

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

Wednesday, 30th June, 2021 - 1.30 p.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest (s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 2nd June, 2021. 3 – 7
4. **21/00828/OBL - LAND SOUTH WEST OF THE MANSE, NEWARK, ST MONANS** 8 – 15

Modification of Planning Obligation (19/00250/FULL) relating to contribution towards proposed link road.
5. **21/00512/FULL - LAND AT LADEBRAES WALK, HEPBURN GARDENS, ST ANDREWS** 16 – 28

Upgrading of existing path, including widening, erection of fencing, installation of bollards and solar lighting.
6. **21/00644/FULL - 37 CANT CRESCENT, ST ANDREWS, FIFE** 29 – 39

One and a half storey extension to front of dwellinghouse.
7. **21/00924/FULL - 61 RUTHVEN PLACE, ST ANDREWS, FIFE** 40 – 49

Addition of a first floor to dwellinghouse and external alterations.
8. **APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS**

List of applications dealt with under delegated powers for the period 17th May to 13th June, 2021.

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

<p>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.</p>

Eileen Rowand
Executive Director
Finance and Corporate Services

Fife House
North Street
Glenrothes
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23rd June, 2021

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THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

2nd June, 2021

1.30 p.m. – 5.35 p.m.

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

ATTENDING: Alastair Hamilton, Service Manager - Development Management; Bryan Reid, Planner - Development Management (North Section); George MacDonald, Technician Engineer, Transportation Development Management (North Fife), Economy, Planning & Employability Services; Steven Paterson, Solicitor; and Diane Barnet, Committee Officer, Legal & Democratic Services.

APOLOGY FOR ABSENCE: Councillor Linda Holt.

267. DECLARATIONS OF INTEREST

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

268. MINUTE

The Committee considered the minute of the North East Planning Committee of 7th April, 2021.

Decision

The Committee agreed to approve the minute.

269. 19/01371/FULL - 37 LARGO ROAD, ST ANDREWS, FIFE

The Committee considered a report by the Head of Planning relating to an application for the erection of a 57-bedroom hotel (Class 7) with associated car parking, bin store and landscaping (including demolition of existing commercial building).

Motion

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

- (1) Policy 2 of the TAYplan Strategic Development Plan (2017); Policies 1 and 14 of the Adopted FIFEplan (2017); Making Fife's Places Supplementary Guidance (2018); and St Andrews Design Guidelines (2011) relating to the proposed development's visual impact on the surrounding area due to its design, scale and massing and overdevelopment of the site; and

(2)/

2021 NEPC 164

- (2) Policies 1 and 10 of the Adopted FIFEplan (2017) relating to the proposed development's impact on the residential amenity of adjacent residential properties due to the siting and scale of the proposed development.

Amendment

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

- (1) the 20 conditions and for the reasons detailed in the report;
- (2) an amendment to condition 13 to include in the Traffic Management Plan a contingency plan relating to non-availability of the 23 car parking spaces at basement level in the event of mechanical failure of the proposed car lift; and
- (3) an additional condition relating to the widening of the pavement to the front of the proposed development site, along Largo Road, to enhance cyclist and pedestrian safety.

Roll Call Vote

For the Motion - 5 votes

Councillors Heer, Liston, Marjoram, MacDiarmid and Verner.

For the Amendment - 8 votes

Councillors Brett, Connor, Docherty, Lothian, Nolan, Miklinski, Porteous and Thomson.

Councillor Tepp joined the meeting partway through the Planning Officer's presentation of the planning application in detail and, having not had the benefit of the full presentation, did not participate in the debate or voting on this item.

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

Decision

The Committee agreed to approve the application subject to:-

- (1) the 20 conditions and for the reasons detailed in the report;
- (2) an amendment to condition 13 to include in the Traffic Management Plan a contingency plan relating to non-availability of the 23 car parking spaces at basement level in the event of mechanical failure of the proposed car lift; and
- (3) an additional condition relating to the widening of the pavement to the front of the proposed development site, along Largo Road, to enhance cyclist and pedestrian safety.

The/

The Committee adjourned at 3.05 p.m.

The Committee reconvened at 3.15 p.m.

270. 20/03233/ARC - SITE TO WEST OF CHURCH STREET, LADYBANK

The Committee considered a report by the Head of Planning relating to an application for approval required by condition of planning permission 99/00991/EOPP for the erection of 60 residential units with associated infrastructure (revision to 04/01863/EARM to amend house types and landscaping).

Motion

Councillor MacDiarmid, seconded by Councillor Heer, moved to refuse the application on the grounds that the proposed development did not comply with Scottish Planning Policy (2020), Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) as the proposed variation to the layout and substitution houstypes were considered unacceptable in terms of visual amenity.

Amendment

Councillor Miklinski, seconded by Councillor Brett, moved as an amendment to approve the application subject to the 14 conditions and for the reasons detailed in the report, including amendment to Conditions 10 and 11, as follows:-

- (1) Condition 10 - "Prior to occupation of each residential unit, off-street parking shall be provided for that unit in accordance with the current Fife Council Transportation Development Guidelines. The off-street parking spaces shall be retained throughout the lifetime of the development for the purposes of off-street parking."

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

- (2) Condition 11 - "All construction activity associated with the development hereby approved, which is audible at the site boundary or which will involve the arrival or departure of HGVs, shall take place on the site only between the hours of 8.00 a.m. and 5.00 p.m., Monday to Friday and 8.00 a.m. and 1.00 p.m. on a Saturday. No activities shall take place at any time on a Sunday."

Reason: "In the interests of residential amenity; to ensure that the activity on the site does not generate a level of noise which would disturb neighbouring residential amenity."

Roll Call Vote

For/

For the Motion - 8 votes

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

For the Amendment - 5 votes

Councillors Brett, Nolan, Miklinski, Porteous and Thomson.

Having temporarily left the meeting during the debate of this item and, having not had the benefit of participating in the debate, Councillor Connor did not vote on this item.

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

Decision

The Committee agreed to refuse the application on the grounds that:-

- (1) the proposed development did not comply with Scottish Planning Policy (2020), Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) as the proposed variation to the layout and substitution houstypes were considered unacceptable in terms of visual amenity; and
- (2) delegated to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the full reason for refusal in order to ensure that a decision on the application was not unduly delayed.

271. 21/00123/FULL - STREET RECORD, CUPAR ROAD, NEWBURGH

The Committee considered a report by the Head of Planning relating to an application for the erection of 34 affordable dwellings and associated access road and SUDS and also containing a Development Framework for a larger development of up to 275 dwellings.

Motion

Councillor Miklinski, seconded by Cllr Porteous, moved to refuse the application on the grounds that the proposed development of 34 affordable dwellings and associated road and SUDS did not comply with - the Affordable Housing Supplementary Guidance (2018); Policies 1, 2 and 10 of the Adopted FIFEplan (2017); and Fife Council Planning Customer Guidelines on Garden Ground (2016) - due to the siting of all affordable dwellings in the one location; the design and layout of the site resulting in inadequate garden ground for the majority of the dwellings; and the close proximity of dwellings requiring unsatisfactory mitigation measures relating to noise ingress.

Amendment

Councillor Brett, seconded by Councillor Thomson, moved as an amendment to approve the application subject to the 29 conditions and for the reasons detailed in/

in the report - with respect to both the affordable housing element and the larger Development Framework for development of up to 275 dwellings.

Roll Call Vote

For the Motion - 5 votes

Councillors Heer, MacDiarmid, Miklinski, Porteous and Tepp.

For the Amendment - 9 votes

Councillors Brett, Connor, Docherty, Liston, Lothian, Marjoram, Nolan, Thomson and Verner.

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

Decision

The Committee agreed to approve the application subject to the 29 conditions and for the reasons detailed in the report.

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

Decision

The Committee noted the lists of applications dealt with under delegated powers for the period 22nd March to 18th April; and 19th April to 16th May, 2021.

ITEM NO: 4

**APPLICATION FOR MODIFY/DISCHARGE OF PLANNING OBLIGATION REF:
21/00828/OBL**

SITE ADDRESS: LAND SOUTH WEST OF THE MANSE NEWARK ST MONANS

**PROPOSAL : MODIFICATION OF PLANNING OBLIGATION (19/00250/FULL)
RELATING TO CONTRIBUTION TOWARDS PROPOSED LINK
ROAD**

**APPLICANT: INVERIE LTD
MR JOHN THOMSON EDENBANK HOUSE 22 CROSSGATE**

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

CASE OFFICER: Kathleen Illingworth

**DATE 24/03/2021
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The related planning application was determined by Committee.

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

1.0 BACKGROUND

1.1 This application relates to a planning obligation associated with 19/00250/FULL - planning permission for the erection of 86 houses with access, drainage, open space including allotments, and other associated works. The application was approved by committee subject to conditions and the conclusion of a legal agreement. The Section 75 Agreement required the provision of affordable housing comprising 40 units, the costs related to the provision of a link road up to £153,000 and the transfer of land for the proposed allotments.

1.2 This application seeks to discharge the clause relating to the costs associated with the provision of a link road. The agent has submitted a Supporting Statement, referring to the requirement for the link road in The Development Plan and the applied policy requirements for the obligation. The Transport Statement submitted in support of planning permission 19/00250/FULL is also included. The Supporting Statement also assesses the need for the contribution (link road) in relation to Circular 3/2012 and the five tests.

1.3 The Supporting Statement discusses the route of the proposed link road through the Development Plan. That the link road was promoted through the Development Plan is not contested by the applicant. The need for the link road is not accepted by the applicant. Para 3.15 of the supporting Statement refers to comments from Fife Councils Transportation Development Management Team who did agree that the submitted Transport Assessment confirms that the additional traffic generated by the proposed development could be accommodated within the existing road network.

1.4 The Supporting Statement contests that the benefit of the link road (para 2.14) would be to enable existing residents to access the village through the new development rather than just Station Road. That the need for the proposed link road (para 2.15) is to mitigate a pre-existing deficiency and not any impact that would arise as a result of the proposed development. The Supporting Statement also refers to Designing Streets and Scottish Planning Policy (para 2.23) observing that neither Designing Streets nor Scottish Planning Policy prioritises vehicular linkages between existing and new development over non-vehicular connections, but rather promotes place before movement, seeking to reducing the dominance of vehicular traffic and encouraging walkable neighbourhoods with good public transport links. A non-vehicular connection was proposed by the applicant on the southern site boundary.

1.5 The need for the contribution (link road) in relation to Circular 3/2012 and the five tests is also assessed within the Supporting Statement. The agent contests that none of the tests are met.

1.6 The agent considers that for the reasons given in the accompanying Supporting Statement and addressed in section 1.3 to 1.5 above that there is no valid justification in either policy or practical terms for the development to contribute towards the provision of a link road from the development to Queen Margaret Street and the requirement for the monetary contribution towards the link road should be discharged.

2.1 Planning History

19/00250/FULL - Erection of 86 houses, access, drainage, open space including the provision of allotments, and all associated works. Approved, at committee, subject to the conclusion of a S75 Legal Agreement on the 12th January 2021. The approved site layout makes provision for a link road which would connect the application site to Queen Margaret Street to the south east of the site.

3.0 Procedural Matters

3.1. The planning permission to which this application relates was determined by Members of the North East Fife Area Committee. This current application is therefore required to be determined by committee.

