

## North East Planning Committee

This meeting will be held remotely.

Wednesday, 17th August, 2022 - 1.30 p.m.

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### 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 22nd June, 2022. 4 – 5
4. **22/00449/FULL - ERECTION OF DWELLINGHOUSE AT TODBURN HOUSE, CHAPEL GREEN, EARLSFERRY, FIFE** 6 – 16  

Application appealed to the Directorate of Planning & Environmental Appeals (DPEA) on the grounds that Fife Council as Planning Authority had not determined the application within the 2-month statutory period.
5. **21/01410/FULL - 22 HIGH STREET, NEWBURGH, CUPAR** 17 – 24  

Change of use from workshop (Class 4) to dwellinghouse (Class 9) and associated external alterations, including installation of replacement windows and doors and rooflights.
6. **21/02718/LBC - 22 HIGH STREET, NEWBURGH, CUPAR** 25 – 30  

Listed building consent for alterations to internal and external, including the installation of a window, doors and roof lights.
7. **21/03478/FULL - ST. REGULUS COTTAGE, GREGORY PLACE, ST. ANDREWS** 31 – 42  

Erection of 2 dwellinghouses.
8. **21/03477/CAC - ST. REGULUS COTTAGE, GREGORY PLACE, ST. ANDREWS** 43 – 48  

Conservation area consent for complete demolition of 2 dwellings.
- 9./

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<b>9. 21/03603/FULL - LAND ADJACENT BALMASHIE HOLIDAY HOMES, KENLY, BOARHILLS</b>	49 – 60
Tourism development, including change of use from storage building to reception centre and erection of 21 holiday pods and associated landscaping and works.	
<b>10. 21/03621/FULL - 59 ARGYLE STREET, ST. ANDREWS, FIFE</b>	61 – 71
Alterations and extension to garage to form ancillary accommodation and alterations to dwellinghouse.	
<b>11. 21/03622/LBC - 59 ARGYLE STREET, ST. ANDREWS, FIFE</b>	72 – 80
Listed building consent for alterations and extension to garage to form ancillary accommodation and alterations to dwellinghouse.	
<b>12. 22/00646/FULL - LAND AT EAST PITCORTHIE, PITCORTHIE</b>	81 – 92
Change of use from steading to dwellinghouse and erection of 2 No. holiday lets and associated infrastructure.	
<b>13. 22/00378/FULL - 10 PRIESTDEN ROAD, ST. ANDREWS, FIFE</b>	93 – 107
Erection of ancillary accommodation (one occupant) within garden ground of HMO house (6 occupants).	
<b>14. 21/03892/FULL - SITE AT WEST PARK ROAD, WORMIT</b>	108 – 120
Erection of 4 dwellinghouses.	
<b>15. 22/00871/FULL - FORMER TELEPHONE EXCHANGE, SESSION LANE, PITTENWEEM</b>	121 – 126
Change of use of former telephone exchange to dwellinghouse (Class 9).	
<b>16. 22/01132/FULL - KINCAPLE LODGE, KINCAPLE, ST. ANDREWS</b>	127 – 135
Installation of dormer extensions to rear of dwellinghouse.	
<b>17. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS</b>	
List of applications dealt with under delegated powers for the period 13th June to 10th July, 2022; and 11th July to 7th August, 2022.	

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

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

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Finance and Corporate Services

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10th August, 2022

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**THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING**

**22nd June, 2022**

**1.30 p.m. – 1.45 p.m.**

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

**ATTENDING:** Alastair Hamilton, Service Manager, Development Management, Development Services; Steven Paterson, Solicitor; and Diane Barnet, Committee Officer, Legal & Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors Margaret Kennedy, David MacDiarmid and Ann Verner.

**1. MEMBERSHIP OF COMMITTEE**

The Committee noted its membership as detailed on the agenda for this meeting.

**2. APPOINTMENT OF DEPUTE CONVENER**

Councillor Knox, seconded by Councillor Corps, moved that Councillor Liston be appointed as Depute Convener.

**Decision**

There being no other nominations, Councillor Liston was duly appointed as Depute Convener of this Committee.

**3. DECLARATIONS OF INTEREST**

Councillor Tepp declared an interest in Para. No. 4 - '21/03892/FULL - Site at West Park Road, Wormit' - as he was a resident of Westfield Terrace and a neighbour of a number of objectors to the development.

**4. 21/03892/FULL - SITE AT WEST PARK ROAD, WORMIT**

**Decision**

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

**5. 22/00722/FULL - 23 GLEBE PARK, STRATHMIGLO, CUPAR**

The Committee considered a report by the Head of Planning relating to an application for the formation of vehicle access (retrospective).

