

Please note, this meeting will be held remotely.

Wednesday, 8th February, 2023 - 1.00 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 11th January, 2023. 3 – 7
4. **22/02133/FULL - LAND TO THE EAST OF STATION COURT, PITTENWEEM** 8 – 23

Erection of 29 Affordable dwellings, associated infrastructure, works and landscaping.
5. **22/02143/FULL - LAND TO NORTH OF LAW VIEW, MAIN STREET, NEW GILSTON** 24 – 32

Temporary change of use of outbuilding to form living accommodation (12 month period) (retrospective).
6. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**

List of applications dealt with under delegated powers for the period 26th December, 2022 to 29th January, 2023.

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

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

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1st February, 2023

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THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

11th January, 2023

1.00 p.m. – 4.00 p.m.

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

ATTENDING: Kevin Treadwell, Service Manager Strategic Development & Infrastructure; Declan Semple, Lead Officer, Development Management; Natasha Cockburn, Lead Professional (Infrastructure); Economy, Planning & Employability Services; Steven Paterson, Solicitor and Diane Barnet, Committee Officer, Legal & Democratic Services, Finance & Corporate Services.

APOLOGIES FOR ABSENCE: Councillors Margaret Kennedy, Allan Knox and Robin Lawson.

53. DECLARATIONS OF INTEREST

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

54. MINUTE

The Committee considered the minute of the North East Planning Committee of 7th December, 2022.

Decision

The Committee agreed to approve the minute.

55. 18/03578/PPP - PLANNING PERMISSION IN PRINCIPLE, LAND TO THE NORTH OF GRANGE ROAD, EARLSFERRY

The Committee considered a report by the Head of Planning Services relating to an application for Planning Permission in Principle for major residential development with associated car parking, landscaping, drainage and formation of new accesses.

Decision

The Committee, with reference to its previous decision to conditionally approve this application for Planning Permission in Principle, requiring a legal agreement - at its meeting on 10th February, 2021 (Para. No. 248. of 2021.NEPC.147 refers) - agreed to a revised additional condition relating to the upgrading of the sewer system.

56./

56. 22/01877/FULL - MADRAS COLLEGE, KILRYMONT ROAD, ST. ANDREWS

The Committee considered a report by the Head of Planning Services relating to an application for the proposed change of use of site from education to form a residential development of 102 units (private and affordable homes) with associated access, parking, infrastructure and landscaping/open space.

Decision

The Committee agreed:-

- (1) to approve the application subject to the 20 conditions and for the reasons detailed in the report and following the conclusion of an agreement to secure the necessary planning obligations, namely:
 - (a) the provision of 30% affordable housing on site; and
 - (b) a contribution towards education infrastructure at Madras College;
- (2) to include a condition relating to houses in multiple occupancy, together with the attendant reason; and
- (3) that authority was delegated to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement necessary to secure the planning obligations.

57. 22/01049/FULL - SAUCHOPE CARAVAN PARK, ANSTRUTHER

The Committee considered a report by the Head of Planning Services relating to an application for the change of use of vacant land to form extension to holiday park (8 lodge style caravans) including associated ground works and formation of access road, parking areas and decking.

Decision

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

Councillor Louise Kennedy-Dalby left the meeting following consideration of the above report.

58. 22/01087/FULL - FARMHOUSE, RENNYHILL, KILRENNY

The Committee considered a report by the Head of Planning Services relating to an application for change of use from farm steading to wedding venue (Class 11).

Motion

Councillor Dillon, seconded by Councillor Corps, moved to refuse the application on the grounds that the development did not comply with:-

- (1) Scottish Planning Policy (2014), Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance/

2023 NEPC 30

Guidance (2018) - on the basis that the proposed development would have a detrimental impact on residential amenity due noise disturbance associated with the nature of the development;

- (2) Scottish Planning Policy (2014), Polices 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018), Appendix G (Transportation Development Guidelines) - on the basis that the proposed development would have a detrimental impact on road safety due to increased traffic movements and the potential increased use of a C Class road (C43) to access the application site, to the detriment of pedestrian safety due to the lack of pavements in the vicinity.

Amendment

Councillor Lothian, seconded by Councillor Verner, moved as an amendment to approve the application, subject to the 9 conditions and for the reasons detailed in the report.

Roll Call Vote

For the Motion - 8 votes

Councillors Clark, Corps, Dillon, Hayes, Hoggan-Radu, Holt, Liston and Tepp.

For the Amendment - 3 votes

Councillors Lothian, MacDiarmid and Verner.

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

Decision

The Committee agreed:-

- (1) to refuse the application on the grounds that the development did not comply with:-
 - (a) Scottish Planning Policy (2014), Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on residential amenity due noise disturbance associated with the nature of the development; and
 - (b) Scottish Planning Policy (2014), Polices 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018), Appendix G (Transportation Development Guidelines) - on the basis that the proposed development would have a detrimental impact on road safety due to increased traffic movements and the potential increased use of a C Class road (C43) to access the application site, to the detriment of pedestrian safety due to the lack of pavements in the vicinity; and

(2)/

2023 NEPC 31

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

The Committee adjourned at 2.55 p.m. and reconvened at 3.10 p.m..

59. 22/01134/LBC - FARMHOUSE, RENNYHILL, KILRENNY

The Committee considered a report by the Head of Planning Services relating to an application for Listed Building Consent for internal and external alterations.

Motion

Councillor Corps, seconded by Councillor Dillon, moved to refuse the application on the grounds that the Committee, having refused the associated planning application '22/01087/FULL - Farmhouse, Rennyhill, Kilrenny' relating to change of use class, considered the proposed internal and external alterations to the listed building were no longer justified.

Amendment

Councillor Hoggan-Radu, seconded by Councillor MacDiarmid, moved as an amendment to approve the application subject to the one condition and for the reason detailed in the report.

Roll Call Vote

For the Motion - 6 votes

Councillors Clark, Corps, Dillon, Holt, Liston and Tepp.

For the Amendment - 4 votes

Councillors Hoggan-Radu, Lothian, MacDiarmid and Verner.

Councillor Hayes abstained from voting.

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

Decision

The Committee agreed:-

- (1) to refuse the application on the grounds that the Committee, having refused the associated planning application '22/01087/FULL - Farmhouse, Rennyhill, Kilrenny' relating to change of use class, considered the proposed internal and external alterations to the listed building were no longer justified; and
- (2) to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the full reason for refusal in order to ensure that a decision on the application was not unduly delayed.

