertinent to include a condition upon a grant of consent for the submission of material samples to be supplied and approved before any development occurs.

2.3.8 The Urban Design officer considers that the proposed window fenestration pattern shows a rather non-traditional square orientation to the openings, particularly those running underneath the tower feature and the dormer windows, in contrast to the window pattern on the adjacent buildings on the High Street frontage. A stronger vertical emphasis to the window pattern was therefore suggested by the Urban Design officer. In response, the applicant states that the fenestration has been designed to comply with current Building Standard 4.8.3 for the safe cleaning of windows, having been advised at pre-application stage that Juliet balconies would not be acceptable. The amended drawings submitted by the applicant now include a central mullion to the lower, fixed pane of glazing which provides more of a vertical emphasis. However, the applicant explains that to achieve the 'full height' glazing the overall height of these windows

would require to be reduced to allow safe cleaning in compliance with the Building Standards. On balance, it is therefore considered that in order to accord with this technical requirement, the proportions of the fenestration are considered acceptable.

2.3.9 In relation to Oswalds Wynd and the rear elevations, the Urban Design officer considers that the mass of the buildings are effectively broken up by the entrance recesses. However, they point out that the roof to the rear is very heavy and uniform, which contrasts significantly to the High Street elevation, which is broken up by the dormer features. It was suggested that the roof to the rear is reconfigured to break up the uniformity and overdominance of the flat roof element. The applicant advised that amending the roof profile at any point at the rear of the building will result in a reduction in floor area at the top level and a subsequent reduction in overall unit numbers, rendering the project unfeasible. On this matter, it is considered that although a pitched roof to the rear of the building would be more appropriate, the flat roof at the rear of the building is a necessity in order that the proposed accommodation numbers be achieved, and thus the overall deliverability of the project. Furthermore, the flat roof sections would not be readily visible from the High Street as the primary thoroughfare. Under these circumstances, the proposed flat roof to the rear is considered acceptable.

2.3.10 In terms of the commercial units, the Urban Design officer considered that in order to retain people activity and the traditional High Street function, it would be more relevant and appropriate to offer a separate entrance to each commercial unit, further suggesting that flexibility is built into the configuration of the commercial units in order to reflect the 'adaptable' placemaking principle. The applicant notes that the commercial units are intended to be accessed individually from the street side. They note discussion with Fife Council previously regarding the possible tenancy of these units, with the inclusion of an accessibility hub being one of the favoured options- an option that requires a relatively large floor area. They further go onto state that the design has deliberately been kept flexible at this planning permission stage to accommodate tenants with smaller floor area requirements. The applicant's response demonstrates that built in flexibility of the commercial space and the inclusion of separate entrances will be achieved. The proposals are therefore considered acceptable in this regard.

2.3.11 The proposal includes some detailing regarding boundary treatment and landscaping within the rear courtyard areas. The Urban Design officer commented that the visual impact of the car parking areas should be broken up or screened. In response to this the applicant notes that there will be low hedging separating the planted border from the car parking spaces. In terms of boundary treatment, the applicant details that the site is bound to the north west by a 4m high rubble stone retaining wall, and it is intended to have shrub planting immediately in front of this. It is also proposed to use 1.8m vertical timber slat fencing along the south west boundary to the rear of the adjacent shop units at 249 High Street as a temporary measure until the hedging in front of the fence matures to an appropriate height and depth. As full details of the proposed planting have not been provided, full details of planting and ongoing maintenance should be secured by condition. Subject to adherence to these conditions, the landscaping and boundary treatment proposals are considered positive in the overall design and layout of the scheme.

2.3.12 Concern was also expressed by the urban Design officer that no details of the bin/cycle storage building have been provided. The applicant has provided details of the bin/ cycle storage building via the submission of amended drawings, details of which show materials which would match the proposed flatted building and are therefore considered acceptable subject to the condition regarding material samples referred to in section 2.3.7.

2.3.13 On this basis, despite the single aspect nature of the building, it is considered that the proposal has been submitted in a form that will complement the existing architecture of the area and so would avoid any significant detrimental visual impacts on the historic core of the town centre. By virtue of its design, scale, massing and positioning, the proposed building would not result in overdevelopment of the application site, representing a building density typical of this historic part of Kirkcaldy. The proposals comply with the relevant policies and guidelines in regard to design and visual amenity, subject to standard conditions requiring details of landscaping, boundary treatments and materials. The proposal therefore complies with the Local Development Plan in this regard.

2.4 BUILT HERITAGE

2.4.1 FIFEplan Policy 1 Part B criterion 10 requires new development to safeguard the characteristics of the historic environment. Policy 14: Built and Historic Environment does not support development that would result in harm or damage to the setting of a Conservation Area, or the setting of a listed building. Making Fife's Places provides more detail on the application of Policy 14. It explains that change in the built environment can be supported, provided it is appropriate for its location.

2.4.2 SPP expects the planning system to care and protect designated and non-designated historic environment assets, including related settings and the wider cultural landscape. SPP promotes positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets within the vicinity of a development site. Change should be sensitively managed to ensure the special characteristics of the historic environment are protected, conserved or enhanced.

2.4.3 As outlined previously in section 1.1.3, the east facing edge of the application site borders the Kirkcaldy Harbour and Port Brae Conservation Area, whilst the south east edge borders the Abbotshall and Central Kirkcaldy Conservation Area. The site is also adjacent to the Beveridge Buildings on Oswalds Wynd, which are category B listed. Opposite the Beveridge Buildings is the category B listed 252-262 High Street which used to be the Kings Theatre. The other significant historic building in the area is the category B listed Old Parish Kirk on Kirk Wynd, parts of which date from the 15th century.

2.4.4 The Council's Built Heritage Officer, in terms of the demolition of the existing furniture store at 251-255 High Street, considers that this building is of modern build with flat roof and attached to another modern flat-roofed building, neither of which contribute positively to the character of the conservation area. They would therefore raise no objection to the demolition of this building. As the building to be demolished offers no architectural or historical merit, and its demolition would not impact the nearby Conservation Areas, this aspect of the proposal is considered acceptable.

2.4.5 With regards to the proposed new build elements, the Built Heritage Officer considers that the design is varied and interesting, and overall respectful of the historic architectural pattern. The Built Heritage Officer commends the glazing pattern and how it picks up on the glazing pattern of the High Street without being historicist, in addition to the varied rooflines referencing flat roofs of the modern shops to the south and pitched roofs of the traditional buildings. They acknowledge that although the design of a strong north corner tower is supported in principle, consideration should be given to the reduction of the height to the north where it appears to be higher than the B listed building at 263 High Street (Beveridge Buildings). Referring to the submitted design statement, the Built Heritage Officer notes that it is helpful and the external

finishes outlined appear attractive, but further detail should be provided to avoid confusion, and to avoid any negative impacts on the character and appearance of the adjacent Conservation Areas. No specific comments were provided with regards the category B listed Old Parish Kirk on Kirk Wynd, or category B listed 252-262 High Street. Given the separation distance between the Old Parish Kirk and the proposed building it can be deemed that there would be minimal impact upon its character or setting. In terms of 252-262 High Street, and as assessed earlier, the proposed building is considered to fit in well in the context of the existing High Street in terms of its scale and the height and nature of the nearby neighbouring buildings. It can therefore also be deemed that there would be minimal impact upon the character or setting of 252-262 High Street.

2.4.6 The comments received from the Built Heritage Officer regarding reducing the height of the corner tower need to be considered alongside the practicalities that reducing the size of the tower may result in a reduction in floor area at the top level and a subsequent reduction in overall unit numbers - a factor that will affect the feasibility of the project. Furthermore, as mentioned previously in section 2.3.7, the Urban Design Officer considers that the design of the tower (in combination with other design elements) assists in contributing towards a strong sense of character and place, helping to ground the proposal within the historic heart of the town centre. The Urban Design Officer also considers that the proposed building fits well in the context of the existing High Street and the scale of the building has taken cognisance of the height and nature of the nearby neighbouring buildings.

2.4.7 It is also important to note that the majority of the application site is currently vacant land with wooden hoardings securing the site boundary. These are considered to harm the historic core and detract from it due to the sense of vacancy and dereliction the hoardings convey. Redevelopment of the application site in its prominent High Street position would ameliorate this situation to a significant degree, offering a significant enhancement to the site and the public realm around this part of the High Street, given it has been vacant for around 14 years. This is considered significant material consideration in the assessment of this application and as such, carries significant weight.

2.4.8 It is therefore considered that the development as proposed, subject to conditions regarding material specification, would only likely have a minor adverse impact on the B listed Beveridge Buildings to the east and would not have a significant adverse impact on any other surrounding historic assets. The proposals would therefore be able to come forward without undermining the key features and characteristics of the historic core of Kirkcaldy and in doing so, provide a complimentary infill development to what has become an unsightly gap site in a prominent location.

2.4.9 For these reasons, it is considered the proposal accords with FIFEplan Policy 14, FIFEplan Policy 1 Part B criterion 10. In addition, the proposal is considered to accord with SPP in terms of valuing the historic environment.

2.5 RESIDENTIAL AMENITY

2.5.1 Policies 1 and 10 of FIFEplan (2017), Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011), Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) apply in this respect.

2.5.2 Policy 10 of FIFEplan (2017) states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of privacy,

sunlight and daylight. Further to this, new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.5.3 Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) advise that all new development should be designed to minimise overshadowing of neighbouring properties and that Fife Council will not support any new development that would result in the loss of sunlight leading to overshadowing for the majority of the day.

2.5.4 Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

2.5.5 The main consideration in this instance relates directly to any impact the proposed flatted building would have on the neighbouring residential properties. On the matter of the impact of the proposed flatted building on daylight and sunlight on neighbouring properties, guidance is taken from Fife Council's guidelines for Daylight and Sunlight, which itself utilises established and accepted methodologies to assess daylight and sunlight impact - in particular "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair (2011).

Access to daylight

2.5.6 With regard to daylight and in the case of a neighbouring building that is directly facing towards the position of a new build development, the Guide gives uses a test to establish whether such a window would still receive enough daylight. This test is applied to the window using drawings that show the sectional relationship between the proposed development and the directly facing window of the existing neighbouring building. If a proposed development is below a line that is drawn rising at a 25-degree angle from a line drawn perpendicular to a centre point on the outer face of the affected window, then the proposed development would not cause a harmful loss of daylight to that window. If the proposal fails the 25 degree test then Fife Council's guidelines for Daylight and Sunlight stipulates that a Vertical Sky Component (VSC) calculation should also be completed. If the proposal fails the 25 degree test but passes the VSC calculation, then it can be deemed that there would be no significant impact.

2.5.7 The applicant has provided, daylight calculations which demonstrate the impact of the proposed flatted building on both the dwellings to the east at Oswalds Wynd, and to the south on the High Street. The applicant explains that the rooms selected for each calculation were chosen as the 'worst case' scenarios, i.e. habitable rooms at the lowest floor level. The reason for selecting these rooms was to ensure that all other habitable rooms could then be assumed to receive equal or higher levels of daylighting.

2.5.8 When the 25 degree test is applied to the windows on the north facing elevation of the closest neighbouring upper floor residential properties of High Street to the south, it is found that the proposed flatted building would intersect the 25 degree line. This is also the case for the windows on the west facing elevation of the closest neighbouring upper floor residential properties of Oswalds Wynd to the east. For both of these examples, the VSC calculations were insufficient to demonstrate compliance (22.6% for the High Street and 15.5% for Oswalds Wynd when a minimum of 27% must be achieved). Under normal circumstances, Fife Council's guidelines for Daylight and Sunlight stipulates that if a proposal fails both the 25 degree test and the VSC test, then there will be a material loss of Daylight.

2.5.9 The applicant has acknowledged the above and has supplemented the above calculations by also carrying out Average Daylighting Factor (ADF) and Room Depth (RD) calculations as an alternative methodology of demonstrating there would be no material impact on those existing properties. The ADF and RD calculations are two of the three main criteria for interior daylighting set out in "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair (2011). The guide recommends an Average Daylight Factor of 5% or more if there is no supplementary electric lighting, or 2% or more if supplementary lighting is provided. There are additional minimum recommendations for dwellings of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. In terms of the RD calculations, depth of a given room should not exceed a limiting value based upon room width, height, and reflectivity of surfaces.

2.5.10 The ADF calculations provided by the applicant proved that the proposals are compliant for all existing residential properties at 244 High Street but not the existing first floor property at 6 Oswalds Wynd with an ADF value of 1.13%. However, this example was found to be compliant based on the RD calculation, as were all the other room examples.