4.0 Assessment

4.1 Circular 3/2012: Planning Obligations and Good Neighbour Agreements require that planning obligations meet all of the following five tests as set out in paragraphs 14-25 of the circular:

- Necessary to make the proposed development acceptable in planning terms
- serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area
- fairly and reasonably relate in scale and kind to the proposed development
- be reasonable in all other respects

4.2 The original planning obligation which this application seeks to modify is considered to have been necessary, served a planning purpose, was related to the proposed development and was reasonable at the time it was agreed as the development was required to make appropriate payments to mitigate the effects of the development, on both education capacity and provision of affordable housing, as per the terms of the Development Plan and Supplementary Guidance at the time the planning permission was granted.

4.3 This application relates to whether a clause within a Planning Obligation should be discharged or not as requested by the applicant. The comments made by the agent in support of this application to discharge the S75 Agreement are detailed in sections 1.3 to 1.6 above. This application does not revisit the merits of the original planning decision but only looks at whether there is a need for the Planning Obligation and whether that Planning Obligation is still appropriate in terms of Circular 3/2012. The main points of assessment for this application are as follows:

- Contribution towards link road
- Circular 3/2012 Tests

4.4 Contribution towards link road

4.4.1 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 and deliver better quality development.

4.4.2 FIFEplan Policy 14 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. The contribution of the proposed road link to creating a safe and pleasant place is considered. New developments should promote visual quality and prioritise place before vehicular movement in street design but new developments should also be easy to move around by encouraging connections within the development and to key locations beyond. The proposed road link with Queen Margaret Street is a vital link to ensure the new development is not isolated from the existing village. In terms of connectivity and ensuring places are easy to move around and beyond, this secondary vehicular access is a vital part of the design of the site and without it the development becomes isolated from the existing settlement.

4.4.3 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. 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. With regard to impact on the local road network, the submitted Transport Assessment (19/00250/FULL) concluded that under all tested scenarios the proposed development would have a negligible impact upon the operation of local road network with local junctions continuing to operate with significant spare capacity remaining. The Fife Council Transportation Development Management officer (TDM) did agree that the submitted Transport Assessment confirms that the additional traffic generated by the proposed development could be accommodated within the existing road network. In their consultation response to 19/00250/FULL TDM did also advise that primary access to the site is proposed via two junctions off the A917. In order to create a connected development, in accordance with the requirements of 'Designing Streets', which integrates well with the existing built up area of St. Monans, additional vehicular and pedestrian routes have been considered. The only suitable vehicular connection is via Queen Margaret Street. TDM did acknowledge that this creates an opportunity to improve vehicle movement within St. Monans by providing a secondary point of access / egress to the town, thus relieving pressure on Station Road. Overall TDM supported the development in terms of impact on road safety and did agree that the additional road link to Queen Margaret St was required since it ensured that the development was in accordance with Designing Streets Policy.

4.4.4 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 include transport, schools, affordable housing, greenspace, public art and employment land. The contributions will mitigate development impact

by making a contribution to existing infrastructure, or providing additional capacity or improving existing infrastructure; or providing new infrastructure. Policy 4 sets out a list of the types of development which are exempt from the payment of contributions. The proposed development does not fall within any of the exempt categories of development and therefore, the applicant would be liable for a range of planning obligations in order to mitigate the impact of the development. A contribution towards the proposed road link was requested on this basis - that whilst the link road was not strictly required to ensure that the impact of the development on the surrounding road network could be accommodated it was required to ensure that the development would have a vehicular connection to the village.

4.4.5 The link road from Queen Margaret Street is required to improve the connectivity between the development site and St Monans. Without this link the development would effectively function as a stand-alone housing development which would not be in accordance with the six qualities of successful places as set out in FIFEplan Policy 14 and Making Fife's Places. It is this design and connectivity element which creates the requirement for the contribution rather than traffic impact. It is important that development sites are fully integrated into the settlements they expand and consideration must be given to multi-modal means of travel. A footway/ cycleway would not be enough to create this connectivity between the site and the settlement. Even with taking into account the applicant's comments with regards to the validity of the contribution, the contribution is still considered necessary in order to create an integrated development which creates a high place standard and meets the requirements of the Adopted FIFEplan and National Policy.

4.5 Circular 3/2012 Tests

4.5.1 Section 4.1 of this report set out the tests that a Planning Obligation must meet to be compliant with Circular 3/2012. If any of these tests fail then it could be argued that the Planning Obligation should be discharged as being non-compliant with the Circular depending on the material weight given to the Circular. These will be considered in turn.

4.5.2 The need for the link road is referred to in section 4.4 above. The link road from Queen Margaret Street is required to improve the connectivity between the development site and St Monans. Without this link the development would effectively function as a stand-alone housing development which is not well integrated or connected to the settlement. The planning obligation is necessary to make the proposed development acceptable in planning terms.

4.5.3 The financial contribution would serve a planning purpose. The contributions would be used to ensure that the development would be connected with St Monans and would not function as a stand-alone housing development. The second test is therefore met.

4.5.4 The requirement for the contributions is established in sections 4.4 above and do demonstrate that the need for the contributions relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area. The third test has therefore been met.

4.5.5 The level of contribution required is as per costings from TDM. The contribution levels are considered to be fair and proportionate to the development. The fourth test has therefore been met.

4.5.6 The need for a contribution towards infrastructure is set out within the Adopted FIFEplan (2017) and the Planning Obligations Draft Framework Supplementary Guidance (2017) and therefore has been established through policy. The contribution is therefore considered reasonable in all other respects. The fifth test has therefore been met.

4.5.7 The Planning Obligations meet all the tests within Circular 3/2012.

CONSULTATIONS

Transportation, Planning Services -

The link road to Queen Margaret Street provides a vehicular route to/ from the development allowing the development to integrate into the village, and maximise connectivity, in line with the requirements of Designing Streets.

REPRESENTATIONS

None

CONCLUSIONS

The link road from Queen Margaret Street is required to improve the connectivity between the development site and St Monans. Without this link the development would effectively function as a stand-alone housing development which would not be in accordance with the six qualities of successful places as set out in FIFEplan Policy 14 and Making Fife's Places. As a new build housing development on the edge of a settlement, there is a policy requirement for it to be successfully integrated and connected with the existing settlement. The contribution towards the link road is required to ensure that the development complies with those policies. The Planning Obligation meets all of the tests within Circular 3/2012 and as such it is considered that this application should be refused.

RECOMMENDATION

The application be refused for the following reason(s)

The justification submitted by the applicant has failed to provide sufficient evidence to set aside the requirement to provide a contribution, comprising the full costs to a maximum of £153,000, towards the required link road. The link road is required to ensure that the approved development is integrated and connected with the existing settlement. As such, the Planning Obligation is required for the development to comply with the Adopted FIFEplan (2017), Fife Council Making Fife's Places Supplementary Guidance (2018) and Planning Obligations Draft Framework Supplementary Guidance (2017).

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance:

Scottish Planning Policy (2020)

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

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

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Development Plan

Adopted FIFEplan (2017)

Fife Council Making Fife's Places Supplementary Guidance (2018)

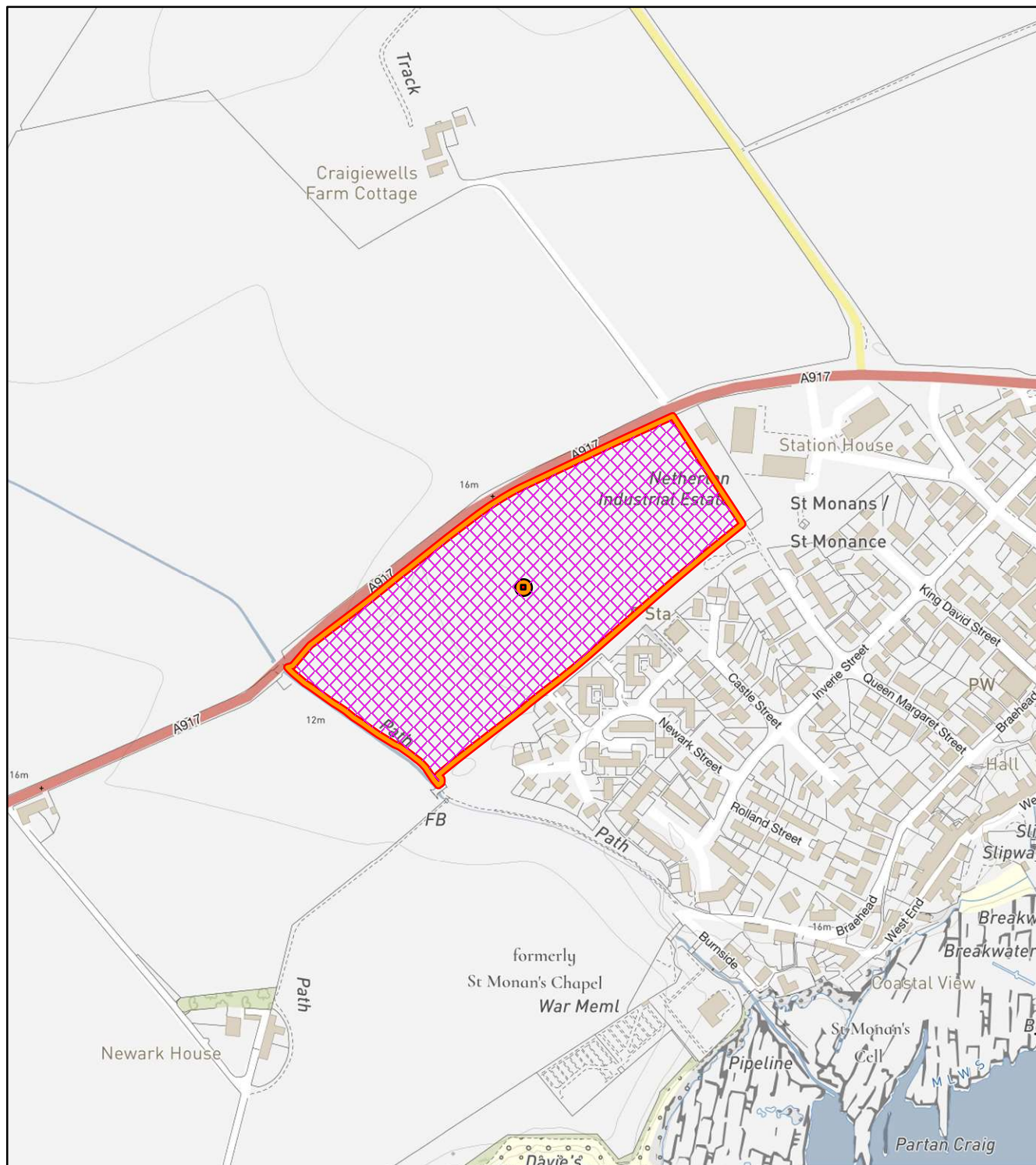
Fife Council Planning Obligations Draft Supplementary Guidance (2017)

Report prepared by Kathleen Illingworth, Case Officer and Chartered Planner

Report agreed and signed off by Derek Simpson, Lead Officer(17.6.21)

Date Printed 04/06/2021

Land South West Of The Manse, Newark, St Monans



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Legend

 Application Boundary

0 25 50 100 150
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Economy, Planning & Employability Services

ITEM NO: 5

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00512/FULL

SITE ADDRESS: LAND AT LADEBRAES WALK HEPBURN GARDENS ST ANDREWS

PROPOSAL : UPGRADING OF EXISTING PATH, INCLUDING WIDENING, ERECTION OF FENCING, INSTALLATION OF BOLLARDS AND SOLAR LIGHTING

APPLICANT: FIFE COUNCIL

WARD NO: W5R18
St. Andrews

CASE OFFICER: Mark Dunlop

DATE 24/02/2021
REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

more than 5 letters of objection have been received.