60. 22/02070/FULL - AIRDITS COTTAGE, KETTLEHILL, CUPAR

The Committee considered a report by the Head of Planning Services relating to an application for change of use from agricultural land to garden ground.

Decision

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

61. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.

Decision

The Committee noted the lists of applications dealt with under delegated powers for the period 28th November, to 25th December, 2022.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02133/FULL

SITE ADDRESS: LAND TO THE EAST OF STATION COURT PITTENWEEM

PROPOSAL: ERECTION OF 29 AFFORDABLE DWELLINGS, ASSOCIATED INFRASTRUCTURE WORKS AND LANDSCAPING

**APPLICANT: CAMPION HOMES LTD / KINGDOM HOUSING ASSOCIATION
CAMPION HOUSE PITREAVIE DRIVE PITREAVIE BUSINESS PARK**

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

CASE OFFICER: Jamie Penman

DATE REGISTERED: 10/08/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

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

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Scottish Ministers approved National Planning Framework 4 (NPF4) on 11th January 2023. NPF4 now has significant weight as material consideration for the assessment of all planning applications as outlined in a letter from Scottish Government's Chief Planner in his letter to all planning authorities of 16th January 2023. The

adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

1.1 Background

1.1.1 This application relates to an area of land located out with but adjacent to, the northern settlement boundary of Pittenweem. The application site measures approximately 0.9Ha and is currently in use as agricultural land. The site is generally flat with the remainder of the agricultural field located to the north and east, the Pittenweem Recreation Park located to the south and neighbouring houses within Station Court are located to the west. The site can be accessed through Station Court which is currently a residential cul-de-sac and has a junction onto the Charles Street. The application site is categorised as prime agricultural land with minor climate limitations, it is located within a Coal Authority Low Risk Area and it is located within the Anstruther, Pittenweem, St Monans Coast Green Network Policy Area.

1.1.2 This application is for full planning permission for the erection of 29 affordable homes and associated supporting infrastructure works. Vehicular and pedestrian access to the application site is proposed from Station Court. Further pedestrian links have been provided into the park to the south and a potential link for a multi-user path has been allowed for. The access road continues through the site which would branch off into 4 smaller cul-de-sacs. The proposed properties would all provide an active frontage onto the internal road network with off-street parking also being provided. Proposed property types include 3 bungalows, 8 flats and 18 two-storey houses. Properties would have consistent finishing materials which include a white dry dash render with areas of grey weather boarding and facing brick. The properties would also have UPVC windows and doors with grey concrete roof tiles. Each property would also have solar panels and air source heat pumps. A dual electric vehicle charging point will be provided within the visitors parking space and housing plots would be constructed to ensure private electric vehicle charging points can be installed at a later date should they be required. A mix of boundary treatments are being utilised within the site which includes hedging, 1.8m timber fencing and 1m post + wire fencing with hedging. Areas of landscaping are also proposed throughout the site, including tree and hedge planting.

1.1.3 There is no planning history associated with this site.

1.2 Procedural Matters

1.2.1 The application proposal covers a site area of less than 2Ha and is for less than 50 units. It therefore falls within the Local Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009.

1.2.2 A physical site visit has not been undertaken for this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application. The following evidence was used to inform the assessment of this proposal

- Google imagery (including Google satellite imagery)
- GIS mapping software
- Drone footage

It is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal.

1.2.3 In the context of the material considerations relevant to this application there are no areas of conflict between the policy provisions of the approved NPF4 and the adopted FIFEplan LDP 2017 which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

2.1 Planning Assessment

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

Principle of Development (2.2)

Design and Visual Impact (2.3)

Residential Amenity (2.4)

Sustainable Travel and Road/Pedestrian Safety (2.5)

Land and Air Quality (2.6)

Flooding/Drainage (2.7)

Natural Heritage (2.8)

Planning Obligations (2.9)

Low Carbon Fife (2.10)

Archaeology (2.11)

2.2 Principle of Development

2.2.1 FIFEplan (2017) Policy 1 Development Principles applies and states that development proposals will be supported if they conform to relevant development plan policies and proposals and address their individual and cumulative impacts. Part A of Policy 1 states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan. As the application site is located out with the settlement boundary of Pittenweem, it is located within the countryside. As such, FIFEplan Policy 7 (Development in the Countryside) applies and states that development in the countryside will only be supported where it is for housing in line with Policy 8 (Houses in the Countryside). Policy 8 states that development of houses in the countryside will only be supported where it is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes). Policy 2 states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing in the Local Development Plan or on other sites provided the proposal is compliant with the policies for the location. Policy 2 further states that the development of sites adjacent to settlement boundaries, excluding green belt areas, solely for the provision of small-scale affordable housing, may be supported where there is established and unmet local need and if no alternative site is available within a settlement boundary. Policy 2 continues to note that in such instances, priority will be given to the redevelopment of brownfield sites. Policy 2 also advises on an acceptable scale of affordable housing developments which are adjacent to a settlement boundary. It states that development will reflect the character of the settlement - a maximum of 20 units for settlements with fewer than 200 households; a maximum of 30 units for settlements of between 200 and 1,000 households; and a maximum of 49 units for settlements of greater than 1,000 households. FIFEplan Policy 7 (Development in the Countryside) also applies and states that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need.

2.2.2 The application site is adjacent to but out with the settlement boundary of Pittenweem and as such, is located within the countryside as defined by FIFEplan (2017). The principle of development cannot therefore be automatically accepted and must comply with FIFEplan Policies 1, 2 and 7 as noted above. The applicant has submitted a supporting statement with the application which considers alternative sites within the settlement boundary, as required by FIFEplan Policy 2. The supporting statement notes that a review of vacant sites within the settlement boundary were considered with only 1 being identified. This includes the defined vacant and derelict land site (EF030) which also forms part of FIFEplan LDP allocated site PIT001. This site has an estimated capacity of 70 however it should be noted that a significant area of this land is on the common good register and is therefore unlikely to be unavailable for development. Furthermore, detailed plans have been prepared for the remainder of the site with an application having been submitted (Ref: 22/03629/FULL) and is currently under consideration. It is therefore concluded that the allocated site would not be available to the applicant for the development of the 29 affordable houses proposed through this application. In light of the foregoing, it concluded that there is no alternative site within or brownfield site adjacent to the settlement boundary. With this being the case, the development must also demonstrate that there is a proven need for such a development in the area.