2.5.11 The narrowness of the streets in this part of Kirkcaldy town centre is part of the defining character of the area and contributes to the attractiveness of the historic setting of the High Street. The positioning of the proposed building on the boundary of the site is intended by the applicant to reinforce the historic urban character of the area, with an understanding that the design would lead to a built form which would be unlikely to comply with the usual 25 degree angle assessment. Nevertheless, the submitted calculations demonstrate that the proposals comply with at least one of the alternative methods of daylight calculation. Whilst not optimal, it is important to consider that the design of the building pays respect to its historical setting. It can therefore be considered that the restrictions placed on the design of the building as a direct consequence of its historical setting outweigh the limited reduction in ability for neighbouring properties to receive daylight as a result. On this basis, and as the proposal would not lead to a significant loss of daylight to any existing neighbouring properties it would therefore be considered acceptable.

2.5.12 In terms of the ability of the proposed flatted dwellings to receive a sufficient amount of daylight, the applicant has also provided an appropriate assessment. The applicant explains that the rooms selected for each calculation (Plot 07 facing out onto High Street and Plot 22 facing east onto Oswalds Wynd) were again, chosen as the 'worst case' scenarios, i.e. habitable rooms at the lowest floor level. These rooms are also in positions which are most affected by the shadowing effect of the buildings opposite, and as such are located centrally to the mass of the building on the other side of the street, or where the buildings opposite are tallest.

2.5.13 Application of the 25 degree test on the glazed openings of Plot 07 facing onto the High Street demonstrates that the existing buildings on the south side of the High Street would intersect the 25 degree line emanating from the proposed flatted building. The VSC calculation was then applied and demonstrated sufficient compliance (33% when a minimum of 27% must be achieved), meaning a sufficient amount of daylight will be achieved.

2.5.14 Application of the 25 degree test on the glazed openings of Plot 22 facing onto Oswalds Wynd, shows that the existing building on the east side of Oswalds Wynd would intersect the 25 degree line emanating from the proposed flatted building. When the VSC calculations were subsequently carried out, they demonstrated a non-compliance (15.5% when a minimum of 27% must be achieved). ADF calculations were then carried out by the applicant, which demonstrated that Plot 22 would be compliant with an ADF value of 1.69%, in excess of the 1.5% required.

2.5.15 In accordance with the above, it can therefore be summarised that by virtue of the worst-case scenario calculations provided by the applicant, that it has been demonstrated that there is sufficient ability for the proposed flatted dwellings to receive daylight.

Sunlight

2.5.16 By virtue of their orientation of the proposed flatted development in relation to the any existing dwellings with garden ground areas and the distances involved, the proposed dwellings would not, in accordance with "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice", give rise to a significant loss of sunlight to them and therefore would not have a harmful effect on the residential amenity of those properties. The proposal would therefore comply with the Development Plan in this respect and would be acceptable in this instance.

Distance between windows

2.5.17 Glazed openings within the north gable elevation of the proposed building would face towards the neighbouring residential properties of 13-18 Church Street, with a distance between window openings of at least 18metres, in accordance with the minimum distance prescribed by Fife Council's Planning Customer Guideline on Minimum Distances Between Window Openings.

2.5.18 Glazed openings to be formed within the rear (north west and west) elevations would face over the rear courtyard of the development and would not result in any harmful overlooking of any neighbouring residential properties. No glazed openings are proposed to be formed within the side (south west) elevation.

2.5.19 There appear to be some residential properties on the upper floors of the building of 244 High Street across on the south side of the High Street, to the south. Likewise, there are residential properties on the upper floors of the buildings to the east of the site at 263 High Street and 6B Oswalds Wynd. These three buildings are all within the 18m as specified by Fife Council's Planning Customer Guideline on Minimum Distances Between Window Openings, with 244 High Street having some 12m between window openings, and 263 High Street and 6B Oswalds Wynd having a minimum of some 8.5 metres between window openings. Nevertheless, in this instance however, it is considered that there is an expectation of some overlooking to occur within a high density, town centre location and can be justified in this instance in order to ensure an acceptable building line and active street frontage. Similar distances between residential glazed openings can be found nearby along the High Street, and so the proposal would not be out of context in terms of distance between glazed openings.

Environmental Health

2.5.20 Ventilation systems were noted on the flat roof of the commercial premises adjoining the site (251-255 High Street). This proposal includes the demolition of the premises at 251-255 High Street. The demolition of this building along with its associated ventilation system would effectively remove the potential for any noise nuisance created by the ventilation system upon the now proposed development. It is considered that there is an expectation that there will be generally elevated level of noise and activity within a high density, town centre location such as this, however, this is considered acceptable in this context and is therefore acceptable.

Construction impacts

2.5.21 In order to minimise disturbance at nearby residential properties, it would be pertinent to control the hours of working during the construction period to between 8am and 6pm Monday to Friday, 8am and 1pm on Saturdays with no working on Sundays or Public Holidays. A condition is recommended, requiring a Scheme of Works to be submitted prior to the commencement of works on site. The Scheme of Works would be designed to mitigate the effects on neighbouring properties and the road, of dust, noise and vibration from the proposed development. This report will specify working hours, to be agreed with Council officers prior to the commencement of works on site.

2.5.22 Overall, it is therefore concluded that, on balance, the proposed development accords with FIFEplan Policy 10: Amenity and associated guidance in relation to daylight, sunlight and privacy. The proposal is therefore considered to comply with the terms of the Development Plan and related guidance in this regard.

2.6 GARDEN GROUND

2.6.1 Fife Council's Planning Customer Guidelines on Garden Ground (2016) advises that new flats should have private garden ground of at least 50sqm. This would equate to a total of 1,950 sqm.

2.6.2 The development proposes a communal amenity area to the rear measuring approximately 192sqm. According to the applicant, this usable amenity space has been concentrated in one main area adjacent to the flats, where the residents will get the most benefit in terms of visual amenity, security and defensible space. This area will receive direct sunlight from the south west and west and is located in the most sheltered part of the courtyard in terms of exposure to wind. Planting is proposed around the perimeter of the amenity space with car parking to the site boundary screened with hedging.

2.6.3 A large green network asset in the form of Kirkcaldy Coast (REF 1344) is immediately accessible (within 250m). Whilst the proposed scheme would not comply with the 50 square metres per flat guideline, it is considered that a relaxation in this instance would be acceptable due to the relatively small scale and constrained nature of the site and as the proposal would result in the redevelopment of an unsightly vacant brownfield site resulting in a significant improvement of the existing site. It is therefore considered that a deficit in amenity space provision for the flatted development is justified in this instance.

2.6.4 It is therefore concluded that, on balance, whilst the proposals do not comply fully with the guidelines set out within the supplementary guidance, the level of amenity space is sufficient in this instance.

2.7 OPEN SPACE PROVISION

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

2.7.2 Making Fife's Places Supplementary Guidance (2018) sets out that development proposals comprising between 10 and 50 units are required to provide 60 square metres of open space per dwelling on site or make a contribution towards existing open space if the development is located within 250m walking distance of an existing open space. The site is within 250m walking distance of an area of existing open space (Green network asset REF 1344 (Kirkcaldy Coast)). The proposal would therefore comply with the above guidance. Contributions would therefore usually be towards the upgrade of the existing open space facilities. This contribution would not however be required as the proposed development is considered to be exempt from planning contributions in line with FIFEplan Policy 4.

2.7.3 The proposals therefore comply with Policy 4 and Making Fife's Places, in regards to open space provision.

2.8 TRANSPORTATION, ACCESS AND CAR PARKING

2.8.1 The SPP (Promoting Sustainable Transport and Active Travel) indicates that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. Development plans and development management decisions should take account of the implications of development proposals on traffic, patterns of travel and road safety. Development proposals that have the potential to affect the performance or safety of the strategic transport network need to be fully assessed to determine their impact. Where existing infrastructure has the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, further investment in the network is not likely to be required. Where such investment is required, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network will have to be met by the developer.

2.8.2 FIFEplan Policy 3 states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure in a sustainable manner. This includes local transport and safe access routes which link with existing networks, including for walking and cycling. Making Fife's Places Appendix G (Transportation Guidelines) (2015) sets out the key transportation principles and standards, including quality places, street design and parking. The Transportation Guidelines recommend an approach based on the Scottish Government's Policy Statement, Designing Streets (2010), which sets out the basis for creating well-designed places and streets.

2.8.3 The proposal has been reviewed by Fife Council Transportation Development Management Team (TDM). TDM notes that the site lies within the Kirkcaldy Inner Core (Figure 3.73 Transportation Development Guidelines) so the 39 no. 2-bedroom affordable flats require 39 communal car parking spaces rather than the usual 59 communal car parking spaces. Only 31 parking spaces are proposed (inclusive of 2 disabled spaces), resulting in a shortfall of 8 parking spaces on top of the already significantly reduced allowance for a town centre location. TDM officers accept that the requirement for the commercial unit can be accommodated within the existing town centre car parks. In terms of the shortfall of 8 no. parking spaces, TDM officers note that the site benefits from its proximity to the bus station, railway station, Oswald Wynd Car Park and town centre facilities, and so the shortfall of 8 car parking spaces is considered acceptable, in line with the position set out by the applicant in the submitted Design Statement. This view is shared and given the location of the site, the shortfall of spaces is generally acceptable for the reasons noted above.

2.8.4 TDM note that in accordance with the FIFEplan Planning Obligations Framework Supplementary Guidance (SG), the proposed development shall contribute towards the strategic transportation intervention measures identified in the Local Plan (both the adopted and proposed) and SG (Figure 5). They note that the application site lies within the Kirkcaldy Core Zone (Figure 4), the strategic transportation intervention measures are required to mitigate the cumulative adverse impacts of the trips generated by the LDP allocations. However, as the proposed retail units have a gross floor area less than 2,500 sqm (1,036 sqm) and the dwellings are affordable units then the exemptions noted in paragraph 3.7 - bullet points 5 and 7 apply.

2.8.5 In conclusion, the proposals do not fully comply with the parking standards set out within the Transportation Development Guidelines. However, TDM have not objected to the shortfall of 8 spaces in this instance and as noted above, the general principle of a shortfall in parking spaces this town centre location is considered acceptable given the significant material benefits this development will bring with it. On the basis of the above, subject to conditions, this is considered acceptable.

2.9 EDUCATION

2.9.1 Policy 4 of the Adopted FIFEplan and Fife Council Planning Obligations Framework 2015 states that affordable housing is normally exempt from planning obligations. However, the Fife Council Planning Obligations Framework Supplementary Guidance 2017 states at para 3.8 that where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required. Critical capacity is defined as where there is an expected shortage of school places within two years from the date of the education assessment, due to the cumulative impact of development within the relevant school catchment.

2.9.2 Fife Council's Education Service advise that, based on the available information and proposed phasing, they would be unable to support this planning application due to the existing pressure on the catchment primary school, Kirkcaldy West Primary School. Education Service advise this is due to existing catchment population and the recent approval of the Kirkcaldy South West Strategic Development Area. The impact of this development would prolong the use of multi-purpose rooms as teaching space at Kirkcaldy West Primary School for a continued period, therefore the impact would be unable to be managed by the Education Service.

2.9.3 It should also be noted that as planning permission 05/00026/CFULL is extant, this development could be built out at any point and potentially result in school aged children arising from this development that the Education Authority would need to accommodate.

2.9.4 The Education Service offered two options; to either postpone the construction date of this site to at the earliest, a start date of 2026, or to ensure that the tenure of this property is constructed to suit elderly residents.

2.9.5 The first option outlined by Education Services to delay construction until 2026 is not acceptable in planning terms, as any grant for planning permission is only valid for 3 years, and therefore the permission would have expired before 2026.

2.9.6 As already outlined in Section 1.3.2, the applicant has confirmed that as part of a Community Letting Initiative, the 39 flatted properties will not be allocated to applicants with school aged children in order to prevent additional pressures on local schools, and to create a balanced community with a focus on a more mature age group and demographic. The control

over tenure provided by the Community Letting Initiative will ensure that no further pressure is placed on the catchment primary school, Kirkcaldy West Primary School.

2.9.7 Ultimately Fife Council as Housing Services will take ownership and manage the 39 flatted properties as council secure tenancies as part of a Community Letting Initiative, the allocation of the tenure of the 39 flats will be in the control of the Council . Should councillors be minded to approve this application, then an informative is proposed which will specify the tenure of the 39 flats is to be limited to applicants without school aged children until 2026. A planning condition is not appropriate as it would not meet the tests of the relevant Circular regards the use of planning conditions.