SUMMARY RECOMMENDATION

The application is recommended for:

Approval subject to conditions

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's 59 and 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority

should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area and 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 site is part of an existing path (approximately 1.5km long section), known as Ladebraes Walk, which runs close to the Kinness Burn. The land has been declared as being within the ownership/control of Fife Council. The part of the path within the defined Hepburn Gardens Conservation Area (HGCA) was included in the related Article 4 Direction, which in effect removed the Permitted Development Rights to allow the Council to carry out resurfacing and path upgrades works without the need for Planning Permission. The Direction was imposed to ensure such works with the potential to change the visual character of the defined area were properly scrutinised to ensure the character and appearance of the conservation area can be properly considered.

1.2 It is proposed to upgrade the existing path and improve access for all. The key works would include some widening/edging improvements to address narrow or sections with pinch-points or where edging has failed/eroded etc. It is proposed to widen the path to a typical width range of between 2.25m to 3.0m with a mix of concrete kerbing and timber edging used to fix and consolidate new edging sections). Other works proposed include laying some new path material/resurfacing (6mm golden gravel on a bonded surface); the addition of timber horizontal lined post fencing/balustrades (1.4m high); removable bollards installed to replace restrictive barriers at key locations; installing park bench style seating; low level blue/white signage typically no greater size than 30cm; ground level solar powered 10mm diameter disc style lighting with bat hats to further reduce upward glare as well as some drainage improvements. A new 30 metres long link route path is proposed, however it is not proposed to extend the start/end points of Ladebraes Walk through this planning application.

1.3 Members should note that a request to carry out Tree Works within a Conservation Area (TCA application) along or immediately adjacent to the route itself was submitted (application reference 20/03094/TCA) in December 2020. The request was to carry out tree works to fell 7 trees and selectively prune 19 trees (including 7 out with the Conservation Area). The request was considered by the Council's tree officer who approved the requested works on 25th January 2021 prior to this application being submitted for consideration in February 2021. No additional tree works are proposed under this planning application.

1.4 The land affected is part of an existing Green Network Asset and is designated as Protected Open Space as defined in the Adopted FIFEplan – Fife Local Development Plan (2017). It is located adjacent to but outwith Local Nature Reserves. The path is also located adjacent to several listed buildings but does not fall within the curtilage of any.

1.5 There is no relevant planning history for the site other than the recently approved works to trees within a conservation area (TCA) application as outlined in paragraph 1.3 above.

1.6 The application is supported by the submission of fencing/balustrade details, technical construction specifications for the path (including sections and plans), details of benches, lighting, signage and a photographic survey at key locations. All signage proposed has deemed consent under the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

as the majority of signage relates to direction way markers which are exempt from additional related permissions.

1.7 The application was advertised in The Courier in the 4th March 2021 edition for Neighbour Notification purposes as well as to advertise a development proposal within the Conservation Area. The standard 21-day period to make written representations was imposed. The Neighbour Notification advert was to publicise the application to landowners adjacent to the site boundaries where no notifiable address was evident. Those neighbours who did have a notifiable postal address were issued notifications dated 25th February 2021.

1.8 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 application.

1.9 Fife Council as Planning Authority, as set out in Section 149 of the Equalities Act 2010, is required to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Fife Council as Planning Authority considers that the proposed development, which seeks to upgrade and improve access to an existing path, would not prejudice any persons of any protected characteristic. As such it is considered that Fife Council as Planning Authority has had due regard to Section 149 of the Equalities Act 2010.

2.0. Assessment.

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

- a) Design and Impact on Conservation Area
- b) Impact on Built Heritage (Setting of Listed Buildings/Archaeology)
- c) Impact on Natural Heritage
- d) Impact on Infrastructure / Access
- e) Residential Amenity

2.2. Design and Impact on Conservation Area.

2.2.1 Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the Planning Authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Scottish Planning Policy (Revised 2020) (SPP), Policies 7 and 9 of TAYplan2 – Strategic Development Plan 2016-2036 (2017) and Policies 1, 10 and 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) apply in this respect. SPP seeks to promote successful sustainable places with a focus on low carbon place; a natural, resilient place; and a more connected place. The SPP promotes the use of the plan-led system with plans being up-to-date and relevant, thus reinforcing the provisions of Section 25 of the Act. Policy 7 of TAYplan2 advises that development proposals should consider the sensitivities of amongst others listed buildings and conservation areas, whilst Policy 9 advises that proposals should safeguard the integrity of historic assets. Policy 1 of FIFEplan imposes a general requirement that development which is acceptable in principle must comply with other relevant local plan policies and that proposals must

safeguard the characteristics of the historic environment including archaeology. Policy 1 also supports the principle amongst others of development within defined settlement boundaries. Policy 14 advises that development will not be supported if it would harm or damage the character or appearance of a Conservation Area, having regard to the relevant Conservation Area Character Appraisal.

2.2.2 The Hepburn Gardens Conservation Area Appraisal and Management Plan (2014) (HGCAAMP) notes that the Ladebraes Path is "a popular route used by locals and visitors". The details of the proposal are set out in the applicant's submission 'Drawing 02' and are also summarised earlier in this report in paragraph 1.2. The development primarily involves re-surfacing and widening to improve the quality and enhance access for all. Sections of path improvements in places/stretches as outlined in the submitted plans along with the erection of some fencing, removable bollards replacing access limiting metal barriers, the installation of lights in the surface of the path along with direction signage etc. are all physical works using traditional finishes and are considered to be small scale, discrete and minimalist in terms of scale of intervention and would not harm the rural qualities of the path and its wider woodland/parkland setting. Likewise, the small new 30 metres long section would replicate the path design and would improve access arrangements along that section. Overall, the proposed elements are also considered acceptable in terms of scale and location and ultimately would not harm the character or appearance of the HGCAAMP. The proposed materials for surfacing/widening/edging and fencing/balustrades/bollards/signage are of traditional construction, small-scale and are considered appropriate for use in the Conservation Area and would comply with the requirements of Policies 1, 10 and 14 of FIFEplan.

2.3 Impact on Built Heritage (Setting of Listed Buildings/Archaeology) Interests

2.3.1 Under Sections 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the Planning Authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area and 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.

2.3.2 SPP (Valuing the Historic Environment) advises that the planning system should promote the care and protection of the designated and non-designated historic environment (assets, settings and landscape) and its contribution to sense of place, cultural identity, and enable positive change in the historic environment, which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Proposals should protect and enhance amongst others listed buildings and their setting and they should have high standards of design, detailing and choice of finishing materials. Further to this, proposals should also maintain and enhance the visual amenity of their setting, and changes should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting and ensure its special characteristics and protected, conserved or enhanced. The policies of the Development Plan follow on from the guidelines set out in SPP and the Historic Environment Policy for Scotland (2019) document, both of which indicate that development that fails to preserve or enhance the character or appearance of the area should normally be refused planning permission. Development that does not harm the area, building or its setting should be treated as being one, which preserves the areas/buildings character or appearance. The SPP also sets out the government's policy in relation to the issue of archaeological investigation on both protected and potential archaeological sites. Planning authorities should protect archaeological sites and monuments as an important, finite and non-

renewable resource and preserve them in situ wherever possible. PAN 2/2011 also provides further advice and guidance on archaeological issues.

2.3.3 TAYplan2 Policies 7 and 9 again reiterate the need to protect and enhance historic assets such as listed buildings and their setting as well as Conservation Area as these are important finite resources

2.3.4 Adopted FIFEplan Policy 1 (Part B (10)) and Policy 14 (Built and Historic Environment) advise that proposals should safeguard the characteristics of the historic environment including archaeology, proposals should not lead to a significant visual detrimental impact on their surrounds, and new developments must meet the 6 qualities of successful places - distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around and beyond. Development proposals must meet a number of criteria including the avoidance of loss of valuable cultural, tourism and community resources. Further to this Policy 14 also advises that development, which protects or enhances buildings or their setting, or other built heritage of special architectural or historic interest, will be supported. Policy 14 also advises that all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Unforeseen remains discovered during development should be brought to the attention of Fife Council and appropriate investigations duly carried out. PAN 2/2011 provides further guidance and advice on archaeological matters.

2.3.5 In assessing this proposal consideration was given to the potential impact on the 11 recorded 'C' Listed Building entries or their setting, which are located adjacent or close to the path (at Plash Mill; Lawmill and cottage; Law Mill over Kinness Burn; Hepburn Hall; and 2/18/18A/20/100/104/106 Hepburn Gardens); and 1 'B' Listed Building (at 102 Hepburn Gardens including boundary walls and gate piers). Whilst other Listed Buildings are recorded nearby, they are separated from the application path route by intervening non-listed properties.

2.3.6 The Council's Archaeologist was consulted, and they advised that whilst the Lade Braes has potential archaeological interest this mostly relates to the 900-year-old infilled ditch with a Victorian pipe in the bottom carrying water which is still live today. The officers advise that the Lade Braes was cut in about 1140 as a lade/leet open water channel to feed the Augustinian priory erected within the cathedral precinct between 1138 and 1141. The water course flushed the monastic latrines and powered the priory mill. The water course is still live today as there is still water flowing through the monastic latrines today.

2.3.7 In this instance the proposal is considered acceptable and would have no detrimental impact on built heritage assets as it would be suitably distant from listed buildings and their settings as well as being suitably distant from noted archaeological assets. Further to this, the proposals are also considered acceptable as they would be predominantly screened by natural intervening vegetation or topographical features and the works would be relatively minor in scale and low level and therefore would comply with the above relevant policies.

2.4 Impact on Natural Heritage

2.4.1 The SPP (Valuing the Natural Environment) advises that the natural environment is a valued national asset offering a wide range of opportunities for enjoyment, recreation and sustainable economic activity. Planning therefore plays an important role in protecting, enhancing and promoting access to our key environmental resources, whilst supporting their sustainable use. The planning system should facilitate positive change whilst maintaining and enhancing the distinctive landscape character; conserve and enhance protected sites and species; take account

of the need to maintain healthy ecosystems; and protect and enhance semi-natural woodland as an important and irreplaceable resource together with other native or long-established areas with high nature conservation or landscape value. Planning should also seek benefits for biodiversity from new developments where possible including the restoration of degraded habitats, whilst avoiding the further fragmentation or isolation of habitats; and, support opportunities for enjoying the natural environment. Further to this the SPP also advises that woodland is an important and irreplaceable national resource along with hedgerows, woodland and individual trees (these issues having been considered when the TCA application was considered). Overall, proposal of sufficient scale that would have an unacceptable impact on the natural environment should be refused.