2.2.3 Fife Council's Affordable Housing Team was consulted on this application and has advised that there is a need for affordable housing in the settlement of Pittenweem and that this can be demonstrated by considering data extracted from the Fife Housing Register. The consultation response continues by noting that in September 2022 there were 135 applicants who specified Pittenweem as an area of choice and there are currently 139 affordable properties (116 Fife Council and 23 Housing Association) in Pittenweem with only 8% of Fife Council properties being re-let in the previous year. The Affordable Housing Team also notes that the housing mix presented reflects the needs for affordable housing identified in the Local Housing Strategy Area (LHSA). In light of the foregoing, it has been confirmed that there is a proven local need for more affordable housing in the area. With this being the case, the development must also demonstrate that it is of an acceptable scale, given it is located out with the settlement boundary.

2.2.4 The application proposal is for 29 units. FIFEplan Policy 2 notes that for settlements which contain between 200 and 1000 households, a development of a maximum of 30 units would be acceptable. Pittenweem has approximately 725 households therefore the scale of development presented in this application would be acceptable.

2.2.5 Finally, the application site is located on defined prime agricultural land and is categorised as having minor climate limitations. FIFEplan Policy 7 sets out that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need. As highlighted in Section 2.2.3 there is a need for affordable housing in Pittenweem therefore the development of this area of prime agricultural land can be accepted.

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

2.3 Design and Visual Impact

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

2.3.2 The application site is located out with but along the northern boundary of the Pittenweem settlement boundary. The development's visual impact on both its countryside setting and the adjacent settlement must therefore be fully considered. In terms of a basic settlement pattern assessment, the proposed development does not advance unnecessarily out into the countryside and advances no further than the current northern boundary line of the adjacent Station Court Development. As such, the proposed development would read as a natural extension of the settlement boundary and no significant concerns would be raised with regard to it disrupting the existing pattern of development. Site boundaries which will face out onto the open countryside would utilise post + wire fencing with hedging to ensure a natural, soft finish when viewed from within the countryside.

2.3.3 In terms of the site itself, vehicular and pedestrian access to the application site is proposed from the eastern extent of Station Court. Further pedestrian links have been provided into the park to the south and a potential link for a multi-user path has been allowed for. The access road continues through the site which would branch off into 4 smaller cul-de-sacs. The proposed properties would all provide an active frontage onto the internal road network with off-street parking also being provided. Proposed property types include 3 bungalows, 8 flats and 18 two-storey houses. Properties would have consistent finishing materials which include a white dry dash render with areas of grey weather boarding and facing brick. The properties would also have UPVC windows and doors with grey concrete roof tiles. Each property would also benefit from solar panels and air source heat pumps. A dual electric vehicle charging point will be provided within the visitors parking space and housing plots would be constructed to ensure private electric vehicle charging points can be installed at a later date should they be required. A mix of boundary treatments are being utilised within the site which includes hedging, 1.8m timber fencing and 1m post + wire fencing with hedging. Areas of landscaping is also proposed throughout the site, which includes tree and hedge planting

2.3.4 The application proposes a varied mix of property types which would add to the visual interest of the development. Finishing materials also modern in nature and would raise no significant concerns. An acceptable separation distance between the existing Station Court development has been provided ensuring that the development along the western boundary is not overbearing. Units within the application site have adequate spacing between them ensuring that the site does not appear overdeveloped. Each property has a small front garden with a larger private rear garden and off-street parking has also been designed to ensure that vehicles do not dominate the streetscene. Landscaping and boundary treatments have been used effectively ensuring that boundaries which face out onto the open countryside have a softer,

natural finish. Furthermore, the use of timber fencing fronting public areas has been limited and where this does occur, planting has been proposed in front of it to help soften the visual impact.

2.3.5 Whilst located within the countryside, the proposal would represent an attractive, modern development which would read as a natural extension to the existing settlement. No significant concerns would therefore be raised with regard to the development's visual impact on its immediate surroundings or on its wider countryside setting. The proposal would therefore comply with FIFEplan Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance.

2.4 Residential Amenity

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

2.4.2 Submitted objection comments raise residential amenity concerns with the proposal. Comments note that the development would result in noise and light pollution impacts. Some comments also cite impacts that may occur during the construction period.

2.4.3 The application site has been designed in such a way which would negate any significant overlooking or overshadowing conflicts. This applies to both properties located along the site boundary and to the location of the proposed properties within the site. The western edge of the application site would be adjacent to the existing Station Court Development, however, there would be no significant privacy conflict given the proposed window to window separation distances/angles. Furthermore, properties have been stepped off the boundary to ensure no significant overshadowing would occur.

2.4.4 Private garden grounds have been provided for all properties within the application site. A range of garden ground sizes have been provided ranging from 50sqm to 150sqm. Approximately 10 out of the 29 units do not meet the 100sqm guideline, however, smaller gardens have been allocated to flatted dwellings and smaller house types. Given the small number of properties which do not meet the 100sqm guideline, no significant concerns would be raised with regard to this having a significant detrimental impact on residential amenity. The range of garden ground sizes would provide an element of choice, with the possibility of prospective applicants getting a size of garden which would suit their needs. Furthermore, there is a large area of open space directly to the south of the site which can be utilised.

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

may arise during the construction period, however, this will occur for a temporary period and can be managed through the submission of a construction management plan.

2.5 Sustainable Travel and Road/Pedestrian Safety

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

2.5.2 Submitted objections raise concerns regarding the suitability of Station Court to access the development. Comments note that the quiet residential cul-de-sac is not suitable for further traffic and question its suitability for use during the construction period. Further concerns have been raised with regard to the suitability of Charles Street and Station Court's junction on to Charles Street to deal with further traffic from the development.

2.5.3 A single point of vehicular access would be provided through Station Court which has a junction onto Charles Street. Station Court currently contains around 23 dwellings. Within the application site, off-street parking is being provided along with pedestrian links into the neighbouring park. The nearest bus stop is located approximately 400m from the site where there are weekday/weekend hourly service between Leven and St Andrews and a weekday/weekend hourly express service between Edinburgh and St Andrews. 2 electric vehicle charging points are being provided and confirmation has been provided noting that private parking areas would be constructed to ensure electric vehicle charging points can be easily installed, should there be demand for them. A Transport Statement has been submitted with the application which details that the development would result in 15 peak hour vehicle trips which it notes would have a negligible impact on the operation of the Station Court/Charles Street junction and wider road network.

2.5.4 Fife Council's Transportation Development Management Team has been consulted on this application and after some initial comments on the proposed road/parking layout, most of which were subsequently addressed by the applicant, advised that they had no objections to the proposed development subject to conditions. No specific road safety concerns with regard to traffic levels on Station Court or Charles Street have been noted.