2.9.8 Subject to adherence to this limitation, the proposals comply with Policy 4 of FIFEplan and Fife Council Planning Obligations Framework regarding education.

2.10 ECOLOGY/ NATURAL HERITAGE/ TREES

2.10.1 Making Fife's Places details the site appraisal process that new development is required to follow to provide sufficient evidence to demonstrate compliance with Policy 13. Proposals should consider ecological and natural heritage impacts from the outset and demonstrate, where appropriate, that appropriate mitigation has been designed in.

2.10.2 SPP (Valuing the Natural Environment) places a duty on planning authority to facilitate positive change in the environment whilst protecting and maintaining natural assets such as protected sites and species, the water environment, woodland and hedgerows. SPP also requires the planning system to seek to maximise biodiversity in new development, where possible.

2.10.3 The proposal has been reviewed by Fife Council's Biodiversity Officer, who offers the following observations;

2.10.4 The Habitat and Protected Species Report describes that there is a high potential for common breeding birds to be using the regenerating trees and ground vegetation. No sign of any other protected species was recorded. The recommendations to protect nesting birds contained within the report are appropriate and are proposed to be secured by condition.

2.10.5 The Bat and Bird Building Survey Report describes that no evidence of bats or roosts was found, and the building was assessed as having negligible suitability for roosts or hibernating bats. No further bat surveys are required. No evidence of breeding birds was found. The report makes appropriate recommendations to ensure the protection of any bats unexpectedly encountered during works and for nesting bird checks to be undertaken prior to demolition/works if in the nesting bird season. These recommendations can be secured by condition.

2.10.6 The Biodiversity Officer remarks that normally it would be conditioned that vegetation clearance and demolition take place out with the bird nesting season (March to August inclusive), but if this was not possible then pre-works checks for nesting birds would be required, undertaken by a suitably qualified ecologist. Further recommendations include the use of integrated bat roost boxes, integrated bird nesting boxes (Integrated swift nesting boxes/bricks) and green/living roofs and walls. In terms of the proposed landscaping, the Biodiversity Officer recommends that species of native origin should be used for to maximise biodiversity native. Again, these recommendations are proposed to be secured by condition.

2.10.7 On the basis of the above, it is therefore considered that the proposals for the redevelopment of the site as a whole would not have a significant adverse impact on the natural heritage assets of the site, nor of any protected species or habitats or areas of national or local significance for wildlife reasons. The inclusion of bat roost boxes and nesting boxes/bricks etc, will be a positive addition in relation to natural heritage value of this site. Considering these matters, the proposal accords with FIFEplan Policy 13, Making Fife's Places SG and SPP.

2.11 FLOOD RISK AND DRAINAGE

2.11.1 FIFEplan Policy 1 Part B(8) requires new development to avoid flooding and impacts on the water environment. Part C(5) requires new development to provide sustainable urban drainage systems (SuDS). Policy 3: Infrastructure and Services expects developers to provide on-site infrastructure to serve the needs of the development in relation to both foul water drainage and surface water drainage. Policy 12: Flooding and the Water Environment sets a requirement for proposals to demonstrate that development is not at risk from flooding and will not result in an increase of flood risk elsewhere. Policy 12 also seeks to ensure that new development will not have a significant detrimental impact on the ecological value of the water environment including its natural characteristics. A Flood Risk Assessment may be required in certain circumstances to ascertain the extent of flood risk and identify appropriate mitigation. Policy 11 also includes a requirement to include SuDS measures to reduce flood risk and protect water quality.

2.11.2 This policy background supports the aims of Scottish Planning Policy (Managing Flood Risk and Drainage), which requires planning authorities to prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere.

2.11.3 SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

2.11.4 Fife Council Flooding, Shoreline and Harbours officers have reviewed the application and raise no objections to the proposals.

2.11.5 On the basis of the above it is considered that the development accords with FIFEplan Policy 1 Part B(8), Policy 3 and Policy 12 as well as SPP. The drainage proposals meet the requirements of FIFEplan Policy 1 Part C(5), Policy 3 and Policy 11 and SPP.

2.12 LAND STABILITY/CONTAMINATION

2.12.1 FIFEplan Policy 10: Amenity requires applicants to demonstrate the development will not result in a significant detrimental impact on amenity in relation to contaminated and unstable land. Consideration of impacts includes the site and its surrounding area.

2.12.2 PAN 33: Development of Contaminated Land is a key reference document in the consideration of ground conditions and the legacy of previous land uses as it relates to proposed future use.

2.12.3 In terms of land stability, the application site is located within a Coal Mining High Risk Area. The Coal Authority were therefore consulted, who confirmed that the site is within an area of both recorded and probable shallow coal mining. Upon examining the Geotechnical Interpretative Report which accompanied the application, the Coal Authority noted that none of the borehole logs or a plan illustrating where the boreholes were drilled were appended to the Report. The applicant duly provided the required information and the Coal Authority confirmed that the content and conclusions of the Geotechnical Interpretative Report informed by the site investigations are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore withdrew their holding objection to the proposed development with no further recommendations.

2.12.4 Fife Councils Land and Air Quality Officers have been consulted on the application. They observe that the geotechnical report provided with the initial submission was missing appendices and the report is also now 14 years old and thus out of date. Given the changes to the contaminated land technical guidance that have taken place since the report was first produced, they advise that the report be updated. It is advised that additional site investigation works be undertaken post-demolition in order to fully assess the risk to the proposed development from soil conditions and ground gases.

2.12.5 Land and Air Quality therefore have advised that conditions are attached to this consent which require the submission of a Preliminary Risk Assessment (Phase I Desk Study) and Remedial Action Statement, along with a condition to ensure any unforeseen contamination associated with the site is suitably addressed.

2.12.6 Subject to adherence to these conditions, the proposal is considered to accord with FIFEplan Policy 10 and PAN 33 in relation to land stability and contamination.

2.13 AIR QUALITY

2.13.1 Policy 10: Amenity supports development that will not have a significant detrimental impact on designated Air Quality Management Areas. An Air Quality Assessment may be required if it is suspected that a development may contribute towards a reduction in air quality below the Council's management standards.

2.13.2 In terms of Air Quality, Land and Air Quality have advised that a condition be attached to this consent which require evidence to be provided to demonstrate that the National Air Quality Strategy objectives would not be exceeded during demolition, construction or normal site use following completion.

2.13.3 Subject to adherence with this condition, the proposal is considered to accord with FIFEplan Policy 10.

2.14 PUBLIC ART

2.14.1 FIFEplan Policy 4 requires a contribution towards on-site public art for prominent housing proposals. The methodology for calculating the scale of contribution is set out in the Planning Obligations Supplementary Guidance Consultation (2017). Public Art is also addressed in Making Fife's Places SG. Policy 4 lists a series of development types that are exempt from the requirements of this policy. This includes the re-use of derelict land or previously developed land or the rehabilitation of contaminated land within a defined settlement. As the list of exemptions in

Policy 4 includes sites which have been previously developed, the site would be exempt from making a contribution.

2.15 AFFORDABLE HOUSING

2.15.1 PAN2/2010 sets out government advice on the provision of affordable housing. Fife Council's Supplementary Guidance on Affordable Housing (2018) considers that housing proposals must accord with Scottish Planning Policy 2014 in relation to affordable housing, and Policy 1 and 2 of FIFEplan (2017). Fife Council's Guidance on Affordable Housing states that the Council will seek to promote sustainable, mixed communities developing a full range of affordable housing in line with Scottish Government Planning Advice to match local needs. Fife Council recognises that this can only be achieved through working closely with developers, RSLs and other partners. Proposals solely for the provision of affordable housing may be supported where they: are made available for local need, identified in partnership with Fife Council (with earnings below an agreed threshold value), and will continue to be available for that need; and are on non-brownfield sites within or adjacent to the identified settlement limits and no alternative brownfield site is available and viable; and do not prejudice the implementation of Development Plan policies. Unmet local need will be defined on a settlement basis using information from the Housing Need and Demand Assessment and Fife Housing Register.

2.15.2 Fife Council Housing Services have been consulted and advised that the proposed development is within the Kirkcaldy LHSA, and that from the developments that Fife Council has programmed within this LHSA there is still a shortfall of around 40 units for the 5 year need in the area. With regards the housing mix presented, they state that it has been determined by Housing Services and reflects the needs for affordable housing identified in the Kirkcaldy Local Housing Strategy Area (LHSA).

2.15.3 As the proposal is for primarily affordable housing on a brownfield site, the proposal complies with above Policies and Guidelines on affordable housing provision.

2.16 HOUSES IN MULTIPLE OCCUPATION

2.16.1 Policy 2 of the Adopted Local Development Plan stipulates that houses in multiple occupation (HMO) will not be supported if it is a new dwelling, unless purpose built for HMO use; or it is for the conversion of an existing building in an area where restrictions on HMOs are in place. In this particular case, the end user, Housing Services, does not propose to use any of the dwelling houses as a HMO. An informative will therefore be attached to any permission granted regarding this matter.

2.17 ARCHAEOLOGY

2.17.1 SPP provides that planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording. There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do

not have statutory protection. These resources are, however, an important part of Scotland's heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.

2.17.2 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.

2.17.3 The Fife Council Archaeologist highlights that the building to be demolished is modern and is of no historic interest, and that archaeological deposits of medieval date are likely to exist on this substantial, medieval High Street site. Therefore, the likely presence of buried medieval archaeological deposits, Scottish Planning Policy, and Fifeplan Policy 14 dictate that archaeological works should be requested in advance of development. As such, a condition is recommended to secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation prior to any development occurring.

2.17.4 Subject to the aforementioned condition, the proposed development is in accordance with SPP and FIFEplan Policy 14.

2.18 SUSTAINABILITY

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

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

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

- The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
- Construction materials come from local or sustainable sources;
- Water conservation measures are in place;
- Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and

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

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

2.18.4 A 'Sustainability Checklist' has been submitted by the applicant and advises that the following will be complied with/completed as part of the development should it be approved by Members: -

1.PV (Photovoltaic) panels are to be incorporated into roof design, with the thermal envelope of flats and commercial units is to be insulated to provide U-values in excess of the Technical Standards.

2.Low permeability of the external envelope combined with dMEV extract fans to wet rooms/associated reduction in trickle vent requirement; time-and temperature zone controls to all flats; 100% low energy lighting.

3.The use of locally sourced building materials is proposed wherever possible to reduce 'carbon miles', as is the use of materials with an inherent reduced-carbon 'footprint' e.g. timber frame construction and recycled uPVC window frames. Local contractors are to be employed wherever possible, to reduce travel footprint of site labour and support local businesses.

4.The provision of a communal bin store provided at the vehicle entrance to the site with provision for 14 large bins for recycling and residual waste.

2.18.5 Based on the above, it is therefore considered that the proposal would incorporate sufficient energy efficiency measures which would contribute towards the current carbon dioxide emissions reduction target.

2.18.6 Taking the above into account, the proposal would therefore be acceptable in this instance and would comply with the Development Plan.

CONSULTATIONS

The Coal Authority	No objection.
Archaeology Team	No objection subject to condition.
Structural Services - Flooding, Shoreline And Harbours	Further details requested.
Education (Directorate)	Not supportive, unless restriction on tenure or delayed start.
Transportation	No objection subject to conditions.
Land And Air Quality - EPES	No objection subject to conditions.
Structural Services - Flooding, Shoreline And Harbours	No further comments or objection.
Community Council	Objection.
Urban Design - EPES	No objection, but feedback provided for improvements.
Built Heritage	No objection, but feedback provided with suggestions.
Natural Heritage - EPES	No objection subject to conditions.

Historic Environment Scotland Urban Design - EPES Trees - EPES Development Plan Team (West Fife Area)	Consultation not required. Further info required. The Development Plan team support this application.
Town Centre Development Unit Parks Development And Countryside Housing And Neighbourhood Services	No objection.

REPRESENTATIONS

A total of 2 letters of objection have been received for this application, including one objection from Kirkcaldy West Community Council as a statutory consultee.

Those points material to the determination of this current application are summarised below;

- 1.The proposals will result in loss of amenity in terms of privacy and daylight/sunlight to the existing residents of Oswalds Wynd, exacerbated by narrow separation distance between buildings.
- 2.The properties in Oswalds Wynd are Category B listed and within the Harbour Conservation Area and therefore should be give them some precedent above the needs of a new building on the opposite side of the street.
- 3.The proposal is 'single aspect' and may represent overdevelopment.
- 4.The daylighting tests cited are not contained within Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018).
- 5.The proposal has been amended to include two flats for wheelchair users, which reduces the spaces available with no additional car parking provided.
6. Potential for noise pollution as a result of the proposed building.
7. Concern regarding sunlight as a result of the proposed building.
- 8.Concern regarding a loss of privacy as a result of the proposed building.
- 9.Concerns regarding loss of vehicular access to neighbouring parking areas.