2.4.2 TAYplan Policies 7, 8 and 9 advise that proposals should amongst other matters protect and enhance natural environment assets, green networks and spaces and the wider natural environment. Proposals should take account of protected sites and species and provide for new or improved natural environments. PAN 51 and 60 also provide further advice and guidance on environmental protection and natural heritage issues.

2.4.3 FIFEplan Policy 1 Part B criterion 9 protects against the loss of natural resources, such as designated nature conservation sites. Policy 13 of FIFEplan advises that proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of international and national importance. Fife Council's Making Fife's Places also provides detailed advice and guidance on ecological considerations to comply with Policy 13 as well as ensuring proposals should, amongst a range of subject matters, consider ecological and natural heritage impacts from the outset and demonstrate, where appropriate, that appropriate mitigation has been designed in.

2.4.4 Fife Council's Natural Heritage officer has been consulted and has advised that there are protected species recorded for the general area and along the watercourse itself and they need to be taken into account if works were to impact them (e.g. bats, otter, red squirrel and badger). Any footpath widening involving vegetation removal or tree felling should avoid the bird breeding season or again have pre-works inspections carried out by suitably qualified specialists. Any lighting installed should be designed to minimise impacts on wildlife and bats.

2.4.5 As detailed in section 1.3 of this report all tree works were approved under application 20/03094/TCA and therefore no tree felling or tree works or the associated impact on wildlife fall within the scope of this planning application. A condition is proposed to ensure that no works take place within the bird nesting season.

2.4.6 In relation to any impact on existing trees Fife Council's Tree officer has been consulted on this application and has advised that a tree protection plan is required, including specific details, to provide sufficient information to mitigate concerns about the impact of the development on existing trees where the widened path could encroach on tree roots. A condition is attached to this effect.

2.4.7 It is considered that the proposal is acceptable as it would not significantly impact on any protected species or natural heritage assets; there would be no detrimental impact on any designated ecological habitat areas either within or close to the site; the proposal would improve access for all to enjoy the wider environmental quality and bio-diversity of the site; and, no trees not already consented would be lost or have further works carried out. Further to this, the proposed works are considered small-scale and localised to an existing footpath rather than wholly new development and therefore the proposal would not have a significant detrimental impact on

the natural heritage assets of the area to merit a refusal. Any tree or shrub works proposed would only occur once the standard pre-works checks for wildlife have been carried out and the external lighting would have 'bat hats' included to reduce up light spillage. The proposal is therefore considered to comply with the above related policy and guidance criteria.

2.5 Impact on infrastructure / Access

2.5.1 TAYplan Policies 8 and 10, and Policies 1, 3 and 13 of FIFEplan apply in this respect. TAYplan policies support green networks and active travel routes especially those involving the use of non-vehicular methods of transport and those that enhance healthy lifestyle opportunities. Policy 1 of FIFEplan imposes a general requirement that development which is acceptable in principle must comply with other relevant local plan policies. Policy 3 supports development that provides for or enhances safe access routes which link with existing networks, including those for walking and cycling whilst utilising the guidance within Making Fife's Places Supplementary Guidance. Further to that the policy also advises that infrastructure and services such as access networks are important community resources and should not be lost. Policy 13 requires that development will be supported where it will protect or enhance assets including green networks, core paths, cycleways, bridleways, existing rights of way, established footpaths etc. Further to that, this policy also advises that the natural environment should also be protected at all times.

2.5.2 In assessing this proposal the Council's Transportation Development Management (TDM) officers were consulted and raised no objections to the proposal nor did they recommend any conditions. They have advised that they are satisfied that the proposed works would improve the safe use of the path for all users. Officers noted that the works would be phased along the route to minimise disturbance to the public use and adjacent residents; signage would be erected in advance of works to inform the public of temporary works with alternative walking routes provided is required at any stage along the route.

2.5.3 In this instance the proposal is considered acceptable. In this case there would be no material change of use of the land contained within this proposal. The proposal is for work to improve the existing green network physically and enhance the opportunities for all in society to enjoy the path and its surrounds in a safe and barrier free environment. As part of the applicant's submission a detailed photograph survey was provided which clearly justifies areas where path works are essential due to a combination of factors. Such issues include amongst others, erosion, unacceptable uneven surfaces, pinch-points or path narrowing (due to vegetation growth or simply due to erosion etc.) or areas where flooding/water pooling occurs or barriers or other obstructions could be removed/replaced or overcome to improve access for all users/abilities. As the proposed works would protect and enhance the existing green network and enhance the safety of users as well as enhance the access opportunities for all, then the proposal is considered to comply with the relevant criteria contained within Policies 1 and 13 of FIFEplan.

2.6 Residential Amenity

2.6.1 Adopted FIFEplan Policy 10 (Amenity) advises that development will only be supported if it does not have amongst others listed a significant detrimental impact on the amenity of existing land uses. Proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to a number of factors such as noise and light or other nuisances; loss of privacy; or the visual impact of a development on the surrounding area. Where potential amenity impacts are identified the relevant mitigation measures will be required to be implemented by the developer to an agreed timetable and specification. The actions required to mitigate or avoid amenity impact will vary according to the circumstances in each case but will include measures

such as landscape buffer strips between incompatible uses, separation distances, noise attenuation screens or fences, and bunding.

2.6.2 In this instance the proposal is considered acceptable as it would remain within the same land use category and would not significantly reroute or bring closer the publicly accessible path to any adjacent residential third parties to undermine their exiting enjoyment and amenity levels within their own properties including the new 30m long alternative section. In terms of potential light pollution, the lighting would be low intensity and positioned at ground level so only to act as easy on the eye edge of path direction lighting. It is considered that this proposal overall would meet the above policy criteria and would not undermine local amenity.

CONSULTATIONS

Community Council	Objections – no environmental assessment or safety audit provided. Impact on protected species; tree loss; conflicts between users; additional hazards being proposed. Whilst maintenance welcome it is less so when it would turn it into a multi-track highway where walkers cannot be allowed a small section free from other modes/bicycles etc as was the initial intention of the walk.
Scottish Water	No objections.
Trees, Planning Services	Tree works approved in January 2021 under TCA approved works. Condition required to ensure no adverse impact on existing tree roots
Natural Heritage, Planning Services	No objections subject to no works during bird nesting season.
Transportation, Planning Services	No objections.

REPRESENTATIONS

31 objections have been received including one each from the Community Council and the Preservation Trust.

Material matters in objection:-

-Concerns raised regarding insufficient detail provided about the location of fencing, lighting and bollards etc.

In this instance it is considered that sufficient detail has been submitted including drawings and product specifications to identify the location and nature of all proposed works and allow consultees and officers to assess and make the appropriate recommendation to Members.

-A safety audit has not been submitted.

In this instance as there is no material change of use of the land in planning terms, only the physical alterations to the path and the provision of fencing, lights and bollards and other associated features etc. A safety audit would not be required for planning purposes. Whilst it is noted that there is a general concern about the safety of users and the potential competing interests between different users such as pedestrians and cyclist, that is not a material consideration in planning terms as the planning system cannot be held accountable for the actions or behaviours or otherwise of such users. Currently there are no recorded restrictions on usage and therefore cyclists could technically use the route where accessible to them now, however, the path improvements proposed would result in greater opportunities and space to enhance access.

Further to the above, the applicant has confirmed that a full Equality Impact Assessment was carried out prior to submitting the application. The assessment considered the existing and proposed designs, layouts and alterations proposed etc. under the duty of care requirements imposed on the public sector as per Section 149 of the Equalities Act 2010. The conclusion of that consideration assessment was that the proposal would improve the route for all.

-Light pollution was also raised as a concern given the more rural remote character of the area.

In this instance the lighting would be low level and not high intensity and would have 'bat hats' on to reduce further upward light spillage and therefore would not cause enough light pollution to undermine the character of the area or the ecological interests to merit a refusal in planning terms.

-Some documents are not accessible.

In this instance checks were made to all public documents and there were accessible. If any online searches were conducted during IT system upgrades or back-ups then the normal standard warning messages would be flagged and users would be encouraged to revisit the site later.

-The proposal will adversely affect amenity.

In this instance the proposed land use would remain the same and therefore there would be no significant changes in amenity provision currently enjoyed by adjacent sensitive receptors. The path is not being lengthened, no new uses are proposed, lighting would be low level and low intensity, no noise generating factors would be created and no significant deviations or amendments to the original routing closer to third parties would result.

-There will be an adverse impact on wildlife.

The Council's Natural Heritage officer has provided comments and observations regarding implementing best practice and prestart surveys. Full details are outlined in paragraph 2.4 above. No objections have been lodged and as the Council are applicants and the applicant Service often work in the natural environment this Service is satisfied that the correct processes and procedures to protect the natural heritage at all times will be adhered to.

-Adverse impact on trees.

The potential impact on trees along the route was considered as part of the request in December 2020 for tree works within the Conservation Area and it was deemed under separate assessments to this application that the tree works were acceptable and necessary and were supportable to result in them being approved in January 2021 – see paragraph 1.3 above.

Non-material matters in objection:-

-Lack of an environmental statement.

An environmental statement is not required for the type and scale of development proposed at that particular location. The works only require express planning permission because of the Article 4 Direction affecting the Conservation Area. Therefore, provided that the impact of the development on the character and appearance of the Conservation Area is assessed, any impact on the environment would be negligible.

-Not all landowners' names are on the land ownership certificate.

The Council as landowner/custodian of the areas classed as Common Good land also notified all adjacent neighbours/landowners where notifiable addresses were recorded. For those where such an address was not recorded, an advert was placed in The Courier as is required by national legislation. The application was also advertised as proposed works within a Conservation Area. It is therefore considered that all reasonable attempts have been made and all necessary advertisements placed to allow the planning authority to notify and assess in a competent manner the proposal before them. Should any third party wish to challenge this they can do so under civil law without affecting the council's ability to determine the planning application. The query raised regarding land ownership/inclusion of Common Good Land has been discussed with the Council's legal officers who have advised that Common Good Land is owned by the Council but there are clearly restrictions on what the Council can do with Common Good property, and it has to be accounted for separately, but it is owned by the Council. Ultimately, it is in trust for the wider community.

-The shared use of the path by pedestrians and cyclists is inherently unsafe.

In this instance this has been considered earlier in the report. Cyclists and pedestrians are permitted to use the path at present but as a result of the proposed improvements these would improve the access infrastructure for all users by improving the surface material, widen pinch points and narrow sections with limited passing opportunities all to the safety benefit of all users. Again, whilst it is appreciated that in order for all to enjoy safely and without potential safety conflicts each type of users should act and be respectful of each other and abide by their respective parts of the Highway Code. Again, the planning system cannot legislate for the actions and behaviours of such users, so this is not a material matter in assessing the merits and acceptability of this application.

Matters in support:-

Two comments have been made in support of the proposal in broad terms, noting that a shared pedestrian/cycle path is desirable.

CONCLUSIONS

The proposed development is considered acceptable in terms of protecting and enhancing the character and appearance of the Hepburn Gardens Conservation Area, the established existing Green Network, the setting of adjacent listed buildings, the lack of detrimental impact on local amenity in planning terms, and the impact on access in terms of the existing valuable community resource. The proposal would result in improvements to an established and well used route whilst enhancing safety and access for all in society and would not undermine or detrimentally affect the woodland character or natural heritage assets already present. 31 letters of representation were received, their comments noted and assessed earlier in this report. The proposal is therefore considered to comply with the terms of the Development Plan.