**Decision/**



**Decision**

The Committee agreed to approve the application subject to the one condition and for the reason detailed in the report.

**6. 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 21st March to 17th April; 18th April to 15th May; and 16th May to 12th June, 2022.

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17 August 2022  
Agenda Item No. 4

## **22/00449/FULL – Erection of Dwellinghouse at Todburn House, Chapel Green, Earlsferry, Fife**

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Report by: Pam Ewen, Head of Planning Services

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Wards Affected: East Neuk and Landward

### **Purpose**

This application has been appealed to the Directorate of Planning and Environmental Appeals (DPEA) under the grounds that Fife Council as planning authority has not determined the application within the two-month statutory period. As part of this process, Committee are normally asked to provide a view to the DPEA as to how they believe the application should be determined. As the DPEA Reporter was unable to wait until this meeting of North East Planning Committee, the Head of Planning Services exercised her delegated powers to determine the Council's position at any appeal in relation to planning matters, in consultation with the Convener of the relevant committee.

The purpose of this report is to inform the Committee of the view of the Council as Planning Authority, which was provided to the DPEA.

### **Recommendation(s)**

That the Committee note the view on application 22/00449/FULL provided to the DPEA, following a meeting between Cllr Jonny Tepp (Convener of North East Planning Committee); Pam Ewen (Head of Planning Services); Steven Paterson (Legal Services); and Chris Smith (Lead Officer) and Scott McInroy (Planner and case officer) on 5<sup>th</sup> July 2022.

### **Legal & Risk Implications**

There are no direct or indirect legal implications affecting Fife Council as Planning Authority.

### **Consultation**

The case proposal was outlined to all those present at the meeting of 5<sup>th</sup> July 2022. All parties had sight of the planning case officers Report of Handling (Appendix 1). The planning assessment recommendation was for refusal. At the meeting, some minor points of clarity were recommended to be added to the Report of Handling, but no new material changes were made to the assessment or recommendation.

## Conclusions

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It was agreed, in consultation with the Committee Convenor, that the draft recommendation to the DPEA Reporter of Refusal (subject to the 2 draft recommended reasons for the Reporter's consideration) be submitted as the Council's position.

## Background Papers

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

## Report Contact

Author Name	Scott McInroy
Author's Job Title	Planner, Development Management
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**NORTH EAST PLANNING COMMITTEE**

**COMMITTEE DATE:**

**ITEM NO:**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00449/FULL**

**SITE ADDRESS: TODBURN HOUSE CHAPEL GREEN EARLSFERRY**

**PROPOSAL: ERECTION OF DWELLINGHOUSE**

**APPLICANT: MRS E. MULLER  
TODBURN HOUSE CHAPEL GREEN ELIE**

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

**CASE OFFICER: Scott McInroy**

**DATE REGISTERED: 21/02/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The applicant has lodged an appeal (DPEA Reference Number PPA-250-2378) to the DPEA against non-determination of the planning application and therefore a committee level opinion is required to be submitted to Scottish Ministers and the number of written representations received contrary to the officer recommendation has also exceeded 6.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Deemed Refusal following an appeal against non-determination

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning

authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.0 Background

1.1 The Application site is located within the Elie and Earlsferry Conservation Area and settlement boundary as designated in the adopted FIFEplan (2017) and sits to the north of the former Todburn House. The site is bound by a stone dyke and mature planting to the west, Todburn House, itself to the north and private access road to the west. The site is accessed through a private road off Sea Tangle Road. The site is currently unkept ground with and is covered by a Tree Preservation Order (TPO).

1.2 The proposal is for the erection a single storey two-bedroom dwellinghouse with associated garden. The dwellinghouse is to be finished with a slated roof and rendered walls, painted white. The windows, which have a vertical emphasis, will be timber framed with aluminium covers. A timber fence boundary is proposed to the north and south with a hedge boundary to the west.

## 1.3 Planning History

20/03243/FULL - Erection of dwellinghouse - application withdrawn on 04/08/2021.

1.4 A number of objections have stated the previous planning history for this site regarding the illegal felling of protected trees. On 16/03/2018 a Planning Contravention Notice was served on this site due to the unauthorised felling of trees within a conservation area. As this issue was not resolved a Planning Enforcement Notice was served on the applicant of this site (ref 18/00117/ENF). The applicant appealed this decision to the DPEA. The appointed reporter upheld the tree replacement notice on 04/09/2018 concluding that the felling of the trees has had an adverse impact on the character and appearance of the Outstanding Earlsferry and Elie Conservation Area. Further to this the 26 trees in this location were granted TPO status on 02/04/2021.