Those points which are non-material to the determination of this current application are summarised below;

- 1.The Beveridge residents will no longer be able to enjoy a very open outlook.
- 2.Correspondence between the Planning Officer and KWCC has not been made publicly available.
- 3.Fife Council Housing Services are a consultee, creating a potential conflict of interest.
- 4.The space facing onto the High Street is not being used for housing purposes, and there is otherwise no clear plan for its use.

Whilst is acknowledged that Housing Services were consulted on this proposal and are the intended end user, this is no different to the Council as planning authority determining any other application by another Council service. There therefore no conflict of interest.

CONCLUSIONS

The proposed development is considered to be in accordance with the Adopted FIFEplan Local Development Plan (2017) in that the proposal would see the development of a mixed-use building on an unsightly vacant area of land which have lain empty for a number of years. The carefully considered design offers a strong sense of character and place and will be able to ground the development within the context of the centre of Kirkcaldy, without undermining the key features and characteristics of the town's historic core. It is recognised that there are elements which do not fully comply with Council policy, however, the positive material considerations far outweigh these matters. Overall, having taken all material considerations into account, the proposal is considered acceptable.

RECOMMENDATION

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

1. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. Before any works start on site, details shall be provided for the prior written approval of Fife Council as Planning Authority of how the three existing street lighting columns on the High Street and Oswalds Wynd frontage of the site will be relocated and/or replaced. For the avoidance of doubt, wall mounted street lights, may be acceptable.

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

2. Prior to occupation of the first dwelling, the vehicular crossing of the footway on Oswalds Wynd shall be constructed in accordance with Making Fife's Places PPG and the current Fife Council Transportation Development Guidelines to a standard suitable for adoption, as shown on drawing 2030-01-001 Rev B.

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

3. Prior to occupation of the first dwelling, visibility splays 2.4 metres x 25 metres to the south shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access and Oswalds Wynd, 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.

4. Prior to occupation of the first dwelling, the construction and delineation of the private parking, manoeuvring, turning and access driveway areas shall be in accordance with the current Fife Council Transportation Development Guidelines.

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

5. Prior to occupation of the first dwelling there shall be provided within the curtilage of the site 31 No parking spaces in accordance with the current Fife Council Parking Standards, as shown on drawing 2030-01-001 Rev B. The parking spaces shall be for communal use only and 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 (INCLUDING DEMOLITION) START ON SITE, exact details of the energy saving measures/efficiencies required to comply with the Scottish Planning Policy (2014) on A Low Carbon Place (Delivering Heat and Electricity) and Policy 11 of the Adopted FIFEplan (2017) shall be submitted for the prior written approval of Fife Council as Planning Authority. The details submitted shall demonstrate the exact measures incorporated in the proposed building(s) to minimise the energy used on the site, and those measures incorporated in the overall design of the building(s) which minimise the impact on the carbon footprint of the building(s). Thereafter, the building(s), and any additional energy installations, which might be required, shall be implemented as approved prior to occupation of the building, and any variations shall first be agreed in writing with the Planning Authority.

Reason: In the interests of securing sustainable development, to minimise the impact on the environment and to ensure the residential properties are energy efficient.

7. BEFORE ANY FINISHING MATERIALS ARE FITTED TO THE HEREBY APPROVED DEVELOPMENT, details of the specification and colour of the proposed external finishes shall be submitted for approval in writing by the Planning Authority. A sample of the recon stone to be used shall also be submitted for approval. The development shall be built using these approved materials unless prior written approval for alternative finishing materials.

Reason: In the interests of visual amenity; to ensure that the external finishing materials are appropriate to the character of the area.

8. PRIOR TO THE OCCUPATION OF ANY UNIT HEREBY APPROVED, full details of the proposed boundary treatments shall be submitted for the prior written approval of the Planning Authority. The boundary treatments agreed shall thereafter be erected prior to occupation of any unit and shall be retained in perpetuity, unless otherwise approved in writing by the Planning Authority.

Reason: In the interest of visual amenity; to ensure that the boundary treatments respect the character and appearance of the surrounding area.

9. PRIOR TO THE OCCUPATION OF ANY UNIT HEREBY APPROVED, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The landscaping plan shall include details of biodiversity enhancement, including the use of species of native origin. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

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

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

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

11. PRIOR TO THE COMMENCEMENT OF WORKS, the applicant shall submit a Scheme of Works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. This Scheme of Works shall also specify working hours. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted. Once approved, the development shall be constructed in accordance with the approved Scheme of Works unless otherwise agreed in writing.

Reason: In the interests of amenity.

12. The requirements and recommendations of the Habitat and Protected Species Report, Bat and Bird Building Survey Report, and Invasive Non-Native Species Report submitted with the application shall be implemented in full and for the lifetime of the development. Prior to the occupation of any unit hereby approved, a validation report shall be submitted by a suitably qualified person confirming the works have been carried out successfully as per the recommendations of the reports.

Reason: In the interests of biodiversity and habitat protection; to ensure the development does not have an unacceptable impact on natural heritage assets.

13. If any vegetation clearance and demolition take place during the bird nesting season (March to August inclusive), then prior to any such works taking place the developer shall be required to first gain the express written consent of the Council as Planning Authority. This shall require the developer to submit a walkover survey during the bird nesting season in question undertaken by a suitably qualified ecologist.

Reason: In the interests of biodiversity and ecology.

14. PRIOR TO THE COMMENCEMENT OF WORKS, details of further biodiversity enhancement (i.e. use of integrated bat roost boxes, integrated bird nesting boxes, green/living roofs and walls and Integrated swift nesting boxes/bricks) shall be submitted to the Local Authority for approval. Once approved, the biodiversity enhancements shall be implemented in full and for the lifetime of the development.

Reason: To integrate biodiversity enhancement into design, in the interests of biodiversity and habitat protection; to ensure the development has a positive impact on natural heritage assets.

15. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the local planning authority. Where further investigation is recommended in the Preliminary Risk

Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. All land contamination reports shall be prepared in accordance with 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.

16. 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. 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 work on site (save for site investigation work) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the local planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement — or any approved revised Remedial Action Statement — a Verification Report shall be submitted by the developer to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement — or the approved revised Remedial Action Statement — and a Verification Report in respect of those remedial measures has been submitted to and approved in writing by the local planning authority.

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

17. IN THE EVENT THAT CONTAMINATION NOT IDENTIFIED BY THE DEVELOPER prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought

into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

18. Evidence should be provided, prior to works commencing, to demonstrate that the National Air Quality Strategy objectives would not be exceeded during demolition, construction or normal site use following completion. The methodology shall be agreed with the Council as local planning authority and it shall include an appropriate air quality impact assessment for the proposed development. Where the assessment predicts that objectives will be exceeded, the applicant shall provide a scheme for mitigating the impacts for submission to and approval by the Council and thereafter implement it in accordance with said details before any work commences on site.

Reason: To protect air quality.

19. No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

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)

Designing Streets (2010)

PAN33: Development of Contaminated Land

Circular 4/1998 (Use of planning conditions)

Development Plan and other material considerations:

Adopted FIFEplan (2017)

SESPlan Strategic Development Plan

Making Fife's Places - Planning Policy Guidance (2017)

Fife Council Planning Customer Guidelines on Daylight and Sunlight (December 2015)

Site Layout Planning for Daylight and Sunlight: a guide to good practice (2011)

Fife Council Planning Customer Guidelines on Garden Ground (March 2016)

Fife Council Planning Customer Guidelines on Minimum Distances between Window Openings

Fife Councils Transportation Development Guidelines as an appendix to Making Fife's Places Supplementary Guidance (2018)

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

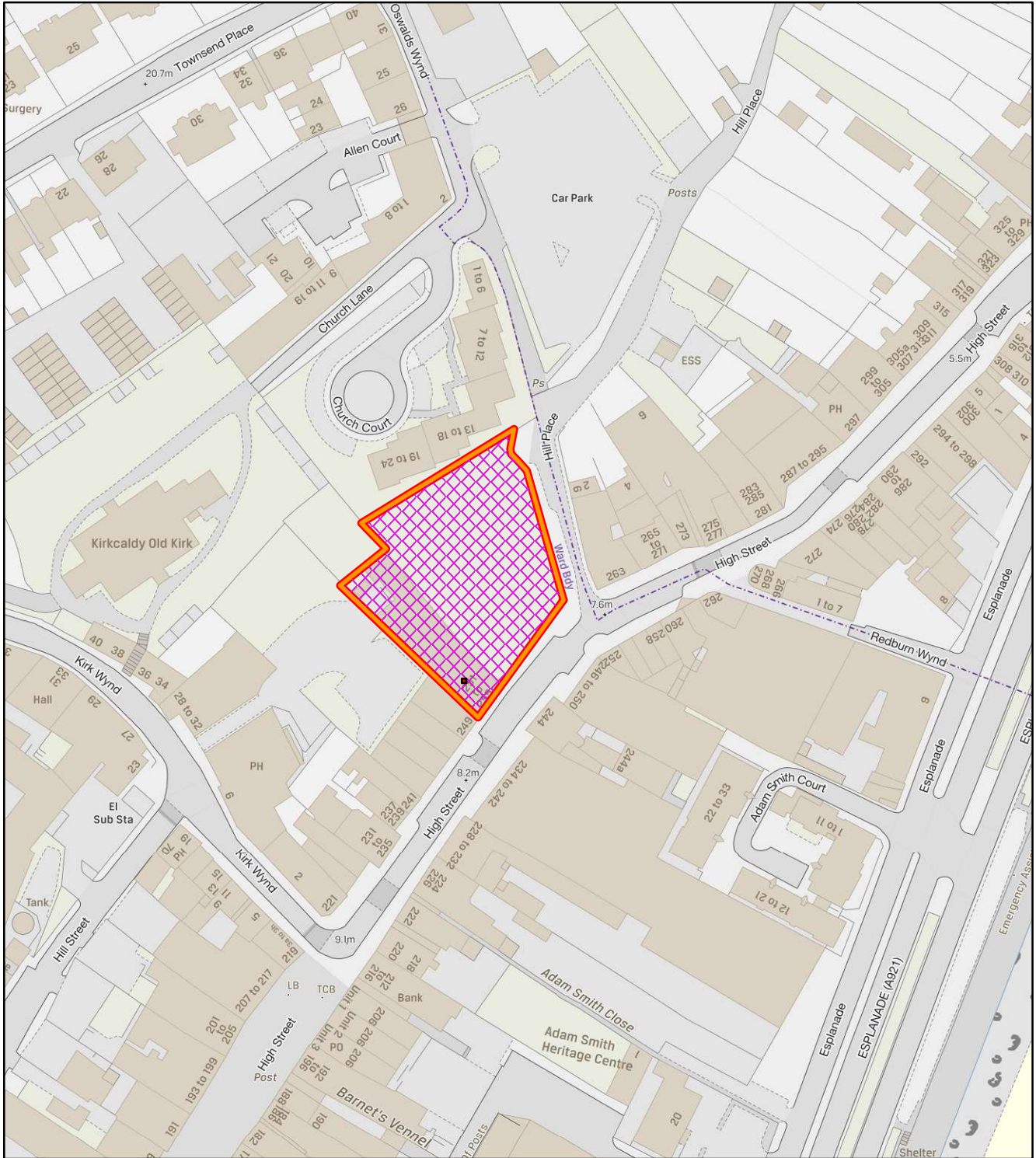
Report prepared by Edward Bean, Planner and Case Officer

Report reviewed and agreed by Kevin Treadwell, Service Manager and Committee Lead

Date Printed 19/10/2020

20/00839/FULL

251 And 257 To 261 High Street Kirkcaldy



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Legend	
 Application Boundary	
 0 5 10 20 30 m	
 Economy, Planning & Employability Services	

ITEM NO:	8
APPLICATION FOR FULL PLANNING PERMISSION REF:	20/01466/FULL
SITE ADDRESS:	SITE TO SOUTH OF TURPIE ROAD LEVEN
PROPOSAL :	ERECTION OF BAKERY SHOP UNIT (CLASS 1) WITH ANCILLARY DRIVE THROUGH FACILITY, ASSOCIATED CAR PARKING AND LANDSCAPING
APPLICANT:	PARS GROUP LTD & CW PROPERTIES LTD UNIT 21 DUNFERMLINE BUSINESS PARK, PRIMROSE LANE,
WARD NO:	W5R21 Leven, Kennoway And Largo
CASE OFFICER:	Kerry Gibson
DATE REGISTERED:	15/07/2020

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

There have been more than 5 letters of objection received, contrary to the 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.