2.5.5 Whilst some temporary disruption would be expected during the construction period, that this could be managed through the submission of a Construction Management Plan (CMP). A condition has been added to this decision which requires a (CMP) to be submitted and agreed before any works commence on site.

2.5.6 It is understood that the application site is on the route of an aspirational multi-user path which the community has been working on. The Community Council has enquired as to whether the application could provide a financial contribution towards the path or facilitate part of its construction along this part of the route. It would not be reasonable to secure a financial

contribution from the applicant towards this path, however, through discussions with the applicant, a potential link for the path to route through the development at its south east corner, through on to Station Court has been allowed for.

2.5.7 Whilst the concerns raised in submitted representation are noted, the development would raise no significant road safety concerns due to the relatively minor nature of the proposal. Whilst trips through Station Court would increase, the increase would not be significant or negatively impact existing levels of road safety. The proposal raises no other significant road/pedestrian safety concerns and therefore complies with FIFEplan Policies 1, 3 and 10 and Making Fife's Places Supplementary Planning Guidance.

2.6 Land and Air Quality/Land Stability

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

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

2.6.3 Fife Council's Land & Air Quality Team has been consulted and has raised no concerns with regard to land or air quality. It is noted that the site is located within a Coal Authority Low Risk Area and will therefore be subject to the Coal Authority's standing advice for new development in at risk areas.

2.6.4 The proposal would comply with FIFEplan Policies 1 and 10.

2.7 Flooding and Drainage

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

2.7.2 Submitted objection comments raise concerns with the existing drainage infrastructure in Pittenweem. Comments note that the development would worsen existing foul and surface water drainage issues.

2.7.3 The application site is not located within a known flood risk area and as such, a flood risk assessment is not required. Surfaced water run-off from the development would be directed to a below ground attenuation structure where it would be treated, retained and then discharged to an existing surface water sewer at a restricted rate. Foul water would be directed to an existing foul water sewer.

2.7.4 Fife Council's Structural Services Team was consulted to review the drainage proposals and after some initial queries, returned no objections.

2.7.5 Scottish Water was also consulted on the application and noted that there is sufficient water capacity at the nearest treatment works. Scottish Water did note however that they were unable to confirm waste water capacity at the nearest treatment works and that a pre-development enquiry should be submitted. It is understood that works to increase capacity at the nearest treatment plant are planned, however, these will only be undertaken once planning permission is secured. To ensure that no development commences until Scottish Water has confirmed their acceptance of the foul connection, a condition has been added to this decision which requires the applicant to submit proof of Scottish Water's acceptance, prior to any works commencing on site.

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

2.8 Natural Heritage

2.8.1 FIFEplan (2017) Policies 1, 13 and Making Fife's Places Supplementary Planning Guidance apply and states that development proposals will only be supported where they protect or enhance natural heritage and access assets including trees and hedgerows that have a landscape, amenity, or nature conservation value. The site is also located within the Anstruther, Pittenweem, St Monans Coast Green Network Policy Area.

2.8.2 Concerns have been raised in submitted objection comments regarding the impact the development may have on the ecology of the site.

2.8.3 The application site is agricultural land. There is limited other vegetation around the site with no areas of tree planting. A preliminary ecology appraisal has been submitted with the application which considers the impact of the development on natural heritage assets that the site may have. The submitted study discusses the survey methods used and summarises the findings. The study notes that the site does not lie or is adjacent to any designated site and no evidence of protected species within the site was identified. The report does note that vegetation around the site would be suitable for nesting birds therefore any removal of this should be undertaken out with the bird nesting season. The report recommends biodiversity enhancements including the use of bat boxes, bird boxes and bee bricks. These have not been specified through the application but can be addressed by condition.

2.8.4 Key features of the Green Network Policy Area largely relate to its coastal position, however, Making Fife's Places Appendix H does note that the area has a high quality landscape setting. The proposed development would not have a significant impact on this. In terms of opportunities for enhancement or development plan priorities, there are no relevant points which would relate to this site.

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

2.9 Planning Obligations

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

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

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

2.9.4 Fife Council's Education Team has been consulted on the proposal and has advised that the application site is located within the catchment area for Pittenweem Primary School, Greyfriars Roman Catholic Primary School, Waid Academy and St Andrew's Roman Catholic High School. The consultation response identifies that the development would create no critical capacity issues at these schools, thereby raising no concerns.

2.9.5 In terms of open space, if no other existing areas of open space are available in the surrounding area, developments are expected to provide 60sqm of open space per dwelling. No significant areas of open space are being provided within the site, however, an accessible link is being provided into the adjacent Pittenweem Recreation Park. Whilst not meeting the 60sqm guideline, given there is alternative existing open space in the surrounding area, the development would meet the open space requirements in this instance.

2.10 Low Carbon Fife

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

2.10.2 A low carbon and sustainability statement has been submitted with this application. These documents detail measures taken to reduce the developments carbon footprint such as it being located in a sustainable location and through the use of locally sourced finishing materials. It is also noted that solar panels and air source heat pumps would be provided for each property. 2 electric vehicle charging points are also proposed.

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

2.11 Archaeology

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

2.11.2 Fife Council's Archaeologist has been consulted on this application and has advised that archaeological features are likely to be contained within the site. The consultation response concluded by noting that a scheme of archaeological works should be secured by condition.

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

CONSULTATIONS

Scottish Water	No water capacity issues. Further investigation regarding foul capacity required.
Land And Air Quality, Protective Services Education (Directorate)	No objections. No capacity issues.
Transportation And Environmental Services - Operations Team	
Environmental Health (Public Protection)	No objections.
Structural Services - Flooding, Shoreline And Harbours	No objections.
Archaeology Team, Planning Services	No objections subject to conditions.
Housing And Neighbourhood Services	Application meets needs for affordable housing in the area.
TDM, Planning Services	No objections subject to conditions.

REPRESENTATIONS

12 objections have been received. Concerns raised include:
The development will impede the route of the multi-user path - Addressed in Section 2.5
Impact on local sewer capacity - Addressed in Section 2.7
Impact on drainage in the surrounding area - Addressed in Section 2.7
Impact on school capacity - Addressed in Section 2.9
Noise during construction period - Addressed in Section 2.4
Access through Station Court not suitable for increased levels of traffic or for construction traffic - Addressed in Section 2.5
Access onto Charles Street and the street itself not suitable for increased traffic levels - Addressed in Section 2.5

Air quality impacts from increased traffic using Station Court - Addressed in Section 2.6
Impact on biodiversity in the surrounding area - Addressed in Section 2.8
Low water pressure in surrounding area - Addressed in Section 2.7
Light pollution impacts - Addressed in Section 2.4

Concerns raised which are not material in the assessment of the application include:
Development will cause structural issues for neighbouring properties
Development will lead to further phases

CONCLUSIONS

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

RECOMMENDATION

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

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

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

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

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

3. All roads and associated works serving the proposed development as shown on approved document 03A shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption.