## 2.0 Planning Assessment

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

- Principle of Residential Development
- Trees
- Design/ Scale/ Finishes and Impact on Conservation Area
- Residential Amenity
- Garden Ground
- Road Safety
- Low Carbon

## 2.2 Principle Of Development

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

2.2.2 Policy 1, Part A of the 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. In the instance of development on an area that is covered by a Tree Preservation Order, and which will impact on the natural environment, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policy 13.

2.2.3 Policy 13 of FIFEplan advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Fife's Making Fife's Places Supplementary Guidance.

2.2.4 Concerns have been raised regarding the principle of development in an area that is also covered by a Tree Preservation Order (TPO) and is within the Conservation Area of Elie & Earlsferry. As the site is located within the settlement boundary of Elie & Earlsferry there is a basic presumption in favour of development in this location as per Policy 1 A. Another section of the gateway Policy 1 (Policy 1, Part B 7) of FIFEplan safeguards the character and qualities of the landscape which includes Trees (and this is covered in more detail in section 2.3 of this report). Overall, although there is a basic presumption in favour of development within the settlement boundary, it is imperative that the overall acceptability of the application as a whole is subject to the development satisfying other key policy criteria such as trees, amenity, road safety and other matters all of which are considered in detail below.

## 2.3 Impact on Trees

2.3.1 The Adopted FIFEplan (2017) Policies 1, 13 and the Making Fife's Places Adopted Planning Policy Guidance Document (2018) and the Making Fife's Places Proposed Supplementary Guidance Document (2018) apply with regard to the impact on areas covered by a Tree Preservation Order (TPO). Policy 13 advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance and woodlands (including native and other long-established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Fife's Making Fife's Places Supplementary Guidance.

2.3.2 Several concerns have been raised regarding the impact on the trees on site. As stated in paragraph 2.2.4, the supporting statement wrongly states that the trees on site are not covered by a Tree Preservation Order (TPO). The associated planning statement goes on to state that 6 of the newly planted trees are to be removed and replanted elsewhere on site, while 9 trees on site will be protected by mitigation measures through the development phase. The 6 trees that are proposed to be removed and replanted are Category C trees which are considered to be smaller trees and of low quality. The report concludes that with the proposed mitigation measures which include root protection areas and replanting, the proposed development would not impact on the trees in this location. As part of the enforcement case (ref 18/00117/ENF) and subsequent appeal decision, the applicant was to replant 19 trees in this area to mitigate for the unauthorised trees that were cut down. The trees that were to be replanted were to contribute to the character and appearance of the Conservation Area to mitigate for the ones that were cut down. Given that the replacement trees were only recently planted, they have not been given time to mature to provide a

positive contribution to the character and appearance of the Conservation area, it is therefore considered that the proposal would have an adverse effect on the trees in this location and the wider visual character of the area. Overall, trees are considered an important part of the character of this area and are still considered critically important currently as they were back in 2018 as part of the necessary replanting requirement outcome of the enforcement/appeal case outcome.

2.3.3 It is therefore considered that this proposal is contrary to the requirements of Policy 13 in that the proposal does not protect or enhance natural heritage assets such as protected trees and the biodiversity associated with them.

## 2.4 Design/Scale/Finishes and Impact on the Conservation Area

2.4.1 SPP (2014), Historic Environment Scotland's Historic Environment Policy for Scotland (2019), Adopted FIFEplan (2017) Policies 1, 10 and 14, and Making Fife's Places Supplementary Guidance (2018) apply with regard to the design and visual impact of the proposal.

2.4.2 Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. Policy 14 (Built and Historic Environment) advises that proposals should safeguard the characteristics of the historic environment, proposals should not lead to a significant visual detrimental impact on their surrounds. Policy 14 also advises that development, which protects or enhances buildings or other built heritage of special architectural or historic interest, will be supported.

2.4.3 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. Fife Council's Elie & Earlsferry Conservation Area Appraisal and Management Plan (2012) also provides advice and guidance on the natural and built heritage assets within the designated conservation area and should be considered in all relevant development proposals.