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.

1.0 BACKGROUND

1.1. This application relates to an area of land (approximately 0.24ha) located within a mixed-use area of the Leven settlement boundary. The site is grassed and is relatively flat however there are a 16 car parking spaces, associated with the supermarket located within the site. The site is bound by Turpie Road to the south, car parking to the north, a residential development on Shepherd's Crook to the east and Windygates Road to the west. Access to the site would be taken from the existing access from Turpie Road. The wider area is primarily residential however the supermarket is located 20m to the north and there is a row of shops, car wash and the Mountfleurie Industrial Estate located to the south. There is also a petrol filling station to the north east, beyond Aldi, and an employment development opportunity site (LEV04) (approximately 1.2ha) located to the southwest of the application site, as defined in FIFEplan (2017).

1.2 This application is for the erection of a bakery shop unit (Class 1) with ancillary drive through, associated car parking and landscaping. A separate application for advertising consent would be required for the erection or installation of any adverts associated with this development.

1.3 The proposed bakery would not include any indoor seating. There would also be no cooking of food on the premises. Hot and cold food would be sold to customers to eat off the premises. The operating hours proposed are 0600hrs - 2200hrs Monday- Sunday. It is proposed to have one goods delivery at 0500hrs.

1.4 The proposed building would occupy a footprint of approximately 153 sqm, would be single storey with a maximum height of 4.2m and would be finished with white dry dash render, charcoal coloured cladding, aluminium (grey RAL 7016) windows, doors, rainwater goods and flashing and a flat single ply membrane roof. It is also proposed to create a car park with 27 parking spaces (including two disabled spaces and a car charging station) and a drive through lane. The site would be bound by hedging to the south, west and east.

1.5 Relevant planning history:

20/01042/FULL- Erection of Class 1 retail food store with ancillary works including car parking, access and landscaping (Section 42 application to vary condition 7 of application 12/03437/FULL) permitted with conditions on 03/08/2020. This application was to vary condition 7 of planning permission 12/03437/FULL to reduce the number of parking spaces to accommodate a recycling unit within the existing car park. This application was approved to reduce the number of car parking spaces from 101 to 97.

12/03437/FULL- Erection of Class 1 retail food store with ancillary works including car parking, access and landscaping permitted with conditions on 12/11/2012.

08/02520/CFULL- Erection of retail food store and associated works permitted with conditions on 18/12/2008.

07/01132/CFULL- Erection of supermarket permitted with conditions on 28/02/2007.

05/00688/CFULL- Erection of 38 two storey dwelling houses at Phase 4 permitted with conditions on 25/07/2005.

2.1 The issues to be assessed against the FIFEplan (2017) and other guidance are:

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Transportation
- Flooding and Drainage
- Land and Air Quality
- Low Carbon

2.2.1 The Scottish Government's Scottish Planning Policy (SPP) (2014), policies 1 and 6 of FIFEplan (2017) and Fife Council Planning Customer Guidelines on Businesses Selling Food and Drink (2018) apply.

2.2.2 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Town and Country Planning (Scotland) Act (1997) [the Act]. SPP also advocates the application of a sequential approach when planning for uses which generate significant footfall. For retail and commercial leisure uses, the sequential approach considers retail market area level rather than individual town level.

2.2.3 Policy 1 of FIFEplan sets out the development proposals will only be supported providing they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. The principle of development will only be supported if it is within a defined settlement boundary and is compliant with the policies for the location. Policy 6 of FIFEplan aims to create thriving town centres in Fife which are hubs of activity in the local community and act as a focus for commercial, leisure, and cultural services. Policy 6 sets out when the sequential approach for development located out with town centres will be applied.

2.2.4 Fife Council Planning Customer Guidelines on Businesses Selling Food and Drink (2018) support proposals within towns and built-up areas providing potential nuisance (noise and odours) to neighbouring properties can effectively be controlled. Additionally, proposals will be supported where the property is not in a prime retail area; parking spaces and arrangements for taking and making deliveries by vehicles meet Fife Council's standards; and where adding to the number of similar types of business will not alter the character of an area or cause additional nuisance to local residents.

2.2.5 The application site is located within the settlement envelope of Leven as defined in FIFEplan. This area is primarily residential however there are a mix of uses nearby including retail and commercial businesses. The site is not within any designated retail area and the new proposed floor space would be below 500 sqm. This means the sequential approach does not apply. Objections have been received to say that the proposed development would not meet the criteria set out in Policy 6 of the FIFEplan (2017) and that whilst the bakery would be acceptable

drive throughs are an unsustainable type of development which do not make efficient use of the land. As the application site lies within the settlement boundary, there is a presumption in favour of the development. In land use terms, it is considered that the erection of the bakery shop would not cause any significant additional nuisance (including noise and odour) to any sensitive properties in the vicinity, would be designed to meet Fife Council's standards for parking and deliveries, and would not alter the character of the surrounding area given the variety of surrounding land uses. In addition, given that the floor space would be below 500 sqm it is considered that the proposal would not have a significant impact on the vitality of the town centre or viability of existing businesses.

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

2.3 DESIGN/VISUAL IMPACT

2.3.1 Policies 1 and 10 of FIFEplan (2017), Making Fife's Places Supplementary Guidance (2018) and Fife Council Planning Customer Guidelines on Businesses Selling Food and Drink (2018) apply.

2.3.2 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.

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

2.3.4 Fife Council Customer Guidelines on Businesses Selling Food and Drink (2018) sets out appropriate design guidelines for developments involving the sale of food and drink and how to minimise the potential impacts. The guidelines also detail the requirement for such developments to incorporate an extraction system and how the system should be installed so has to have as little visual impact as possible.

2.3.5 The proposed single storey retail unit would be located to the west of the site with the rest of the site forming the car park, drive through lane and landscaping. The building would be finished with white dry dash render, charcoal coloured cladding, aluminium (grey RAL 7016) windows, doors, rainwater goods and flashing and a flat single ply membrane roof. The site would also include an electric vehicle charging point, planting boundaries and bin storage. Objections have been received in relation to the visual impact the proposed building would have on the surrounding street scene, primarily that it would not be in keeping with the area. Comments were also raised to say that the proposal would not contribute to placemaking. It is considered that the scale, style and choice of finishing materials would reflect the style of the supermarket to the north and would provide a consistent design approach which would create no significant detrimental impact on the visual amenity of the surrounding area.

Furthermore, the proposed development is considered to be of a good quality design, and of a size and scale that would set well within its surroundings. Further to this, objections have been received in relation to the detrimental impact an increase in littering could have on the visual amenity of the area. To mitigate against this, a refuse bin would be placed within the site boundary.

2.3.6 In light of the above, it is considered that the proposal would be in keeping with the surrounding area and would not have a significant detrimental impact on visual amenity. As such, it is considered that the proposal is of a suitable design, scale, mass and is appropriately sited all in compliance with FIFEplan (2017) and its associated guidance.

2.4 RESIDENTIAL AMENITY

2.4.1 Planning Advice Note (PAN) 1/2011 - Planning and Noise, Policies 1 and 10 of FIFEplan (2017) and Fife Council Customer Guidelines on Businesses Selling Food and Drink (2018) apply.

2.4.2 PAN 1/2011 establishes the best practice and the planning considerations to be considered regarding developments that may generate noise. Policy 10 advises that development proposals should be compatible with their surroundings in terms of their relationship to existing dwellings by demonstrating the development shall not lead to significant impacts on amenity in relation to noise and odour pollution. Fife Council Customer Guidelines on Businesses Selling Food and Drink sets out what the Planning Authority looks for when an application is submitted to open such a business and the requirements which must be met to minimise potential impacts on neighbouring properties- including odours.

2.4.3 The proposed retail unit would not involve the cooking of hot food therefore, it is considered that there would be no significant odours associated with the development. Objections have been received in relation to the noise the proposal would generate, primarily from deliveries, which objectors consider would be of detriment to adjacent properties. There is also the concern that the proposal will result in an increase in people congregating in the area. The closest neighbouring house is over 15m away from the edge of the site and over 30m away from the proposed building itself. As such, it is considered that the location of the proposal in relation to residential dwellings means that there would be no significant detrimental impact on neighbouring properties in relation to noise, privacy, daylight and sunlight. In this instance, Fife Council's Environmental Health Team have been consulted and have no objections to the proposal in relation to noise or odours.

2.4.4 In light of the above it is considered that the proposed development is acceptable and would have no significant detrimental impact on neighbouring properties in relation to noise, odours, privacy, daylight and sunlight. As such, the proposal is considered to comply with FIFEplan (2017) and its associated guidance.

2.5 TRANSPORTATION

2.5.1 Policies 1 and 3 of FIFEplan (2017) and Making Fife's Places – Transportation Development Management Guidelines (2018) apply.

2.5.2 Policy 1 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. Meanwhile, Policy 3 advises that development must be designed in a manner that ensures safe access to transport, footpath and cycle links.

2.5.3 Making Fife's Places – Transportation Development Management Guidelines (2018) and associated transportation guidelines set out the minimum parking standards for developments.

2.5.4 The proposed development is for the erection of a bakery with drive through and car park. It is to be located on an area of land which also contains 16 car parking spaces associated with the existing supermarket. As mentioned within the planning history (see paragraph 1.5), the most recent planning permission for the supermarket (20/01042/FULL) included a condition which requires the provision of 97 off-street car parking spaces.

2.5.5 In line with Fife Council Parking standards, a development of this type would require the provision of 6 off street parking spaces and a suitable car park configuration for the drive through. In this case, 27 car parking spaces are proposed. It is proposed that these spaces would be shared between the proposed bakery and supermarket. It is considered that this would compensate for the loss of the 16 parking spaces on the site which currently contribute towards the 97 spaces required to serve the existing supermarket and also the required off street parking to accommodate the current proposal.

2.5.6 Objections have been received in relation to road safety and that the proposal could intensify issues of congestion and pedestrian safety. Further to this, comments were submitted raising concerns there would be insufficient parking as well as concerns that the number of parking spaces proposed would be excessive. Fife Council's Transportation Development Management Team has been consulted and has no objections subject to the attached conditions requiring that the car parking is shared between the two uses and that all pedestrian links are constructed prior to the occupation of the development. As previously mentioned, it is considered that the shared use of the parking spaces will compensate for any loss of parking and that the proposal would have no significant impact on congestion. It is also considered that the car park is of a size suitable to the scale of the proposed development and the pedestrian links will ensure the space remains accessible.

2.5.7 In light of the above, it is considered that the proposal, subject to these conditions, would comply with FIFEplan (2017) and is acceptable.

2.6 FLOODING AND DRAINAGE

2.6.1 Policies 1 and 12 of FIFEplan (2017) and SPP (2014) apply.

2.6.2 SPP (2014) advises that developments should not place unacceptable demands on public infrastructure including drainage systems, developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken. Policy 12 of FIFEplan (2017) advises that development proposals will only be supported where they will not individually or cumulatively increase flooding or flood risk to a site.

2.6.3 In this instance, Fife Council's Structural Services Team has been consulted and has no objections to the proposed drainage system. However, it is noted that consent from Scottish Water will be required to connect to their surface water system. This requirement can be addressed directly with Scottish Water given that the applicant will be required to justify the need

to connect to their drainage system. Further to this, Scottish Water have confirmed that they have no objection to the proposal but that does not confirm the proposed development can be serviced. This will only be confirmed once a formal application has been submitted to them. As this is part of a separate consenting process, it is not necessary to control this by way of a condition.

2.6.4 In light of the above, it is considered the proposal would not have a significant detrimental impact on drainage and would comply with FIFEplan (2017) and other guidance.

2.7 LAND AND AIR QUALITY

2.7.1 Policies 1 and 10 of FIFEplan (2017) and PAN33 (2000) apply in this respect.

2.7.2 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. Policy 10 of FIFEplan advises development proposals involving sites where land instability or the presence of contamination is suspected, the developer is required to submit details of site investigation to assess the nature and extent of any risks presented by land stability or contamination which may be present and where risks are known to be present, appropriate mitigation measures should be agreed with the Council, and the Coal Authority in instance where the development is located in a High Risk Area.