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

4. Before any works (including construction) start on site full details of adequate wheel cleaning facilities to be provided at the entrance/exit to the site to ensure that no mud, debris, or other deleterious material is carried by vehicles onto the public roads shall be submitted for approval in writing by the Planning Authority. The approved facilities shall be provided, retained, and maintained for the duration of construction operations on the site.

Reason: In the interests of road safety; to eliminate the deposit of deleterious material on public roads.

5. Prior to occupation of the first house, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the internal junctions. The visibility splays shall be retained through the lifetime of the development.

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

6. Prior to the occupation of each house, the off-street parking provision as shown on approved document 03A shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces for Plots 8 -15 and 22 - 25 shall be for communal use only. All parking spaces shall be constructed to allow for simple conversion to ELV charging points. The dual ELV charging point shall be provided on spaces V2 & V3. The parking spaces shall be retained through the lifetime of the development.

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

7. Before construction of the dwellings starts, full details of the ecological enhancement measures identified in the submitted preliminary ecological appraisal (including the schedule for completion of their installation) shall be submitted to Fife Council as Planning Authority for prior written approval. Thereafter the approved ecological enhancement measures shall be installed on site in accordance with the approved schedule.

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

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

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

9. Prior to any development commencing on site, proof of Scottish Water's acceptance of both surface water and foul drainage into their public sewer shall be submitted to Fife Council as Planning Authority. The agreed measures shall then be completed on site before any part of the development is occupied.

Reason: In the interest of securing a suitable means of foul water discharge.

10. Prior to any development commencing on site, a construction management plan shall be submitted to Fife Council as Planning Authority for prior written approval. The construction management plan shall consider potential residential amenity and road safety impacts which may arise during the construction period and detail how these will be mitigated. Once approved, the development shall proceed in accordance with the approved document.

Reason: In the interest of residential amenity and road safety; to ensure that any impacts are limited during the construction period.

11. Before any works start on site, an Archaeological Written Scheme of Investigation shall be submitted to Fife Council for prior written approval. Once approved, the recommendations made in the WSI shall be undertaken in full. Thereafter, a report detailing the findings of the works and any mitigation measures/further investigations which may be required, shall be submitted to Fife Council as Planning Authority for final written approval.

Reason: In the interest of preserving potential archaeological deposits; to ensure the site is fully investigated.

12. No site 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, a suitable bird survey 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.

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

National Planning Framework 4 - approved (2023)

SPP 2014

PAN 1/2011 Planning and Noise

PAN 33 Development of Contaminated Land

Development Plan

Adopted FIFEplan (2017)

Fife Council's Supplementary Guidance on Affordable Housing (2019)

Making Fife's Places Planning Supplementary Guidance (2018)

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

Other Guidance

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

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

Fife Council's Minimum Distance between Windows Guidance (2011)

Fife Council's Planning Obligations Framework Guidance (2022)

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

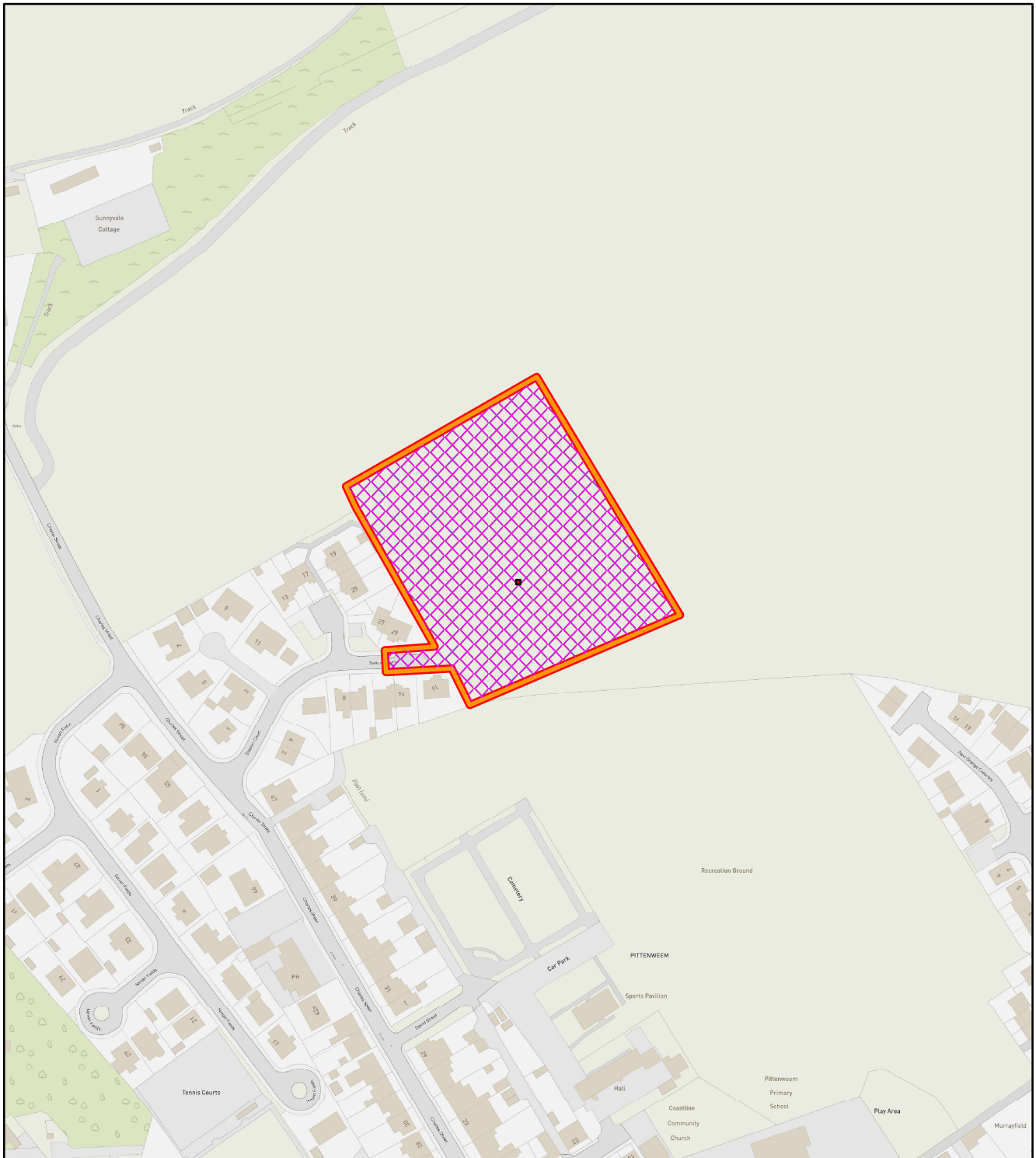
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