RECOMMENDATION

It is accordingly recommended that the application be approved subject to the following condition(s):-

1. No tree works or scrub clearance shall occur on site from 1st March through to 31st August each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, suitable bird/bat surveys shall be carried out by a suitably qualified ecologist covering the proposed clearance area and shall be submitted to and approved in writing by this Planning Authority before those clearance works commence. Once written approval has been given the works themselves should be carried out within a specified and agreed timescale.

Reason: In order to avoid disturbance during bird breeding seasons and the habitats of other protected species.

2. Prior to the commencement of development, a tree protection plan shall be submitted for the approval of the planning authority. This plan shall show where the footpath impinges into the root protection area and shall include details of measures to protect tree roots. The plan shall include details of a geotextile membrane to be used where the path enters the root protection area and details submitted on how this will be achieved and executed by a qualified arborist.

Reason: In the interests of natural heritage; to ensure that all trees worthy of retention are satisfactorily protected.

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 (Revised 2020)
Historic Environment Policy for Scotland (2019)
Equality Act 2010

Development Plan
Approved TAYplan2 – Strategic Development Plan 2016-2036 (2017)

Adopted FIFEplan - Fife Local Development Plan (2017)

Other Guidance

Hepburn Gardens Conservation Area Appraisal & Management Plan (2014)

Report prepared by Mark Dunlop (Chartered Planner)

Report agreed and signed off by Derek Simpson, Lead Officer (17.6.21)

Date Printed 11/06/2021

Land at Ladebraes Walk, Hepburn Gardens, St Andrews



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Legend



Application Boundary

0 40 80 160 240
m



Economy, Planning & Employability Services

ITEM NO: 6

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00644/FULL

SITE ADDRESS: 37 CANT CRESCENT ST ANDREWS FIFE

PROPOSAL : ONE-AND-A-HALF-STOREY EXTENSION TO FRONT OF DWELLINGHOUSE

**APPLICANT: MR ALLAN KERR
37 CANT CRESCENT ST ANDREWS FIFE**

WARD NO: W5R18
St. Andrews

CASE OFFICER: Kirsten Morsley

DATE 12/03/2021
REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 letters of objection have been received from third parties and St Andrews Community Council has objected as a statutory consultee

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 BACKGROUND

1.1 The application relates to a modern two storey detached dwellinghouse located on Cant Crescent, which is situated within an established residential area of St. Andrews. The dwellinghouse is part of a modern housing scheme approved in 2001 under planning consent 01/01770/EFULL. Surrounding dwellings have the same general style and have matching external finishes, however there are different house types, and sizes and the street typology is varied. The site is located on the section of Cant Crescent where the road narrows to a single lane shared surface with no footpaths. There are two feature 'L' shaped 2 story dwellinghouses at right angles to the entrance of this road. The road extends for a short distance from here and terminates just beyond the application property at a hammerhead where there is visitor parking for four cars and a further narrower private lane which serves another 3 properties. The dwellinghouse is set well back from the road, the front garden is open plan, is of a good size, and includes a detached garage measuring 6.0 metres by 6.0 metres in size, and a drive which can accommodate 3 cars. The site curtilage is bordered by private rear gardens to the south-west, other residential property to the north-west and north-east, and Craigtoun Road to the south-east.

1.2 Planning consent is sought for a 1.5 storey extension to the front of the dwellinghouse. The extension would provide for two large garages on the ground floor and a studio space on the first floor. This application is an amended submission following the withdrawal of application 20/01225/FULL and the refusal of application 20/02185/FULL.

1.3 Application 20/01225/FULL was for a two storey front extension, with a height ranging from 7.7 metres to 8.5 metres to ridge and a length of approximately 13.6 metres (as measured from the front door). Application 20/02185/FULL was also for a two storey front extension, but with a height ranging from 6.9 metres to 7.7 metres to ridge and a length of approximately 13.6 metres (as measured from the front door). This revised scheme includes additional design changes.

1.4 The proposed extension has been changed to 1.5 storeys and would have a height ranging from 5.6 metres to 6.3 metres to ridge. In addition, further changes have been made post submission in a response to the concerns raised by objectors. The additional revisions are summarised as follows,

- the length of the extension has been cut back to 11.7 metres (as measured from the front door) and the width of the garage section has been reduced by 0.5 metre.
- the garage doors have been reduced in width from 4.8 metres to 4.2 metres.
- the garage has been moved back 0.8 metres from the north-west mutual garden boundary shared with 39 Cant Crescent.
- the two first floor windows on the existing south-west gable wall have been removed.
- the 3 rooflights proposed on the front elevation have been replaced with 3 sun tunnels.
- the velux rooflight proposed for the north-east elevation has been re-designed.
- the extent of hardstanding within the front garden has been reduced.
- the boundary fence to the front of the garage gable wall has been removed.

1.5 There is no other planning history relevant to the dwellinghouse other than the applications noted above.

1.6 A physical site visit has not been undertaken as the site was visited for the 20/01225/FULL application. 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 this proposal.

2.0 PLANNING ASSESSMENT

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

- Design and Visual Impact
- Residential Amenity
- Road and Pedestrian Safety

2.2 Design and Visual Impact

2.2.1 Policies 1 and 10 of the Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Home Extensions (2016) apply to this application.

2.2.2 FIFEplan Policies 1 (Development Principles), and 10 (Amenity), require all new development to be placed where the proposed use is supported by the Local Development Plan and for it to be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area.

2.2.3 Making Fife's Places Supplementary Guidance sets out Fife Council's expectation in the role of good design, by evaluating a successful development under the 6 qualities of a successful place. Fife Council will apply the six qualities of successful places when considering development proposals on all new development, no matter how small, where relevant. A development which is appropriately located and understands and respects/reflects the pattern of the local built context in terms of building height, scale, built form and which enhances the character of an existing building and area by using appropriate materials and details will be supported.

2.2.4 Fife Council's Planning Customer Guidelines on Home Extensions (2016) expands on those policies highlighted above and outlines in more detail what the design expectations should be. House extensions should be appropriate in scale to the existing dwellinghouse, be subsidiary to the existing dwellinghouse and not over dominate or detract from other nearby buildings. A house extension should also complement a building's character and not look out of place.

2.2.5 Six letters of objection and a statutory consultee objection from the St. Andrews Community Council, were received and raised concerns with the design and visual impact of the proposal. The objector's comments relate to the application as first submitted and not to the revised proposal. They considered the nature and scale of the proposed extension to be inappropriate, over-sized, over-ambitious and out of keeping with the character of the area. They expressed that the build would be an over-development of the site, it would be far too large in height and massing, it would dominate the approach into the cul-de-sac and it would un-balance the visual ambience of the street. The objectors also highlighted that they were not supportive of; the use of velux rooflights, the incorporation of large garage doors, the addition of fencing on the service strip, or to the loss of front garden ground to parking and garaging, as all combined with

the scale of the build would, they contend, have a significant negative visual impact on the estate and if supported would set a dangerous precedent for future development within the area.

2.2.6 Policy 10 of the Adopted FIFEplan and Making Fife's Places Supplementary guidance states that development will only be supported where it is well located and respects/reflects the pattern and character of the local built context in terms of building height, scale, built form, details and materials and where it will protect and positively contribute to the overall streetscape. Fife Council's Planning Customer guidance highlights the need for an extension to be of an appropriate scale and to be subsidiary to the main dwelling and to not dominate or detract from other nearby development.

2.2.7 It is clearly evident that the design of the extension aims to reflect the design approach used on the two 'L' shaped houses located at the entrance of this narrowing of Cant Crescent (numbers 29 and 31). It can be argued that an extension which has matching materials to the existing property and reflects a form of design which has already been implemented on site should in principle be supported, provided due consideration is given to the prevailing site context. Whilst in certain circumstances this will not always appropriate, in this case it is considered that a build of this nature could work on this site with some design adaptation and sensitivity to building scale.

2.2.8 Notwithstanding the above, whilst this submission is significantly lower in height to the earlier submissions, the concerns raised by the objectors had legitimate validity and it was the view that significant design changes were still required before a recommendation for approval could be supported. As noted under paragraph 1.4 the design changes which have now been made in relation to design and visual impact post submission have been significant. The extension length was considered too long, out of scale and dis-proportionate with the existing dwellinghouse and this has been reduced to 11.7 metres. This would ensure that the build would not protrude more than 1.0 metre beyond the side gable wall of the existing garage and would not encroach onto the service strip. The width of the garage extension has also been reduced by 0.5 metre. The garage doors have been reduced in size from 4.8 metres to 4.2 metres which would match the size of the existing garage door. All the velux rooflights have been removed from the proposals. They have been replaced with sun tunnels and an alternate glazed roof detail, all of which, it is considered, would be in keeping with the existing character of the dwellinghouse and area. The extent of hardstanding to the front garden has also been reduced to limit the amount of garden ground that would be lost to parking. Finally, the boundary fence located off the garage gable wall by the service strip has also been removed so that the front garden remains open-plan, as the housing site was originally designed.

2.2.9 The roof to the extension would comprise of a simple pitched roof with two dormers which would mirror other builds within the street. The height and design of the roof is considered acceptable, not overbearing, and sufficiently subsidiary to the height of the main dwellinghouse. The reduction in the extension length and width, the reduction in the garage door dimensions and the design changes made to the roof windows and parking layout have enhanced the build and it is the view it would now respect the character and appearance of the existing dwellinghouse and the surrounding street context.

2.2.10 In light of the above, and subject to the inclusion of suitably worded conditions to secure material finishes the proposal is considered appropriate to the style and character of the existing dwellinghouse, would respect the pattern of the local built context and as such would fully comply with Development Plan policy and all its related guidance in relation to Design and Visual impact.

2.3 Residential Amenity

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

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

2.3.3 Fife Council's Planning Customer Guidelines on Daylight and Sunlight advises that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and that unacceptable impacts on light to nearby properties are avoided. The Planning Authority's guidelines apply The Building Research Establishment (BRE) criteria where new development affects natural light to existing properties.

2.3.4 Fife Council's Planning Customer Guidelines on Garden Ground and Home Extensions advise that all new and existing residential properties shall be served by in curtilage garden ground sufficient in quantity, quality and usability to provide for the normal needs and activities of existing and future residents and to retain proper space standards between buildings. The Garden Ground Guidance also advises that all new development should not take up more than 25% of the original usable private garden ground.

2.3.5 Fife Council's Planning Customer Guidelines on Home Extensions includes a table showing the minimum window to window setback distances according to their angle for plain glazed windows. A setback of 18 metres for facing windows would ensure a satisfactory degree of privacy and should be maintained between dwellinghouses.

2.3.6 Six letters of objection, and a statutory consultee objection from St. Andrews Community Council, were received in relation to residential amenity concerns. The comments relate to the application as it was first submitted and raise concerns regarding, overlooking/loss of privacy, over-development, overshadowing of gardens, loss of daylight to windows and encroaching too close to a neighbour's garden boundary. Concerns were also raised that the extension would be used for commercial purposes, that there would be nuisance, noise, dust and disruption during its construction, and the proposal would breach the restrictive covenants placed on the existing dwelling's title deeds.