2.7.3 The application site is located within a Coal Authority Development High Risk Area. This means there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has submitted a coal mining risk assessment (29th May 2020, 3E Consulting Engineers Ltd.). This report identifies that the Den and Chemiss Splint coal seams are present beneath the site at shallow depth. It also explains that a previous scheme of treatment works to stabilise the shallow coal mine works has already been done under a Coal Authority Permit 1907 and as a result it is considered that no further remediation is required in this instance.

2.7.4 The Coal Authority has been consulted and has no objection to the proposed development. However, it is noted that further, more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building warrant application. They also recommend that Fife Council's Land and Air Quality Team should provide comments in relation to ground gases. The comments received from Fife Council's Land and Air Quality Team have been outlined below and the imposition of the attached conditions have been recommended to address this issue.

2.7.5 As previously mentioned, the application site is in an area of potential contaminated land. As such, the applicant has submitted a 'Preliminary Ground Investigation Works Report' (June 2020 by 3E Engineers Ltd.) to summarise initial site investigations and bore hole logs. Fife Council's Land and Air Quality Team has been consulted and has considered this information to be insufficient. To address this, they have recommended the imposition of the recommended conditions. These conditions require that before any works start on site a Preliminary Risk Assessment, Remedial Action Statement and Verification Report (if required) should be submitted and agreed by the planning authority.

2.7.6 In light of the above, it is considered that the proposal, subject to these conditions, would comply with FIFEplan (2017) and is acceptable.

2.8 LOW CARBON

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

2.8.2 Fife Council's Low Carbon Fife Supplementary Guidance notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning applications are required to be supported by a Low Carbon Checklist to demonstrate compliance with Policy 11.

2.8.3 The proposed development meets the stage 1 criteria listed in Fife Council's Low Carbon Fife Supplementary Guidance Appendix D regarding the impact of development on Air Quality. As such the applicant has submitted a supporting statement (based on Fife Council's criteria) to evidence that the proposal does not require a full air quality impact assessment to be undertaken. Fife Council's Land and Air Quality Team has confirmed they do not have any objection in relation to the impact on air quality. It is agreed that no further air quality assessment is required and that the proposal would not have a significant detrimental impact on air quality. That said, due to the drive through element, the applicant is advised to provide signage on site to encourage motorists to switch off their engines while stationary. This would help to reduce emissions.

2.8.4 Further to this, a Low Carbon Checklist and Planning Statement has been submitted. This identifies that the proposal will be required to pass the SBEM calculation required by the current Building Regulations for non-domestic buildings. The building construction will allow this to be met with a timber construction and high levels of insulation. It will also be heated by a heat pump to meet the requirements for low and zero carbon technology. Further to this, two electric vehicle charging points will be installed alongside cycle parking and pedestrian walkways. The site also has good links to public transport. Objections have been received to state that the proposal would not meet the requirements of Policy 11 and that it would favour vehicles rather than promote active travel. More specifically, comments were made regarding excessive parking and the inappropriate location of cycle parking and pedestrian links. As mentioned above, the proposal includes cycle parking as well as pedestrian links which are considered to be in an appropriate location and would provide easy access to the site as well as promote active and sustainable methods of transport. However, it is acknowledged that this development is primarily designed to serve customers who are in their vehicles. It is considered however, that if those customers will already be on the road network and make this development an additional stop as opposed to it being a single destination.

2.8.5 In light of the above, it is considered that the proposal, would comply with FIFEplan (2017) and is acceptable.

CONSULTATIONS

Land And Air Quality - EPES

No objections subject to the imposition of the recommended conditions.

Scottish Water

No objections.

Transportation

No objections subject to the imposition of the recommended conditions.

Environmental Health (Public Protection) - EPES	No objections.
The Coal Authority	No objections.
Business And Employability - EPES	Support the proposal.
Transportation And Environmental Services - Operations Team	No comment received.
Structural Services - Flooding, Shoreline And Harbours	No objection subject to approval from Scottish Water.

REPRESENTATIONS

A total of 6 objections have been received. All material concerns have been addressed within the main body of the report. Other non-material concerns that have been raised include:

- Detrimental impact on existing businesses as it will block the view to shops at Pearson Way.
- It will take business away from the existing shops.
- There is no need for an additional development of this type in this area and it should be located closer to the town centre.

CONCLUSIONS

On balance, having taken all material considerations into account, the proposal is considered to be acceptable in meeting the terms of National Guidance, the Development Plan and other relevant guidance. The proposal is compatible with the area in terms of land use, design and scale and will not cause any significant detrimental impact to daylight/sunlight, privacy, noise or road safety.

RECOMMENDATION

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

1. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the 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.

2. 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. 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.

3. IN THE EVENT THAT CONTAMINATION NOT PREVIOUSLY IDENTIFIED by the developer prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the 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.

4. Prior to the opening of the development hereby approved, there shall be off street parking spaces provided as shown on Drawing No.5992 (3) SP002 Revision F in accordance with the

current Fife Council Transportation Development Guidelines. For the avoidance of doubt, the off-street parking spaces within the development site shall be available for the mutual use with customers of the adjacent supermarket and the development hereby approved. The parking spaces shall be retained throughout the lifetime of the development for the purposes of off-street parking.

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

5. Prior to the opening of the development hereby approved, all proposed new pedestrian links to the adjacent public footways shall be fully constructed and available for public use.

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

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance:

Scottish Planning Policy (2014)

PAN 1/2011: Planning and Noise

PAN 33: Development of Contaminated Land (2000)

Development Plan:

FIFEplan Local Development Plan (2017)

Other Guidance:

Fife Council Planning Customer Guidelines on Businesses Selling Food and Drink (2018)

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

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

Making Fife's Places Guidance (2018)

Making Fife's Places Appendix G - Transportation Development Management Guidelines (2018)

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

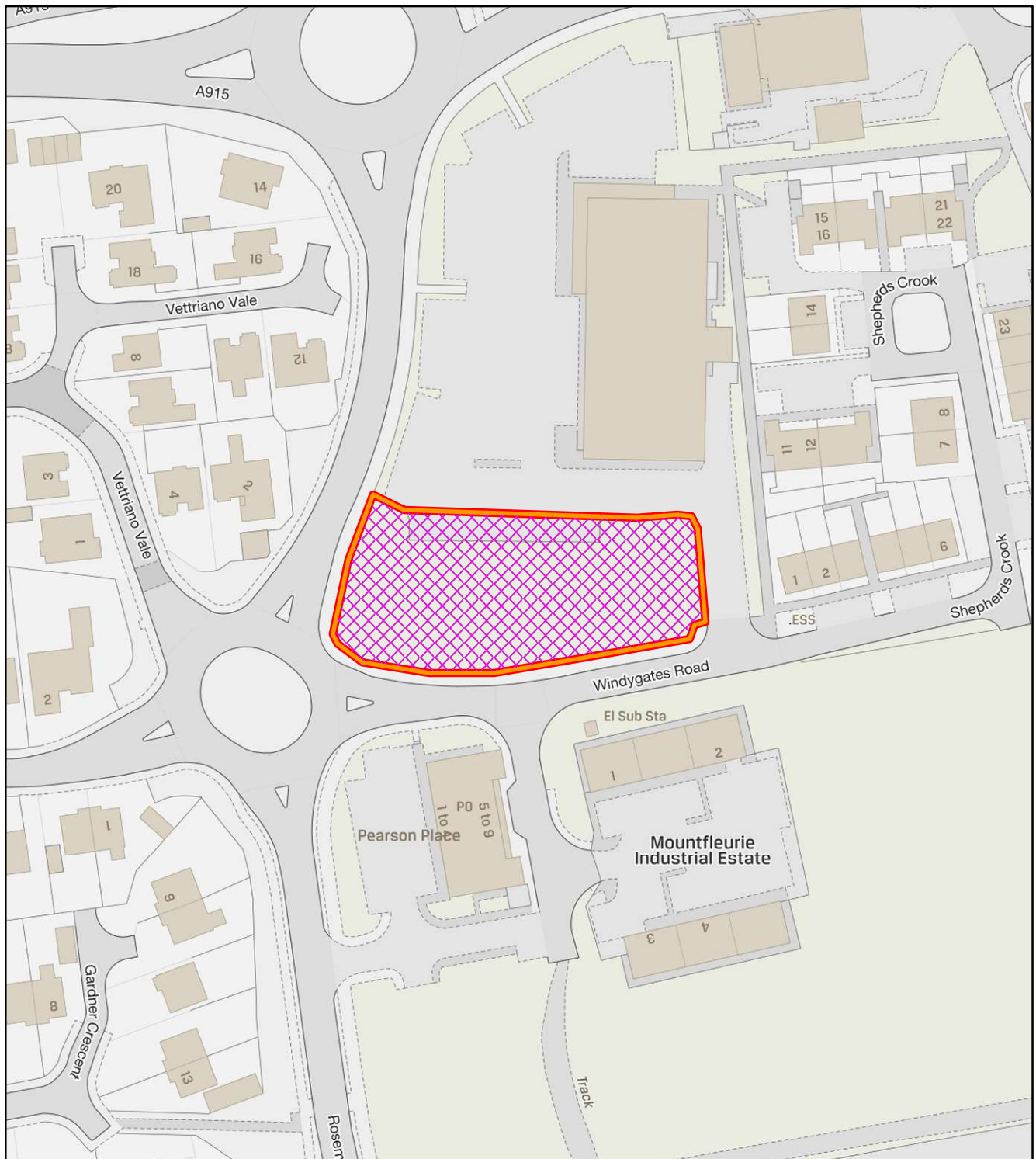
Report prepared by Kerry Gibson, Planning Assistant

Report reviewed and agreed by Kevin Treadwell, Service Manager and Committee Lead

Date Printed 07/10/2020

20/01466/FULL

Site to South of Turpie Road, Leven



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Legend			
	Application Boundary		

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ITEM NO:	9
APPLICATION FOR FULL PLANNING PERMISSION REF: 20/00163/FULL	
SITE ADDRESS:	LAND TO NORTH OF BURNBRAE HOUSE OSBORNE DRIVE KINCARDINE
PROPOSAL :	ERECTION OF 3 NO. DWELLINGHOUSES WITH ASSOCIATED GARAGES AND BOUNDARY FENCING AND FORMATION OF ACCESS, HARDSTANDING AND LANDSCAPING
APPLICANT:	BURNBRAE PARTNESRSHIP WATERSIDE STUDIOS 64 COLTBRIDGE AVENUE EDINBURGH
WARD NO:	W5R01 West Fife And Coastal Villages
CASE OFFICER:	Scott Simpson
DATE REGISTERED:	29/01/2020

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 letters of representation have been received and the officer's recommendation is contrary to this.

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 59(1) of the Planning (Listed Buildings and

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

1.0 BACKGROUND

1.1 The application relates to an area of protected open space measuring approximately 1755sm which is located to the south of Osborne Drive, adjacent to Moor Loch Lane and within the Kincardine settlement boundary as designated within the Adopted FIFEplan (2017). The open space area is a mostly unkempt grassed area with a footpath running through it and a single bench located within this area. A SUDS detention basin is located directly to the west of the site with dwellinghouses surrounding the site to the north, south, west and east. The north of the open space area is bound by an approximately 1.8 metre high timber fence with an approximately 3 metre high wall and hedge located along the southern boundary. Burnbrae House which is a Category B Listed Building is located approximately 39 metres to the south. The stone wall on the southern boundary is not mentioned within Historic and Environment Scotland's listing description, however, it would benefit from curtilage listing as it would appear to have been erected before 1st July 1948. The application site is designated as protected open space, an existing green network asset (reference: 1177) and is part of the Kincardine to Longannet Coast Green Network (KCFGN01) as designated within the Adopted FIFEplan (2017). The land directly to the east and south-east of the application site is designated as a housing opportunity site (KCD005 and KCD001) within the Adopted FIFEplan (2017). The land to the east is allocated for affordable housing (estimated capacity of 36 dwellings) and may include a residential nursing home in FIFEplan (KCD005). This land has already been developed for affordable dwellings as per planning permission references 14/04252/PPP, 15/04274/ARC and 17/00787/ARC (see section 1.3 below). The land to the south-east is allocated for residential development (KCD005) with an indicative capacity of 30 dwellings. The protected open space area serves a number of dwellinghouses and is within walking distance of the dwellings located along Osborne Drive, James Wylie Place, Burnbrae Park, Dewar Avenue, James Sharp Place, Moor Loch Lane and Alex Shepherd Drive.