Report prepared by

Date Printed 12/01/2023

22/02133/FULL

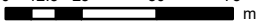
Land to East of Station Court Pittenweem



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Legend

 Application Boundary

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Fife
COUNCIL
Economy, Planning & Employability Services

ITEM NO: 5

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02143/FULL

SITE ADDRESS: LAND TO NORTH OF LAW VIEW MAIN STREET NEW GILSTON

PROPOSAL: TEMPORARY CHANGE OF USE OF OUTBUILDING TO FORM LIVING ACCOMMODATION (12 MONTH PERIOD) (RETROSPECTIVE)

**APPLICANT: MR DAVID KELLY
28 MURRELL TERRACE ABERDOUR FIFE**

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

CASE OFFICER: Lorraine Gardiner

DATE REGISTERED: 09/09/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

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

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Scottish Ministers approved National Planning Framework 4 (NPF4) on 11th January 2023. NPF4 now has significant weight as material consideration for the assessment of all planning applications, as outlined in a letter from Scottish Government's Chief Planner to all planning authorities of 16th January 2023. The adopted

FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

1.0 Background

1.1 The application site relates to an existing single storey timber outbuilding lying within a vacant area of land which is situated to the former rear garden area of Law View, Main Street in New Gilston. The site is predominantly flat in nature and is accessed from the south by a single track which connects to the main road. To the north lies a mature tree belt and beyond that woodland. To the west it is bound by a 2m high timber fence and to the east a tall conifer hedge. The surrounding area is typified by a mix of rural cottage housing interspersed with more modern 1.5 to 2 storey development.

1.2 The site is located within the main settlement area as designated within the Adopted FIFEplan (2017) and currently benefits from an extant planning consent for the redevelopment of the area to form a two-storey dwelling with part retrospective outbuilding under planning reference 21/03076/FULL.

1.3 The house yet has not been built but the applicant has established initial groundworks to address water and drainage connections to serve the development as a whole. The outbuilding as noted is already in situ and part of the 2021 approval it was conditioned that the outbuilding be restricted to the use as studio/storage and not to that of a separate dwellinghouse or flat. This was on the basis that the site is not suitable to accommodate two separate dwellinghouses.

1.4 As a result of these works noted in 1.3 above, part demolition of a stone wall and the removal of a tree has taken place. These works in isolation are not material to the consideration of the current application and would not require the benefit of planning permission as the wall does not form any special interest in terms of being or forming part of a listed building and the trees are not covered by any Tree Preservation Order or lie within a designated Conservation Area.

1.5 The applicant is seeking planning permission to change the use of the outbuilding to form temporary living accommodation for a period of 12 months. As part of the submission justification has been submitted by the agent on behalf of the applicant which indicates that the temporary use is sought until August 2023 to enable the overseeing of site security and supervision of works for the construction of the new house, more so during the winter and spring when the weather is bad. The application follows an Enforcement investigation into the outbuilding being used as living accommodation without prior planning approval. This application seeks to regularise the position.

1.6 The outbuilding would be connected to the existing drainage on site and waste proposed would be minimal with the applicant disposing of waste through the local recycling sites. It has also been confirmed that the applicant currently lets a separate dwelling in St Andrews which will be used as the applicant's main residence until the house is built. On completion of the house, it is indicated that the outbuilding would revert to the studio and become an ancillary outbuilding again.

1.7 The outbuilding is finished in timber with a sloping single story felted roof. Two fully glazed doors provide access and windows are situated to all other elevations. A layout has been provided by the agent to demonstrate the living accommodation areas and this will encompass

an open kitchen/living area, separate toilet shower, bedroom, and store. A small flue will serve the internal stove to the building.

1.8 The previous planning history for this site is as follows:

- 16/02080/FULL Erection of dwellinghouse, approved 07/09/2016
- 21/03076/FULL Erection of dwellinghouse and outbuilding (part retrospect) with associated works approved 06/01/2022

2.0 Procedural Matters

2.1 In the context of the material considerations relevant to this application there are no areas of conflict between the policy provisions of the approved NPF4 and the adopted FIFEplan LDP 2017 which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

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

- Principle of Development
- Residential Amenity
- Design and Visual Amenity
- Infrastructure and Road Safety

2.1 Principle of Development

2.1.1 The Scottish Planning Policy (2014) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

2.1.2 Policy 1, Development Principles of the Adopted FIFEplan (2017) indicates that development will be supported if it conforms to relevant Development Plan policies and proposals whilst seeking to address individual and cumulative impact. As such it must meet one of the points in Part A and conform to all applicable requirements in Parts B and C.

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

2.1.4 In simple land use terms, the principle of the development meets the requirements of the Development Plan and National Guidance and would comply with Policy 1(a) in this respect as the outbuilding lies within the main settlement area of New Gilston within the Adopted FIFEplan also forms part of an extant planning permission which has accepted the use of the site for residential purposes within a predominantly residential surrounding area.

2.1.5 Notwithstanding this, the overall acceptability of the development must comply with all applicable parts of Policy 1, Part B and Part C and reflect compliance with other policy considerations within the Adopted FIFEplan (2017), all of which are considered in detail below.

2.2 Residential Amenity

2.2.1 Policies 1 Development Principles and 10 Amenity of the Adopted FIFEplan (2017) apply as does Making Fife's Places Supplementary Guidance (2018), Fife Council's Supplementary Planning Guidance on Minimum Distances Between Window Openings is relevant given the proposed use of the outbuilding for temporary living accommodation. These policies and guidance indicate development will only be supported where it does not have a significant detrimental impact on the amenity of existing or proposed land uses and demonstrates compatibility with neighbouring uses and protects personal privacy and amenity.

2.2.2 The main consideration relates to the impact that the proposed temporary use of the outbuilding would have on the existing levels of residential amenity of the nearest neighbouring dwellings. In this instance, it is considered that the windows to the north and west of the building although in part would be screened by the existing neighbouring fence(s) and landscaping, would due to the close proximity of the outbuilding to these boundaries create potential issues of direct overlooking between respective neighbours. To ensure a satisfactory level of amenity is preserved a condition has been added in this instance to secure privacy screening to the glazing to all windows on the south and west elevations of the outbuilding for the duration of the consent.