2.3.7 Property owners at 39 and 41 Cant Crescent objected to the first floor windows proposed on the dwelling's south-west gable wall as these windows, despite being obscurely glazed, would have a significant impact on their current privacy and perceived privacy levels within their gardens and habitable living spaces. They also contended that the height and massing of the build would overshadow their rear gardens and impact on daylight to their ground and first floor windows. Property owners at 18 Cant Crescent objected to the proposed rooflights which they say would impact on their privacy levels and they also raised concerns that the build appears larger in footprint than the earlier refused application. The owner of 39 Cant Crescent expressed that the placing of the extension just 300 mm off his north-east rear garden boundary would not be acceptable as the build would encroach over his land, result in the loss of his boundary fence

and plants, and would not ensure adequate access for construction or space for maintaining the extension in the future.

2.3.8 The issues regarding overlooking/loss of privacy and the encroachment of a neighbour's boundary have all been addressed with the submission of revised drawings as noted under paragraph 1.4. All windows and rooflights which raised concern have been removed and the extension has been set back from the south-west garden boundary by 0.8 metres. Two 25 degree daylight assessments were carried out in relation to properties 39 and 18 and the proposals are fully compliant with the BRE guidance in this regard. Whilst there would be some overshadowing at the end of the rear garden of 39 Cant Crescent in winter and summer, given the orientation of the proposed extension this would only occur in the early morning and therefore would not be considered of material concern. With the reduction in the length and width of the extension the build in terms of overall footprint is less than what was proposed under the earlier refused application. The submission is considered compliant with garden ground policy, given the rear garden would not be affected by the proposal. The overbearing and outlook concerns which were highlighted in the earlier submissions have been fully addressed in this submission with the reductions made in the building height and footprint and it is the view that this revised proposal would not adversely impact on the outlooks from properties 16, 18, 39 and 41 Cant Crescent or appear overbearing.

2.3.9 The objectors have stated that the proposed development would be used for commercial purposes in relation to the applicant's car hire businesses. If this were to be the case, they feel that the increased activity associated with a business use of this nature would have a significant adverse impact on this quiet residential area in terms of amenity through increased noise, disruption, air pollution, drainage, and road safety. Under the earlier withdrawn application, it was advised that the extension would be used to store cars and carry out office duties in relation to the applicant's car hire business. The current application does not confirm what the extension would be used for, however the submission has been made under a householder application whereby the use of the property is strictly under Class 9 Houses.

2.3.10 Concerns raised in respect of nuisance, noise, dust, and disruption during construction works would be short-lived and would not be considered a reasonable reason to refuse the application. Title conditions on the title deeds of dwellinghouses are private legal matters and lie out with the remit of this Planning Authority.

2.3.11 Scottish water were consulted on the previous application and advised that they had no objections to the proposal in principle however should the development proposal impact on any existing Scottish Water assets the build may be subject to restrictions on proximity of construction.

2.3.12 In light of the above and subject to the inclusion of suitably worded conditions in relation to safeguarding residential amenity in the longer term, the proposals are considered to fully comply with Development Plan policy and all its related guidance in relation to Residential Amenity.

2.4 Road and Pedestrian Safety

2.4.1 Policies 1, 3 and 10 of the Adopted Fifeplan (2017) and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines apply to this application.

2.4.2 Policies 1, 3 and 10 of the Adopted FIFEplan advise that development must be designed in a manner that ensures that the capacity and safety of infrastructure is not compromised. Support shall be given where development will not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements and which do not exacerbate road safety. Making Fife's Places Supplementary Planning Guidance and its associated transportation guidelines provide further advice in this regard.

2.4.3 The letters of objection received highlight that should the proposal be used for business purposes that the increase in the number of cars using the site would create increased congestion on the narrow access road which has no pavement. This would impact on other road users including service and delivery vehicles, would encourage parking on the road verge which is dis-allowed through the restrictive covenants and this would impact on community safety. Objectors also state that there would be added pressure put onto the limited number of visitor parking spaces which are already in high demand.

2.4.4 The Transportation Development Management Team (TDM) was consulted on this proposal and they have recommended approval. This is because the application has been made under a householder application which already restricts the use of the development to Class 9 Houses. TDM advise that as the existing dwellinghouse has 5 bedrooms and the proposed extension would change this to 4 bedrooms and a studio that the dwellinghouse will continue to require 3 No. off street parking spaces throughout the lifetime of the development and that there is sufficient space within the curtilage to accommodate for this. They further advise that visibility splays of 2 metres x 25 metres to the left and right are currently available at the access junction of this property and that provided these visibility splays are maintained to ensure no obstructions higher than 0.6 metre in height are later added they would have no objections to the application.

2.4.5 In light of the above, and subject to the inclusion of suitably worded conditions in relation to maintaining 3 off-street parking spaces and 2 metres x 25 metres visibility splays the proposals are considered compliant with Development Plan policy in respect of Road and Pedestrian Safety.

CONSULTATIONS

Transportation, Planning Services
Community Council

Approve subject to conditions
Not supportive and consider the proposals an overdevelopment of the site which will impact on residential and visual amenity.

REPRESENTATIONS

6 letters of objection have been received. The concerns raised are summarised as follows,

Design and Visual Impact

- Unprecedented size and height which closely resembles previous submission with no substantial attempt to make significant changes

- Not subsidiary, over dominant and dis-proportionate to other dwellings and is larger in footprint than before
- Will impact adversely on street setting
- Loss of green space in the conversion of the front garden into a 'parking lot'
- Roof lights out of character
- Adverse visual impact of 25 metre long side elevation
- Fence on service strip is not in keeping with the character of the estate

Residential Amenity

- Overshadowing of private gardens and living areas including to neighbours first floor bedrooms
- Decrease in natural daylight will result in an increase use of electricity
- Overlooking/ or feeling of overlooking of private gardens
- Extension is not set back from communal boundary by 1.0 metre (only 300 mm) and there are concerns that the gutter and foundations will encroach into neighbours' gardens and the build will result in the loss of the existing boundary fence and mature plants
- Nuisance, noise, dust and disruption during construction works
- Accommodation will serve a car rental business which is considered not an appropriate use for this residential area. The factor already prohibits trade/business being carried out within this housing area

Road and Pedestrian Safety

- Will create road safety concerns , especially opposite number 18
- There is scarce communal parking on site and there are concerns that the development will put extra pressure on these parking spaces which will impact on trades people and refuse vehicles
- The parking to the front is an inadequate solution, with parking spaces blocking access to the garages
- There are concerns with the increased number of cars the site could accommodate and the manoeuvring of them will be unsafe for residents and small children

These issues are all addressed within the main body of the report.

CONCLUSIONS

The proposed development as revised, is considered acceptable in meeting the terms set out in the Adopted FIFEplan (2017) and other relevant guidance in relation to design and visual impact, residential amenity and road and pedestrian safety and is recommended for approval.

RECOMMENDATION

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

1. All proposed external finishing materials including roofing materials, shall match those of the existing building in size, type, colour, specification and texture unless otherwise agreed in writing with Fife Council as Planning Authority.

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

2. BEFORE THE DEVELOPMENT IS OCCUPED, 3 off-street parking spaces shall be provided within the curtilage of the site in accordance with the current Fife Council Transportation Development Guidelines and shall thereafter be maintained and kept available as such for the lifetime of the development

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

3. BEFORE THE DEVELOPMENT IS OCCUPED, visibility splays of 2 metres x 25 metres shall be provided to the left and right at the junction of the vehicular crossing and the public road and thereafter be maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level, in accordance with the current Fife Council Transportation Development Guidelines.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (as amended April 2021 or any Order revoking and re-enacting that Order) no development within Class 3C beyond that shown on approved drawing 19A shall be undertaken within the front garden of 37 Cant Crescent, St Andrews without the express prior consent of this Planning Authority.

Reason: In the interests of visual amenity, to ensure the extent of hard surfacing shall not be further increased.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (and as amended April 2021 or any Order revoking and re-enacting that Order) no first floor door or window openings beyond those approved as part of this permission shall be formed at any time on the south-west and north-west elevations of the development hereby approved without the express prior consent of this Planning Authority.

Reason: To ensure the amenity of adjoining neighbours is adequately protected

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.

Development Plan

The Adopted FIFEplan (2017)

Making Fife's Places - Supplementary Guidance (2018)

Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines

Other Guidance

Fife Council's Planning Customer Guidelines on Home Extensions (2016)

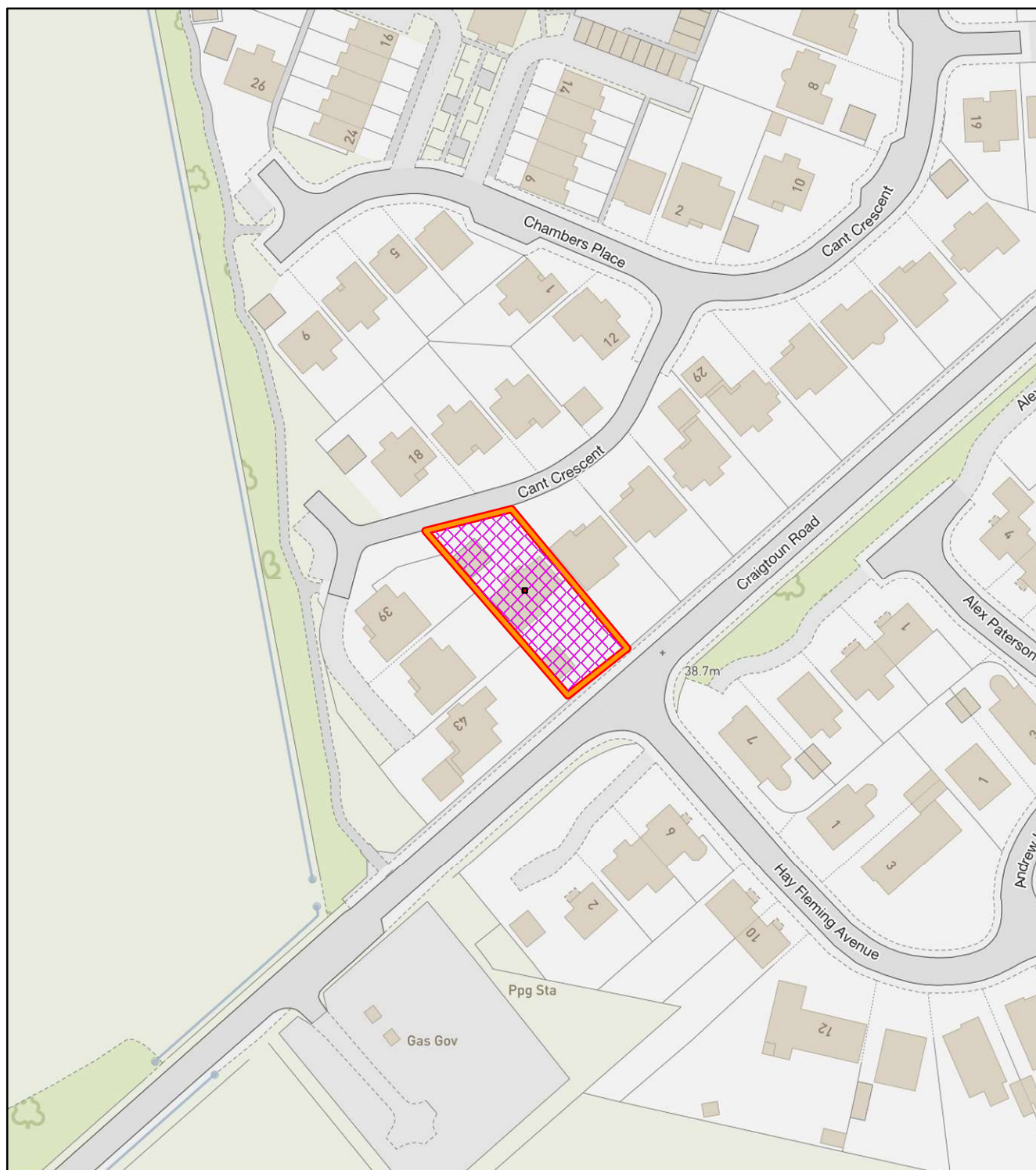
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