1.2 The proposal seeks full planning permission for the erection of three dwellinghouses and formation of hardstanding, parking, and associated infrastructure. The dwellinghouses would be single storey with an off-white render finish, larch timber clad feature panels, a facing brick basecourse, anthracite grey UPVC casement windows and hipped roofs clad in flat grey concrete tiles. The detached garages would be finished in matching materials. The dwellinghouses would have garden ground measuring approximately 304 sqm (Plot 1), 92 sqm (Plot 2) and 147 sqm (Plot 3). The plots would be bound by an approximately 1.8 metre high close boarded timber fence to the rear with an approximately 1.2 metre high close boarded timber fence on the north-eastern boundaries of each plot. Separate accesses would be formed into each plot with access taken from Moor Loch Lane which then leads to Osborne Drive to the north. The submitted drawings show that approximately 1340 sqm of useable protected open space would remain directly to the north of the proposed site and surrounding the existing detention basin.

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

- Full planning permission (19/00977/FULL) for the erection of four dwellinghouses and formation of hardstanding, parking, and associated infrastructure was withdrawn on 29th October 2019. The application site was slightly larger than the current application site and measured approximately 2417 sqm with a fourth dwellinghouse located on the northern part of the

protected open space area. The northern part of this application site measured approximately 662 sqm and has been removed from the current submission. Six letters of objection from neighbours were received in relation to this earlier application. Most of the concerns related to the fact that a play park was originally to be built on this site with some of the concerns relating to the loss of this greenspace area.

The following applications (13/00735/FULL, 13/00736/FULL, 13/00737/FULL, 14/04252/PPP, 15/04274/ARC and 15/00453/FULL) all included the current protected open space area, the adjacent SUDS detention basin and a play park within their approved application site boundary. The loss of the open space areas and the shortfall in open space provision on each site was accepted as these approved developments would secure the provision of upgraded and properly maintained open space and play facilities on the protected open space area which is currently being considered under this application. Each application also contained a condition requiring that details of the upgraded open space and playpark area be submitted for approval by this planning authority and that play park and improvements be provided thereafter. A number of these developments have been built and the upgrade of this open space area and provision of the play facilities has not been carried out as required by the conditions contained within these applications. An application for full planning permission (18/03196/FULL) to remove condition 1 of planning permission reference 15/00453/FULL which relates to the provision of the playpark and the upgrade of open space is currently under consideration. Enforcement action is not required until the outcome of this Section 42 application is known. Further details regarding each application follows:

- Full planning permission (15/00453/FULL) for erection of 14 dwellinghouses with associated roads, parking, garages and landscaping was approved with conditions and subject to a legal agreement on 23rd May 2017 and these houses have been built. The approved dwellinghouses and related SUDS detention basin are located on land to the east and north respectively of the application site currently under consideration.

- Planning Permission in Principle (PPP) (14/04252/PPP) for the erection of affordable houses was approved with conditions on 24th September 2015. An approval of matters specified by condition application (15/04274/ARC) for the erection of 35 affordable residential units with associated access roads, landscaping and infrastructure was then approved with conditions on 1st December 2016. An application (17/00787/ARC) for approval of matters specified by conditions 6 (wheel cleaning facilities) and 16 (Contaminated Land) of the 2014 PPP (14/04252/PPP) were then approved on 27th June 2017.

- Full planning permission (14/02859/FULL) for erection of 5 dwellinghouses and garages with associated access and parking was approved with conditions on 30th January 2015 and these houses have been built. The area containing the 5 dwellinghouses was allocated as protected open space within the Development Plan. This application was approved by the planning authority as it was accepted that the protected open space was of little leisure or amenity value and as this and other developments would secure the provision of upgraded and properly maintained open space and play facilities on the area which is currently being considered under this current application.

- Full planning permission (13/00737/FULL) for the erection of 4 detached dwellings with associated access road on land approximately 43 metres to the south-east of the current application site was approved with conditions on 27th March 2014. This application has not been implemented, however, full planning permission (19/00534/FULL) for three dwellinghouses and two detached garages was approved on this site on 15th August 2019.

- Full planning permission (13/00735/FULL) for erection of 60 bed care home with associated car parking, access road, sustainable drainage and landscaping on land to the north-east of the application site currently under consideration was approved with conditions on 2nd April 2014. Full planning permission (13/00736/FULL) for erection of 16 no. care apartments with associated access, parking and landscaping on land to the north of the application site currently under consideration was also approved with conditions on 27th March 2014. These applications have not been implemented and have expired.

1.4 The application site lies adjacent to the Category B-Listed Burnbrae House. This application has, therefore, been advertised as affecting the setting of a listed building, given the potential impact it could have on the setting of Burnbrae House.

2.0 ASSESSMENT

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

- Principle of Development/Loss of Protected Open Space
- Design, Scale and Finishes/Visual Impact on Setting of Listed Building
- Residential Amenity
- Garden Ground
- Road Safety
- Contaminated Land/Land Stability
- Drainage/Flood Risk
- Low Carbon

2.2 Principle of Development/Loss of Protected Open Space

2.2.1 The Scottish Planning Policy promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

2.2.2 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 3 of the FIFEplan states that development proposals will not be supported where they would result in the loss of existing or proposed open space, including allotments unless: equivalent or better alternative provision will be provided in a location that is convenient for users or the Council accepts there is local overprovision in the surrounding area. Policy 10 states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of open space and green networks. Policy 13 of the FIFEplan advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including green networks and greenspaces.

2.2.3 Policy 2 states that housing developments will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing in the Plan or on other sites provided the proposal is compliant with the policies for the location. The FIFEplan also states that where a shortfall in the 5 year effective housing land

supply is shown to exist within the relevant Housing Market Area, housing proposals within this Housing Market Area will be supported subject to satisfying each of the following criteria:

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

2.2.4 Fife Council's Making Fife's Places Supplementary Guidance (2018) advises that open space needs to be usable space. It will generally be green in character with a significant proportion of soft landscaping although it can include elements of hard landscaped public spaces such as squares and plazas or people friendly (very low traffic) streets and courts. Open space is space designed for people to undertake recreational activity. This will generally be informal activity such as play, walking, sitting, picnics, communal gardening, social/community gatherings, informal sports and recreation. New housing developments of over 10 residential units will be expected to provide 60 sqm of open space for each new dwelling.

2.2.5 Appendix H of Fife Council's Making Fife's Places Supplementary Guidance (2018) advises that the Kincardine to Longannet Coast Green Network runs between Longannet and Kincardine and comprises part of the wider West Fife Coast Line. It further advises that Kincardine has a greenspace deficit and that greenspace assets include Feregait and Kilbagie Street greenspace which would benefit from improvements. The document also advises that investment is required to improve the greenspace quality and that the Development Plan priorities for the area include protecting existing green network assets.

2.2.6 Fife Council's Greenspace Audit (2010) advises that Kincardine has a very poor provision and very low quality of greenspace. The audit found that there was only 3 hectares of green space per 1000 population which is well below the Fife average of 6 hectares per 1000 population and the audit states that an increase is needed to bring the greenspace up to average Fife levels. The audit also sets out a series of actions to improve access to quality greenspace within Fife and it states that the town boundary does not include Tulliallan Wood which will compensate for the very poor provision within Kincardine, however, it also states that the existing green space within the town boundary should be protected.

2.2.7 The planning statement submitted in support of the application contends that the development can contribute towards addressing their perceived shortfall of an effective 5 years housing land supply in providing much needed housing. In relation to the Fife Housing Land Audit (2019), sites of fewer than 5 houses (Small Sites) do not contribute to the SESplan housing land requirement or housing supply targets. Irrespective, Fife Council's adopted position is also that there is no housing shortfall within this housing market area. The application would, therefore, not be supported by Policy 2 of the Adopted FIFEplan (2017) as the proposal is for three dwellinghouses and there is currently considered to be no housing shortfall within this housing market area.

2.2.8 The statement also maintains that the application site is located within an area identified in the Local Development Plan (LDP) for "future open space provision", but has not been provided yet and does not exist. It also makes mention of planning permission reference 15/00453/FULL and advises that a play park has not been provided yet as required by condition 1 of this planning permission (see section 1.3 for more info). The site, however, is identified as Protected Open Space within the LDP and is not specifically allocated for future open space provision but

rather as Protected Open Space. The statement also advises that the site will use approximately 1700sqm of open space and once developed a useable area of approximately 1400sqm of designated open space would remain adjacent to the site. The fenced off SUDs basin of approximately 1200sqm is accepted as not being useable open space, however, the applicant contends that it does provide amenity value. The statement also mentions Fife Council's Greenspace Audit (2010) which considers that Kincardine has poor open space provision both in quality and quantity and advised that it could be the case that the quality of open space has improved in the last 10 years, however, it is unlikely that the quantity of open space has increased dramatically within the town. The applicant, therefore, accepts that Kincardine has a poor amount of open space provision, however, they consider that Tulliallan Wood which is located approximately 100 metres to the north should be considered when assessing the loss of open space. They conclude that the area of open space that will remain adjacent to the site together with the existing formal, informal and equipped resources within the proximity of the site, is more than sufficient to comply with open space requirements.

2.2.9 Eight letters of support have been received in relation to this application and the letters state that there is ample open space within the surrounding area and that the site is currently waste ground that attracts anti-social behaviour and is unsightly. As the proposal lies within the settlement boundary for Kincardine as defined in the Adopted FIFEplan (2017) there is a presumption in favour of development subject to satisfactory details. The proposal would, however, result in the loss of approximately 1755sqm of protected open space which was also used to meet the open space requirement for previously approved developments referenced above (see paragraph 1.3). Fife Council's Greenspace officer has been consulted on this application and has advised that there is currently an under provision of greenspace within the Kincardine area and they consider that this open space area should be protected. It is considered that as there is an under provision of open space within the Kincardine area and as there is no equivalent or better alternative provision within Kincardine, that the loss of this protected open space and green network asset would have a significant detrimental impact on the Kincardine area in terms of the quantity of useable open space available to residents. The comments relating to the area attracting anti-social behaviour is not considered to be a material planning consideration as the area is an existing grassed area with a bench and footpath which is available for use by the public, however, there is no evidence available to demonstrate that this area attracts anti-social behaviour.

2.2.10 The letters of support also state that that there is a chronic shortage of housing and that more homes would be beneficial to the Kincardine community. Fife Council's current position, however, is that there is no housing land shortfall within this Housing Market Area. Notwithstanding, this, as the proposal is for less than 5 dwellinghouses, the site would not contribute towards meeting any shortfall in the event there was a shortage in the SESplan housing supply targets. The application would, therefore, not be supported by Policy 2 of the Adopted FIFEplan (2017) and this would not be a reason to allow for the loss of the protected open space area.

2.2.11 It is noted that a previous application (14/02859/FULL) was approved on the protected open space area directly to the north. The assessment concluded that the improvement in the quality of the remaining open space area to the south, i.e. the application site currently under consideration, would materially outweigh the loss of the protected open space to deliver that development (see section 1.3 above). It was also recognised that a play park would be delivered, via condition 1 of planning permission reference 15/00453/FULL, on the current application site which would enhance the local provision for adjacent residents, thereby mitigating to a degree, the loss of the open space to the north. It is, therefore, considered that

the incremental loss of protected open space within this area should be resisted as previous applications also resulted in the loss of protected open space, in part, justified by the current site still contributing to wider open space provision but also enhanced by way of the installation of a play park. It is noted that Tulliallan Wood is located approximately 100 metres to the north of the application site, however, this existing open space is protected as designated within FIFEplan, and Fife Council's Greenspace Audit (2010) recommends that the existing greenspace areas within the settlement boundary should be protected. Formal open space within a settlement also provides a different type of amenity open space in comparison to the Tulliallan Woods. In addition, in such a dense urban setting, it is very unlikely that an opportunity would arise to increase the quantity of open space in an urban context. This, therefore, makes open space areas like this all the more valuable in terms of their contribution to amenity and protecting them from development pressure. This open space area is also located between existing dwellinghouses and is considered to provide a valuable green amenity space in close proximity to these dwellinghouses. The loss of this protected open space area would, therefore, not protect or enhance this greenspace asset and would not protect the overall environmental quality of the area. The proposal, would therefore, not be acceptable and would not comply with Policies 1, 3, 10 and 13 and Making Fife's Places Supplementary Guidance (2018) of the Local Development Plan in this respect.

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

2.3.1 Scottish Planning Policy (2014) and the Historic Environment Scotland Policy Statement (2019) advise that development proposals involving listed buildings should have high standards of design and should maintain their visual setting.

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

2.3.3 Policies 1 and 10 of FIFEplan (2017) advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area. Policy 14 of FIFEplan states that development will not be supported where it harms the character or appearance of listed buildings or their setting, including structures or features of special architectural or historic interest. Any proposals to alter listed buildings must also be sympathetic to the existing scale and character of the building.