2.2.3 The applicant has also confirmed that the use of the outbuilding would be on an intermittent basis to oversee the site build as well as manage any deliveries to the site. This could be considered a benefit to the amenity of the area as the applicant would be able to manage ongoing construction of the house, operating as a site manager for their own building and the ability to stay over would reduce trips from their existing base in St Andrews. They go on to indicate that a building warrant is due for submission and that building works would be expected to start on site early in March 2023 and they anticipate that the build will be completed by August 2023.

2.2.4 Issues raised by the objectors in terms of noise, smoke or ongoing activity which may give rise to public harm are out with the legislative powers of the Planning Authority to address or manage as part of the planning application process. However, the objectors do have a right of process to address this by formal complaint to Fife Council's Environmental Public Protection Team where the Council would have a legal duty to investigate on their behalf. As such these issues as submitted by the objectors are not material to the consideration of the application under the terms of considering residential amenity.

2.2.5 It is considered that the use of the outbuilding for a temporary period of 12 months would not significantly harm the residential amenity, subject to the application of planning conditions to safeguard loss of privacy. It would allow the applicant to construct the house as approved under the previous planning consent in 2021 and on balance provide security to the area once construction materials arrive on site, as well as providing supervision for the construction by the applicant, which would be of benefit to the area's amenity in general.

2.2.6 In conclusion, it is considered that the proposed temporary residential use of the outbuilding would comply with these policies and guidance.

2.3 Design and Visual Amenity

2.3.1 Policies 1 Development Principles and 10 Amenity of the Adopted FIFEplan (2017) apply as does Making Fife's Places Supplementary Guidance (2018). These policies and guidance indicate development will only be supported where it does not have a detrimental impact on the amenity of existing or proposed land uses. In this instance, the policies and guidance will be applied to assess the impact that the development would have on the existing visual appearance of the area and surroundings as well as any impact that it may create in relation to the existing levels of residential amenity..

2.3.2 At this point, it is worth noting that the siting of the outbuilding has already been established and consented under planning reference 21/03076/FULL, but it is appropriate to discuss its features again given the concerns raised by the objectors which relate to its impact on the rural environment and setting and any differences from that original proposed under the 2021 application.

2.3.3 The outbuilding is located to a rear area out with the main public views from the roadside to the south. With a floor area of approximately 37sqm and modest single storey flat roof, the blue painted timber outbuilding which is well maintained presents a familiar ancillary garden structure that would not be out of character with the area and existing outbuildings to the remaining rear street scape. It is bound and partly screened to the south by the neighbouring garden fence and trellis to Law View and to the west by the existing timber fence and landscaping to the neighbour at Wheatland (formerly Westcot). All other views of the outbuilding from the north and east would be absorbed by the proposed new house and existing tall conifer hedge. The applicant has, since construction, added a small black coated flue to the roof and new window to the east elevation which when viewed with the context and backdrop of the landscape and built environment would not significantly detract from the existing visual context of the area.

2.3.4 It is considered that in this case that the outbuilding still respects the character, appearance, and prevailing pattern of the area in terms of density, scale, design including external finishes and therefore complies with the relevant policies and guidelines relating to design and visual amenity.

2.4 Infrastructure and Road Safety

2.4.1 Policy 3 Infrastructure and Services and Policy 10 Amenity of the Adopted FIFEplan (2017) seek to ensure that development is designed and implemented in a sustainable manner whilst demonstrating necessary and appropriate management measures that may result because of the development. In this regard the policy assessment will be applied to assess the impact of the proposed use of the building in relation to any impact it may have on the drainage and waste to the site as well as impact on road safety.

2.4.2 Concerns have been raised regarding the lack of appropriate drainage and waste facilities to allow for living accommodation. A request for further information was made to the applicant to demonstrate how the temporary accommodation would be supported to serve the temporary needs of person(s) living on site, relating specifically to water and drainage connections as well as waste management. The applicant has demonstrated that the outbuilding would be connected directly to the new drainage connection that is to serve the new house and that these works have been carried out on site with Scottish Water approval. Furthermore, Scottish Water has raised no objection the current application.

2.4.3 In terms of waste management the applicant is proposing to recycle waste on site, whereby food waste will be composted locally with all other waste being taken to the local recycling centre. In addition, the use of the site as proposed would be minimal to serve the needs of the ongoing house development therefore any waste resulting from this use would be relative and manageable to alleviate any ongoing impact.

2.4.4 It is considered that the proposed connection to the new drainage layout would safely provide water and wastewater disposal from the site into the existing drainage system without any need for this to be managed on the site by other means for the temporary period and over the longer term. In addition, it is considered that the temporary nature and small scale of the building would not create detrimental amounts of food waste or litter and that the provision of a kitchen internally would allow suitable storage and sustainable management to safeguard the general amenity of the area.

2.4.5 The use of the outbuilding would give rise to new vehicle movements to the currently undeveloped site. The area has an established access road that connects to the Main Road and out with the footprint of the outbuilding there is sufficiently formed ground works to allow temporary access for a vehicle to enter and exit the site without creating any issues in relation to road safety. On balance again, it is not expected that the small-scale temporary use of the site would create any additional road safety concerns to that approved under the 2021 application for the proposed house.

2.4.6 In conclusion the applicant has demonstrated that the temporary use is of a scale and nature that would not significantly impact on the existing amenity of the site and that vehicles can safely enter and exit the site in a forward gear. Measures have been taken to ensure that it is satisfactorily serviced in terms of water and waste management and as such would safeguard the principles of these policies and guidance.

CONSULTATIONS

Scottish Water	No Objection
TDM, Planning Services	No Objection

REPRESENTATIONS

8 letters of objection have been received in relation to the development in relation to;

- Inadequate Waste and Water Facilities
- Impact on Visual and Residential Amenity
- Loss of Privacy
- Lack of Justification for Habitable Use
- Loss of Trees and Wall
- Noise and Smoke Nuisance

The material planning considerations relating to these concerns have been addressed within the main issues and options section of the report of handling.

Loss of Habitat

Matters in relation to loss of habitat are not material to the consideration of this application as the outbuilding position is not located to the area of the trees to north of the site. All contributors have been advised separately on how to address this matter out with the planning process.