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

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer.
Report agreed and signed off by Derek Simpson, Lead Officer 17.6.21

Date Printed 01/06/2021

37 Cant Crescent, St Andrews



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Legend



Application Boundary

0 5 10 20 30
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Economy, Planning & Employability Services

ITEM NO: 7

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00924/FULL

SITE ADDRESS: 61 RUTHVEN PLACE ST ANDREWS FIFE

PROPOSAL : ADDITION OF A FIRST FLOOR TO DWELLINGHOUSE AND EXTERNAL ALTERATIONS

APPLICANT: MS JANE BROOM
61 RUTHVEN PLACE ST ANDREWS SCOTLAND

WARD NO: W5R18
St. Andrews

CASE OFFICER: Kirsten Morsley

DATE 06/04/2021
REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

There is an objection from a statutory consultee

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 BACKGROUND

1.1 The application relates to a single storey modern detached dwellinghouse located within an established residential area of St. Andrews. The dwellinghouse is positioned on a prominent corner at the junction between Canongate and John Knox Road. It is enclosed by roads on three sides and has its private rear garden area facing Canongate. The north side of Canongate is aligned with high hedging and mature trees, beyond which are the private rear gardens serving Trinity Place and Hallowhill. The dwelling's external finishes comprise of a weathered grey coloured concrete roof tile, white washed rendered walls and white UPVC casement windows. Surrounding dwellings vary in height but are of a similar age and style and are detailed with standard pitched roofs, buff and light grey coloured rendered walls and upvc windows. Those dwellings located south and west of the site are single storey, those to the north include 2 storey dwellings, and those to the east include 2 and 2.5 storey dwellings. The site curtilage has a detached single garage and off-street parking for 3 cars.

1.2 Planning consent is sought to remove the existing pitched roof and add a contemporary styled first floor extension to the existing dwellinghouse. The extension would provide for two additional bedrooms and a children's living room/study space. The new flat roof would be skillion shaped, and coloured to RAL 7043 with matching metal flashings, two plateau skylights and a black coloured stove flue (which would be an extension to the existing stove flue). Water goods would be coloured to RAL 7016 (Anthracite Grey). The walls would be rendered and coloured Sky by K-Rend - a light grey colour. The metal window cills, window surround, and feature render panels would be coloured to RAL 7043 (Traffic Grey B). The existing walls of the dwellinghouse would be painted to match the proposed first floor and would include a recessed dividing metal flashing at the junction between the existing and new walls coloured to RAL 7043. All proposed windows and doors would be in PPC (polyester powder coated aluminium) coloured to RAL 7016 (Anthracite Grey) and the dwelling's existing windows and doors would be painted to match this colour. The extension would include two large feature windows on both the south-west and north-west elevations. The large window on the north-west elevation would be on the first floor and would serve the double height kitchen located on the ground floor. There would be no increase in building footprint at ground floor level and the current parking arrangements would remain as existing.

1.3 The colour scheme for the building noted above is different to what was originally proposed. The roof, roof flashings, window cills, and feature wall panels were originally to be detailed in a dark anthracite grey colour but have since been changed to a warmer softer grey. The render to the walls was originally to be a pure white but this has been changed to a light grey colour - Sky by K-Rend. In addition, a first-floor window located on the proposed south-west elevation has also been removed.

1.4 There is no planning history associated with this dwellinghouse other than a pre-application enquiry, reference 21/00066/PREAPP, for a first-floor extension. This earlier enquiry proposed a two- storey extension with a flat roof and a first-floor outdoor terrace and a new garage. This current planning application is significantly different from this initial pre-application enquiry.

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

1.6 All objectors were notified of the design changes made to the submission and were given the opportunity to comment further. They have all confirmed that the changes made do nothing to address their concerns and their objections still stand.

2.0 PLANNING ASSESSMENT

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

- Design and Visual Impact
- Residential Amenity
- Road and Pedestrian Safety

2.2 Design and Visual Impact

2.2.1 Policies 1 and 10 of the Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018), and Fife Council's Planning Customer Guidelines on Home Extensions (2016) apply to this application.

2.2.2 FIFEplan Policies 1 (Development Principles), and 10 (Amenity), require all new development to be placed where the proposed use is supported by the Local Development Plan and for it to be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area. Policy 10 highlights that proposals must demonstrate that they will not be significantly detrimental to the visual amenity of an area.

2.2.3 Making Fife's Places Supplementary Guidance sets out Fife Council's expectations in respect of design and requires all new development, no matter its scale or location, to meet the 6 qualities of a successful place as set out Scottish Planning Policy 2020. The qualities of a successful place are noted as, Distinctive, Easy to move around, Safe and pleasant, Adaptable, Welcoming and Resource efficient. Of relevance to this site is the quality 'distinctive'. The guidance states that new development will be supported where it is appropriately located and where it respects the pattern of the local built context and where it relates well to the nearby buildings in terms of building height, scale, form, and character and uses appropriate materials and details. The guidance is also fully supportive of good quality contemporary design solutions as an alternative to 'safe options' both in historic settings as well as elsewhere. It notes that contemporary designs can, if located in the right place, create distinctive places which can enhance and give a sense of identity to a site and/or area.

2.2.4 Fife Council's Planning Customer Guidelines on Home Extensions (2016) expands on those policies highlighted above and outlines in more detail what the design expectations should be.

2.2.5 This application has received four objections, and a statutory objection from St. Andrews Community Council, and it has also received 8 letters of support. St. Andrews Community Council have described the proposal as 'aggressively modern in both shape and fenestration and totally out of character with the area'. They also consider the large first floor windows oversized and visually overpowering. Other objectors contend that the proposal would be an overdevelopment of the site and would be out of keeping with the character of the surrounding area. The letters of support contend that the proposal is 'suitably elegant and sympathetic, 'reminiscent of the Kilrymont building (Madras College) and is a 'notable bastion of good design'.

Other comments describe the extension as being a 'beautiful modern design' and 'will add to the aesthetics of the local area'.

2.2.6 A supporting design statement from the agents, Richard Keating Associates, and a supporting Planning Statement from Planning Consultants Andrew McCafferty Associates were submitted in response to the objections received. These submissions note that there are no historic designations within the site or within the immediate area of the site. They highlight that the existing dwelling sits on a generous corner plot where there would be an expectation for the building to be naturally taller, given that the heights of the adjacent properties on Canongate are 2 and 2.5 storeys high. They have expressed that whilst aesthetics is a subjective matter, they contend that the proposal is respectful and would enhance the corner plot and add a distinctive feature which would help 'reinforce the sense of place' on this site. They draw attention to the proposed Canongate elevation and highlight that the build is not overly large or dominant and that it would relate well and sit comfortably within the site. The window sizes they advise, are not particularly wide but may appear large as they would run up to the soffit to provide a view of the sky and maximise light into the house. This design approach, they say, would help minimise energy running costs in the house. Furthermore, they also draw attention to other nearby properties located in Cairnsden Gardens and Hollowhill which also have large windows.

2.2.7 The dwellinghouse when viewed in context with the adjacent 2 and 2.5 storey dwellings located on Canongate does appear small and somewhat out of scale. It is for this reason and given the dwelling's good set-back distances from the curtilage boundary, that a two storey dwellinghouse would be considered feasible in principle on this corner site. The proposal is considered sympathetic in terms of height and scale to these adjacent dwellinghouses and would not over-dominate the site. Whilst the skillion roof style and the large windows are clearly a moot point with objectors, it is not the view, given the scale and massing of the building, that the proposal is aggressively modern. Whilst the proposal is a bold contemporary design for the site, it is simple and elegant and is not too large. Furthermore, external finishes to the walls would mirror local finishes. There were concerns with the building colour. Stark white modern walls and very dark anthracite grey metal flashings, feature panels and windows and door frames would it was considered give too stark a contrast against the surrounding building colours which are predominately light greys and buff colours. Such a colour scheme in this context would, it was highlighted, likely make the dwelling appear over dominant. A softer colour palette which would blend in more harmoniously with the surrounding street context was requested. Whilst the agents are of the opinion that the sharpness of the white would add to the distinctiveness of the design the applicant agreed to compromise on this and now proposes a less contrasting colour scheme as outline above in paragraph 1.2. The agents have confirmed that this softer colour approach would respond well to the site context.

2.2.8 The Royal Burgh of St Andrews Community Council have welcomed the toning down of the colour scheme but still feel that their objections have not been fully addressed and therefore they still object to the application.

2.2.9 Building design can be subjective. Making Fife's Places Supplementary Guidance is fully supportive of good quality contemporary design solutions as an alternative to 'safe options' if proposals are located within the right place. The guidance highlights that modern design approaches can create distinctive places which can enhance and inject a sense of identity to a site and/or area. Some argue that this proposal is not the right location for a build of this nature, however it is the view that as this is a corner site which is enclosed by three roads, that the site, for this reason, could more easily support a design of this nature, where an infill development

could not. The proposal is a bold design for the site but it would be in keeping with the local built context in terms of building height, massing, external finish and colour.

2.2.10 In light of the above, and given the changes made to the building colour, the proposal would not be considered detrimental to the visual amenity of the local area and would comply with Development Plan policy and all its related guidance in relation to Design and Visual impact.

2.3 Residential Amenity

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

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

2.3.3 Fife Council's Planning Customer Guidelines on Daylight and Sunlight advises that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and that unacceptable impacts on light to nearby properties are avoided. The Planning Authority's guidelines apply The Building Research Establishment (BRE) criteria where new development affects natural light to existing properties.

2.3.4 Fife Council's Planning Customer Guidelines on Garden Ground and Home Extensions advise that all new and existing residential properties shall be served by in curtilage garden ground sufficient in quantity, quality, and usability to provide for the normal needs and activities of existing and future residents and to retain proper space standards between buildings. They also highlight that the separation distances between facing plain glazed windows must be at least 18 metres apart to ensure neighbours privacy is secured. The guidance also advises that if there is a road or pavement which separates properties or a high barrier that blocks the view, that this distance may, in some circumstances, be less.