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

2.3.5 The letters of support state that the development fits in well with adjacent development. It is considered that the proposed dwellinghouses would have no further significant detrimental visual impact on the setting of the adjacent Category B Listed building as there have been a number of other similar developments approved in the surrounding area adjacent to the curtilage of this listed building and the proposed dwellinghouses would also be single storey in height.

The proposal would also respect the character and appearance of the existing residential area and the location, scale, layout, finishing materials and design of the proposal, which would be like neighbouring dwellinghouses would allow the proposal to sit comfortably within the site and the surrounding area. The proposed dwellinghouses would also make use of active frontages on all public facing elevations and would be in keeping with the prevailing pattern of development. The proposal would therefore visually comply with the Local Development Plan in this respect and would be acceptable in this instance.

2.4 Residential Amenity

2.4.1 Policies 1 and 10 of FIFEplan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight advises that new development should not lead to the loss of privacy or sunlight and daylight. Policy 10 also states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

2.4.2 The existing properties to the east are located more than 18 metres away from the proposed dwellinghouses and the proposal has also been designed so that that no properties would significantly overshadow or block daylight/ sunlight to any other adjacent proposed properties within the site itself. The proposal would therefore comply with the Local Development Plan in this respect and would be acceptable in this instance.

2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground advise that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 sqm of private useable garden space and that a building footprint of 1:3 will be required. The guidance also advises that the plot ratio should be in keeping with other properties in the surrounding area.

2.5.2 In this case, the proposal would provide private garden ground areas measuring approximately 304sqm (Plot 1), 92sqm (Plot 2) and 147sqm (Plot 3). Plots 1 and 3 would, therefore, comply with the aforementioned garden ground requirement, however, Plot 2 would have a shortfall of 8sqm. It is considered, however, that as the site would have similar plot ratios to those houses in the surrounding area and the shortfall for Plot 3 is only 8sqm that the Garden Ground requirement should be relaxed in this instance. The proposal would, therefore, be acceptable, in this regard.

2.6 Road Safety

2.6.1 Policy 1, Part C, Criterion 2 of the Adopted FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of the Adopted FIFEplan advise that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.6.2 Fife Council's Transportation Development Management team (TDM) have been consulted on this application and have advised that the application site overlaps with several other planning permissions and current planning applications which has resulted in the whole site being served by cul-de-sacs with no consideration given to how the adjacent sites integrate or relate with each other. They consider that due to the history involved with the overall approved developments that the proposed erection of 3 additional houses would lead to a further unacceptable delay in completing the road works approved in previous Construction Consents and to further deterioration of Osborne Drive. However, this is not a material consideration. They further advise that the Transportation Development Guidelines (August 2018) state that the use of cul-de-sacs shall be avoided. However, the use of short cul-de-sacs serving a small number of units (10 - 15) may be acceptable, subject to site constraints and that multiple points of vehicular and pedestrian access with the surrounding public road network and integration with existing settlement shall be provided. The guidance further states that "on the premise that an additional vehicular access from the wider road network cannot be provided and that the proposed site can be designed in accordance with all other principles of Designing Streets, it will be acceptable for additional dwellings to be served from an existing cul-de-sac, subject to the total number of dwellings (existing + proposed) not exceeding 200".

2.6.3 TDM consider that Osborne Drive is a cul-de-sac serving some 73 houses (16 existing + 57 new build) and although the number of dwellings is less than 200, the provision of a secondary means of vehicular access is possible via the adjacent allocated housing site KCD 001. They do not, therefore, consider it appropriate for the 3 additional dwellings to be served from Osborne Drive until such time as a secondary means of vehicular access can be provided from Toll Road via the adjacent allocated housing site KCD 001. They, therefore, advise that the proposal should be refused in the interest of road and pedestrian safety.

2.6.4 It is considered, however, that the proposal would only be for an additional three dwellinghouses which would not generate a significant amount of traffic and which would not result in a significant intensification in use of the existing cul-de-sac. The other applications which have been approved do result in the cul-de-sac exceeding the recommend number of 10-15 dwellinghouses, however, the proposal would not exceed the recommended limit of 200 dwellings and it is not considered reasonable to expect this development to provide a secondary means of vehicular access. The proposal would, therefore, have no further significant detrimental impact on road and pedestrian safety and would be acceptable in this instance.

2.7 Contaminated Land/Land Stability

2.7.1 Policies 1 and 10 of the Adopted FIFEplan advises that development proposals must not have a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.7.2 Fife Council's Contaminated Land team have been consulted on this application and have advised that they have no objections to the development subject to details being submitted regarding a gas mitigation strategy if the coal mining investigations require this.

2.7.3 The applicant has also submitted a Coal Mining Risk Assessment with the application and the Coal Authority has been consulted. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for

the proposed development, however, it would be necessary to carry out intrusive site investigation works which would enable appropriate remedial measures to be identified prior to development. The Coal Authority, therefore, has no objections to the proposed development subject to conditions that these investigative works are carried out prior to the commencement of works. The proposal would subject to conditions relating to coal mining and the provision of a gas mitigation strategy if required, would therefore be acceptable and would comply with Local Development Plan in this respect.

2.8 Drainage/Flood Risk

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

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

2.8.3 Fife Council' Flooding, Shorelines and Harbours team has been consulted on this application and have no objections to the proposal. The agent has also submitted the necessary SUDS details and the relevant compliance certificates. The proposed development would, therefore, have no detrimental impact on future options for surface water management, would incorporate adequate measures and services and would comply with the Local Development Plan in this respect.

2.9 Low Carbon

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

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

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

- The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020. Statutory supplementary guidance will provide additional advice on compliance with this requirement;

- Construction materials come from local or sustainable sources;

- Water conservation measures are in place;

- Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and

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

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

2.9.3 Fife Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, applicants are expected to submit a completed sustainable building statement (Appendix B of the guidance).

2.9.4 The agent has submitted a Low Carbon statement which advises that the proposal would provide high performance glazing, time and temperature zone controls, low energy lighting and solar panels. It is considered, therefore, that the proposal would incorporate sufficient energy efficiency measures which would contribute towards the current carbon dioxide emissions reduction target and would comply with the Local Development Plan in this respect.

CONSULTATIONS

Transportation	Refuse due to intensification in use of cul-de-sac.
Transportation And Environmental Services - Operations Team	No response.
The Coal Authority	No objections subject to conditions relating to coal mining legacy.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Environmental Health (Public Protection) - EPES	No objections.
Natural Heritage - EPES	No comments.
Parks Development And Countryside	Refuse due to loss of protected open space.
Land And Air Quality - EPES	No objections subject to details relating to contaminated land.

REPRESENTATIONS

Eight letters of support have been received in relation to this application. The letters of support state that:

- There is a chronic shortage of housing.
- Ample open space in surrounding area.
- Development fits in well with adjacent development.
- Site is currently waste ground that attracts anti-social behaviour and is unsightly.
- More homes would be beneficial to Kincardine community.

These matters are addressed within the main body of this report.

CONCLUSIONS

Having considered all material considerations, on balance it is considered that the loss of this protected open space area is not considered to be justified. As there is an identified shortage of open space in Kincardine, the amenity value of any remaining areas of open space are significantly more valuable as it is very unlikely that once these are lost, new areas of open space would be provided within the dense urban confines of the settlement. None of the other material considerations are considered to outweigh the significant detriment that would result were this area of open space to be developed. The proposal would therefore not be acceptable and would be contrary to the terms of the Development Plan.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interest of safeguarding this area of protected open space; the erection of three dwellinghouses would result in the unjustified loss of approximately 1755 sqm of designated protected open space in an area already having been identified as deficient in this type of open space provision. Its loss would therefore exacerbate an existing deficiency thereby having an unacceptable impact on the amenity of the wider area. The proposal would not protect or enhance this greenspace asset and would not protect the overall environmental quality of the area, all to the detriment of the residents of Kincardine; contrary to Scottish Planning Policy (2014), Policies 1, 3, 10 and 13 of the Adopted FIFEplan (2017) and 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 Policy and Guidance
Scottish Planning Policy (SPP) (2014)
Historic Environment Scotland Policy Statement (2019)

Development Plan
Adopted FIFEplan (2017)

Other Guidance

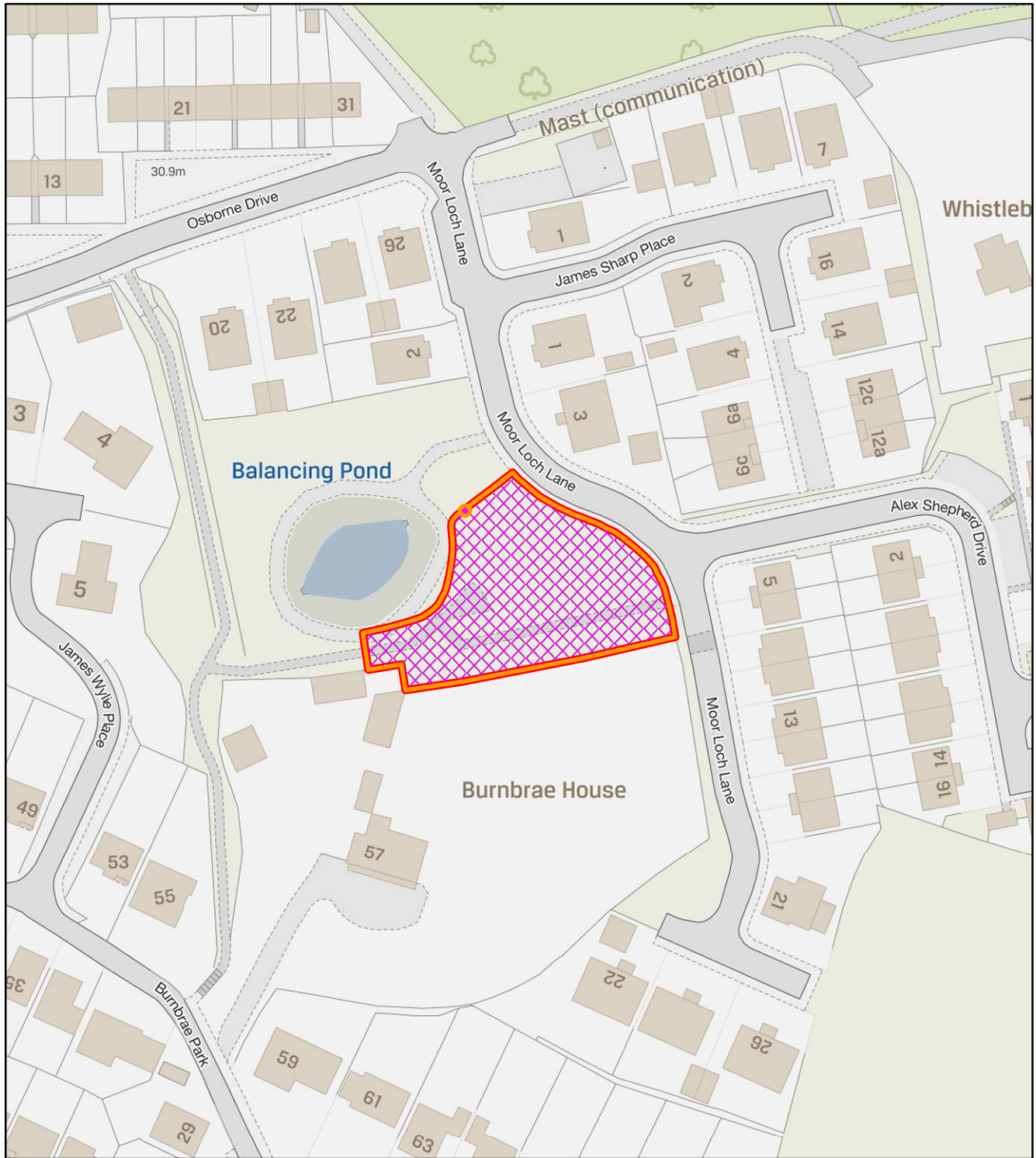
Fife Council's Low Carbon Fife Supplementary Guidance (2019)
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2015)
Fife Council's Planning Customer Guidelines on Garden Ground (2016)
Fife Council's Minimum Distance between Windows Guidance (2011)
Making Fife's Places Supplementary Guidance (2018)

Report prepared by Scott Simpson, Chartered Planner
Report reviewed and agreed by Kevin Treadwell, Service Manager and Committee Lead

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20/00163/FULL

Land to North of Burnbrae House, Osborne Drive, Kincardine



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Legend			
	Application Boundary		