Alleged Unauthorised Use

The current application under reference 22/02143/FULL has been submitted to regularise the intended use of the outbuilding for a temporary period.

Lack of Neighbour Notification

The systems indicate that all neighbours were duly notified through the correct procedures, however where this remains undisputed the Case Officer has taken measures to renotify where appropriate and allow all neighbours and contributors to duly comment within the timescale of the application.

Health and Safety Risk

Matters in relation to Health and Safety are not material to the consideration of this application.

Smoke and Fumes

Concerns have been raised regarding the use of the stove within the outbuilding that would emit smoke to the neighbouring gardens. The matter of controlling smoke and fumes from this element are outwith the controls of the Local Planning Authority, but as noted within the report the objectors would have the ability to manage these concerns under the legislative power belonging to Fife Council's Environmental Health Team.

Legal use of Area

In this regard concerns have been raised about how the applicant is using the context of their land in relation to neighbouring boundaries. These matters are not material to the consideration of the application and all landowners would have legal rights separate to the planning application to address any contravention of land or title deeds.

CONCLUSIONS

The applicant has demonstrated that the intended use and management of the outbuilding to provide temporary habitable accommodation for a period of 12 months to serve the onsite needs and demands of the proposed site works for the construction of the house approved under planning application reference 21/03067/FULL would not detrimentally impact on the visual or residential amenity of the surrounding area..

RECOMMENDATION

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

1. The temporary use authorised by this permission shall be discontinued within 21 days of the completion of the permanent dwelling on the site or before 8th February 2024, (whichever is sooner). Thereafter the building will revert to its former use as a residential outbuilding and be retained as such in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason: The outbuilding is of a temporary nature and its use for residential purposes is only acceptable as a temporary expedient. As such it would not be suitable for long-term living accommodation which may be considered separate to the needs of the proposed dwellinghouse or as being suitable for consideration as a separate dwelling.

2. All existing glazed openings on the outbuilding facing west and south shall have obscure privacy film attached and permanently in place during the period the building is used for temporary living accommodation. For the avoidance of doubt, the film shall remain in place during the outbuildings temporary approved alternate use and no other new openings shall be formed on the west and south elevations unless agreed in advance with this Planning Authority.

Reason: In the interests of residential amenity.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance:

Scottish Planning Policy (June 2014)

National Planning Framework 4 - Approved (2023)

Development Plan and Supplementary Guidance:

Adopted FIFEplan Local Development Plan (September 2017)

Making Fife's Places Supplementary Guidance (August 2018)

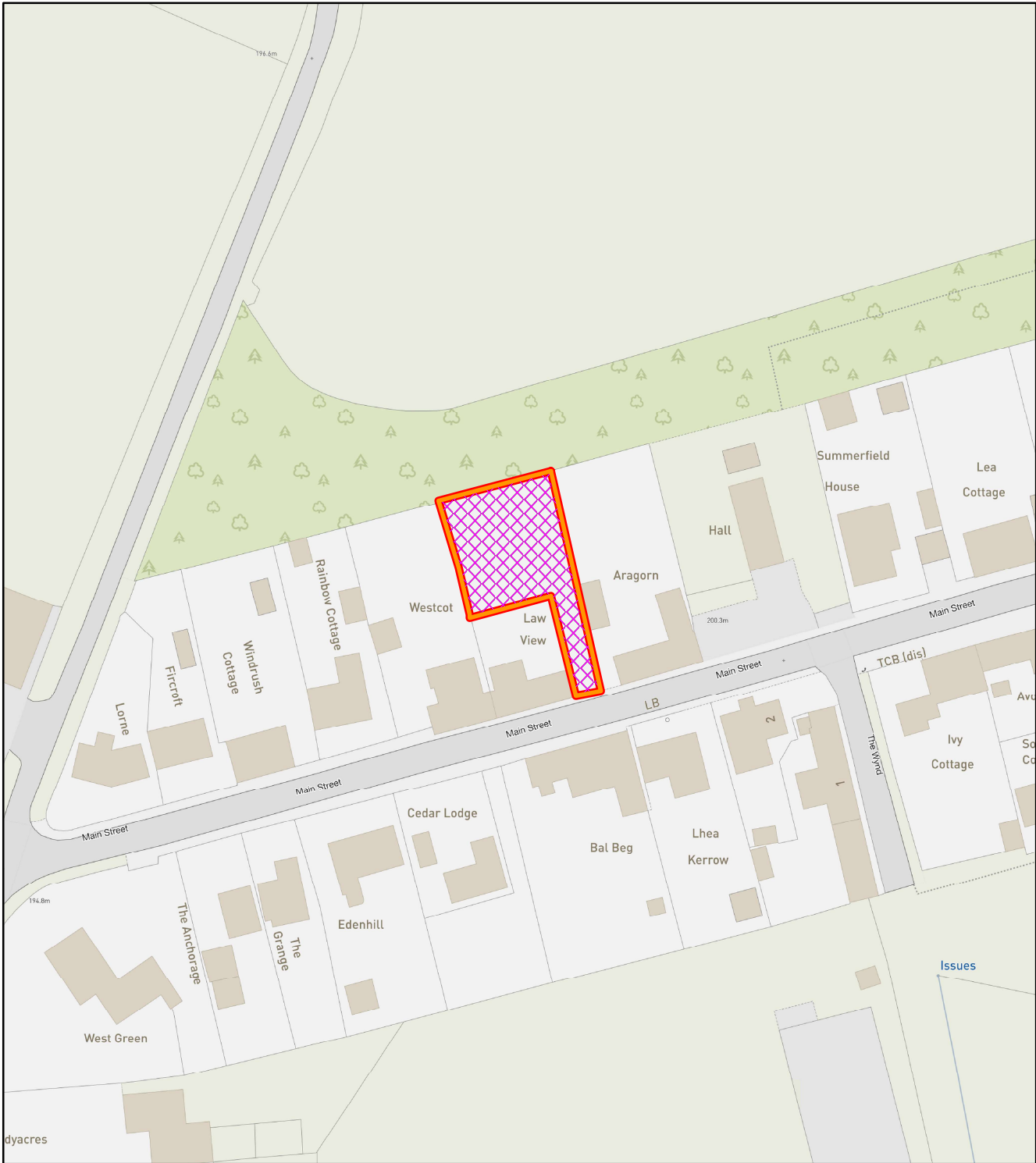
Fife Council Planning Customer Guidelines on Minimum Distances Between Window Openings

Report prepared by Lorraine Gardiner, Planning Assistant and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Date Printed 12/12/2022

Land to north of Law View Main Street New Gilston



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	