2.3.5 The application has received four objections, and a statutory objection from St. Andrews Community Council in relation to residential amenity concerns. The neighbours located on Cairnswell Gardens, Trinity Place and Hallowhill have all objected to the first-floor windows on the proposed north and west elevations as they would, they contend, facilitate a direct intrusive overlook into their private rear gardens, bedrooms and living spaces. They state that two of the windows are far too large and are overbearing and highlight that should the children's living room/study space be used as a principal family room that this would have a significant impact on the privacy of their homes which are currently not overlooked. The objectors have requested that a site visit be carried out so that the impact of the proposals on the neighbours can be fully appreciated. One objector is of the view that Fife Council's window to window set back distances are very much a minimum standard and an in-appropriate form of measurement for this site. Some consider that the garden plot is too small for such a large extension which, they say, would almost double the building size. Other comments received highlight that there should

be support for a local family wishing to extend their existing home rather than having to move to a bigger house.

2.3.6 The agents have submitted a further detailed response to those concerns raised. They have highlighted that the site plot size is generous, that the site has a plot ratio greater than 1:3 and is larger than some of the adjacent curtilages. They also highlight that the proposal to add a first-floor extension would be policy compliant. A marked-up site plan has been submitted which highlights that all set back distances from the extension's first- floor windows to the objector's rear garden boundaries (which would be separated by public roads) would be at least 20.0 metres if not more. Window to window separation distances from the first floor extension to the objector's windows would be far greater.

2.3.7 The neighbours at 23 Cairnsden Gardens, submitted photographs taken from their living room window to highlight their concerns on the proximity of the proposed windows to their property. Whilst the window to window set-back distances from the proposal to this property would be fully compliant with Fife Council's guidance the applicant has since removed the central first floor window on the proposed west elevation as a compromise so that there would be more of a solid wall facing this property. The owners of Cairnsden Gardens have responded by stating that the removal of this window would not adequately address their concerns and highlight that the site should not have a taller building placed on it because of the degree of overlooking it would generate.

2.3.8 The extension proposal given its set back from the site boundaries is fully compliant with the BRE guidance in respect of Daylight and Sunlight requirements and would not over-shadow other property to any significant degree. As there would be no overall increase in the existing building footprint at ground floor level and no loss of garden ground the submission is considered compliant with garden ground policy.

2.3.9 The extension's first-floor window serving bedroom 4 would look out onto the gable wall of 59 Ruthven Place, and whilst this window would facilitate a view of this neighbour's rear garden, this garden is already overlooked, and the neighbour has submitted a letter wholly supporting this proposal. Loss of privacy in respect of window to window infringements and the overlooking of other private garden ground has been checked and all distances exceed those recommended in the Fife Council Guidance. Whether a room is used as a principal family room or not is not of material concern as Planning Authorities have no control over how rooms within a modern dwellinghouse are used. Whilst the objectors have requested for the case officer to visit the site so that the amenity impacts can be fully appreciated, given the proposal fully complies with the separation distances as set out in the Fife Council Guidelines, there would be, it is considered, no justification to refuse the application on these grounds, especially as in this case the set-back distances are generally significantly greater than the minimum set by Fife Council. Of further note is that the rear garden of 1 Trinity Place is already more directly overlooked by a first-floor outdoor roof terrace belonging to 1 Hollowhill.

2.3.10 Notwithstanding the above position, as there has been an objection from a statutory consultee the matter of a decision would not be a delegated one but would now lie firmly with the Planning Committee. A site visit was not carried out by the case officer for the reason given above, however it is noted that the objectors have stressed that they would find it 'extremely disappointing' should the final decision made by committee would be based purely on a 'paper exercise' without a site visit being carried out. Hirst Planning Consultants, representing the owners of 1 Trinity Place, have requested that if the Committee conduct a site visit that they view

the application site from the rear garden of 1 Trinity Place to that members can appreciate the privacy and dominance issues raised by their clients.

2.3.11 In light of above and given that all set-back distances to neighbouring property are fully compliant with Fife Council guidance, it is considered the proposal complies with Development Plan policy in respect of residential amenity requirements.

2.4 Road and Pedestrian Safety

2.4.1 Policies 1, 3 and 10 of the Adopted Fifeplan (2017) and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines apply to this application.

2.4.2 Policies 1, 3 and 10 of the Adopted FIFEplan advise that development must be designed in a manner that ensures that the capacity and safety of infrastructure is not compromised. Support shall be given where development will not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements and which do not exacerbate road safety. Making Fife's Places Supplementary Planning Guidance and its associated transportation guidelines provide further advice in this regard.

2.4.3 The Royal Burgh of St Andrews Community Council have raised concerns that the large windows on the north and west elevations could cause a dangerous glare when seen by approaching vehicles.

2.4.4 The Transportation Development Management Team (TDM) was consulted on this proposal and they have raised no concerns with the proposed windows in terms of road safety and are supportive of the application. The existing dwellinghouse consists of 3 bedrooms which requires 2 off-street parking spaces. The proposals would increase the number of bedrooms serving the dwellinghouse to 5 which would require 3 off-street parking spaces. Transportation Development Management Team also confirm that visibility splays of 2m x 25m would be required to the left and to the right at the junction of the vehicular crossing and the public road. As there are already 3 off-street parking spaces serving the site and no changes to the vehicular access are proposed, the inclusion of the condition regarding the implementation of the visibility splay is not considered necessary in this instance. The site can already accommodate 3 off-street parking spaces and their retainment for the lifetime of the development can be met by condition.

2.4.5 In light of the above, and subject to the inclusion of a suitably worded condition in relation to maintaining 3 off-street parking spaces the proposals are considered compliant with Development Plan policy in respect of Road and Pedestrian Safety.

CONSULTATIONS

Transportation, Planning Services
Community Council

Approve subject to conditions
Object. They state that the design is aggressively modern and not in keeping with the character of the surrounding area. There are also concerns that the large windows would create a dangerous glare when seen by approaching vehicles.

REPRESENTATIONS

4 third parties have objected and 8 third parties have submitted letters of support

The concerns raised by the objectors are summarised as follows,

- Design out of keeping with area which is characterised by pitched roofs
- Unacceptable degree of overlooking of private gardens and windows
- Overdevelopment for a small plot
- Oversized windows on north elevation are dominating, oppressive, and overbearing
- Concerns with introducing a habitable room on the first floor

The letters of support make the following comments,

- Beautiful design with architectural integrity
- Unique sympathetic elegant design
- Supportive of a growing family extending their home instead of having to move

These issues are addressed within the main body of the report.

CONCLUSIONS

The development proposals as revised are considered acceptable in meeting the terms set out in the Adopted FIFEplan (2017) and other relevant guidance in relation to design and visual impact, residential amenity and road and pedestrian safety and are therefore recommended for approval.

RECOMMENDATION

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

1. BEFORE ANY WORKS START ON SITE, full specification details for the roof and rooflights shall be submitted for prior approval in writing by this Planning Authority.

Thereafter the development shall be carried out in accordance with the details approved unless changes are subsequently agreed in writing with this Planning Authority.

Reason: To reserve the rights of the Planning Authority with respect to these details.

2. BEFORE THE DEVELOPMENT IS OCCUPED, 3 off-street parking spaces shall be provided within the curtilage of the site in accordance with the current Fife Council Transportation Development Guidelines and thereafter maintained and kept available as such for the lifetime of the development

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

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.

Development Plan

The Adopted FIFEplan (2017)

Making Fife's Places - Supplementary Guidance (2018)

Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council
Transportation Development Guidelines

Other Guidance

Fife Council's Planning Customer Guidelines on Home Extensions (2016)

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

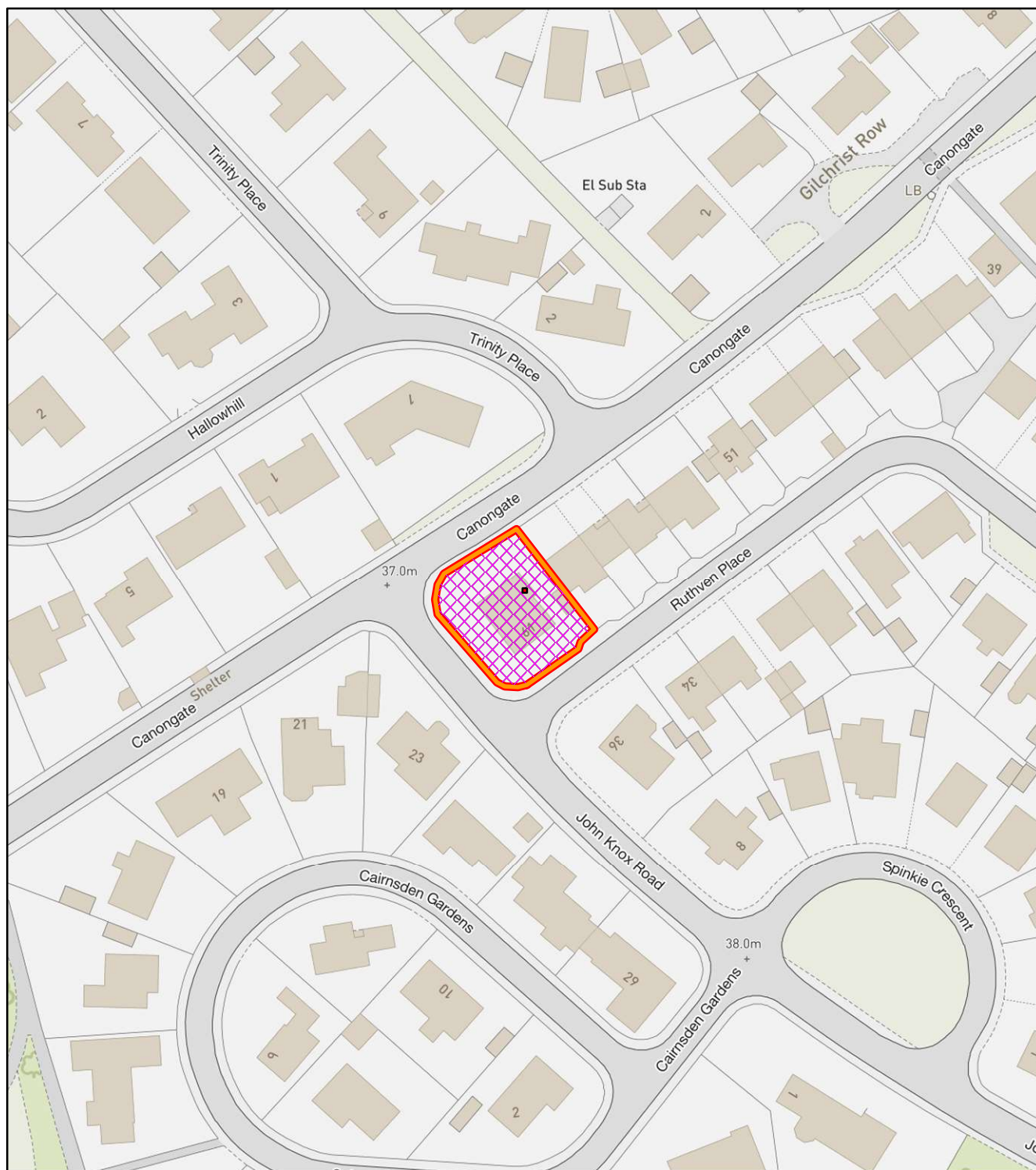
Fife Council's Planning Customer Guidelines on Garden Ground (2016)

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer

Report agreed and signed off by Derek Simpson, Lead Officer 7.6.21

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61 Ruthven Place, St Andrews



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Legend



Application Boundary

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Economy, Planning & Employability Services