2.4.4 Concerns have been raised regarding the impact of development on the Conservation Area. The application site is sited to the north of Todburn House within the Elie Conservation Area. Concerns have been raised regarding the design of the dwellings and impact on the conservation area. The proposal is to erect a single storey two-bedroom dwellinghouse with associated garden. The dwellinghouse is to be finished with a slated roof and rendered walls, painted white. The windows, which have a vertical emphasis, will be timber framed with aluminium covers. The proposed finishes are in keeping with the surrounding dwellings on Chapel Green Road. Being single storey, the appearance of the house as seen from Chapel Green Road will be no higher at the ridge than the houses on the east side of the road. With the height of the existing hedging on the west side of the garden, the houses on Chapel Green Road do not benefit from views into the application site, therefore the application site would not create a significant impact on the streetscene in this location. The proposed design of the house itself would not have an impact on the Conservation Area due to the height and existing boundary treatments, however as stated in section 2.1 and 2.2 as this site is covered by a TPO and given the previous history of this site, the trees that were planted to replace those that were felled illegally were done so to provide a positive contribution to the character and appearance of the Conservation Area, therefore the as these have not matured yet the

development of a house in this location would impact on the appearance of the conservation Area.

## 2.5 Residential Amenity

2.5.1 Policy 10 of the Adopted FIFEplan (2017) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight advises that new development should not lead to the loss of privacy or sunlight and daylight. Policy 10 also stipulates that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.5.2 The main consideration in this instance related directly to any impact the proposed dwellinghouses would have on adjacent plots in relation to overlooking; loss of privacy; and loss of daylight.

2.5.3 Concerns have been raised regarding the impact on the residential amenity of the surrounding area. The size, scale and location of the proposal within the site would ensure that the proposal raises no overshadowing or privacy issues in relation the existing neighbouring properties. Indeed, the elevations closest to adjacent properties to the east would have windows that serve non-habitable rooms. Given the size of the plots the proposed dwellings sit in and the distance from the existing residential premises to the south and east, the proposal raises no concerns in terms of impact on daylight and sunlight to neighbouring properties.

2.5.4 Fife Councils Public Protection team were consulted on this application and have requested that a condition be added to protect the residential amenity of future residents from the noise of the proposed air source heat pump. A suitable condition has been added to this application.

## 2.6 Garden Ground

2.6.1 Fife Council's Planning Customer Guidelines on Garden Ground advises that all new detached dwellings should be served by a minimum of 100 square metres of private useable garden space and that a building footprint to garden space of 1:3 will be required.

2.6.2 The proposed development provides sufficient amenity garden ground for both the proposed and existing dwelling in line with the policy described above. The application therefore meets the requirements of the Development Plan relating in this regard.

## 2.7 Road Safety

2.7.1 Policy 10 of the Adopted FIFEplan (2017) supports development where it does not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements.

2.7.2 Concerns have been raised regarding the access to this site. Fife Council's Transport Development Management team (TDMT) has assessed the application and confirmed that they have no objection to the proposed development subject to conditions regarding off street parking.



## 2.8 Low Carbon

2.8.1 Collectively, Policies 1:Development Principles (Part B), 3: Infrastructure and Services and 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a low carbon checklist which states that the proposal will install an air source heat pump and solar pv roof slates.

2.8.2 As such, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon.

### CONSULTATIONS

Trees, Planning Services	No comment
Transportation, Planning Services	No objection subject to conditions
Environmental Health (Public Protection)	No objection subject to conditions
Transportation And Environmental Services - Operations Team	No comment
Community Council	No comment
Scottish Water	

### REPRESENTATIONS

36 objections were received. The material considerations relating to these concerns have been addressed under the following sections of this report:

- 1.3 (Planning History) - previous enforcement action regarding illegal felling of trees on site
- 2.2 (Principle of Development) - development on site that is covered by Tree Preservation Order (TPO) and within Conservation Area
- 2.3 (Trees) - impact on trees that are covered by a Tree Preservation Order (TPO),
- 2.4 (Design/ Scale/ Finishes and Impact on Conservation Area) - impact on Conservation Area
- 2.5 (Residential Amenity) - Impact on surrounding properties
- 2.6 (Road Safety) - impact on private access road.

Concerns regarding land ownership and other developments within Elie & Earlsferry are not a material planning consideration in the assessment of this application.

11 supporting comments were also received.

All representations have been taken into consideration as part of the assessment of this application.

## **CONCLUSIONS**

It is considered by virtue of the impact on protected trees in this location and impact on the character and appearance of the Elie & Earlsferry conservation area, the proposal is deemed to have a significant impact on the natural heritage assets in this location which would damage the character and appearance of the conservation area which would be contrary to FIFEplan (2017) Policies 1, 13 and Making Fife's Places Supplementary Guidance (2018).

## **RECOMMENDATION**

The application be refused for the following reason(s)

1 - In the interest of safeguarding the Conservation Area and an area covered by a Tree Preservation Order (TPO) from unjustified residential development; the need for a new dwellinghouse in this location is not considered to be justified due to the impact on the character and appearance of the Conservation Area. The proposal is therefore contrary to Scottish Planning Policy (SPP) 2014, Historic Environment Scotland's Historic Environment Policy for Scotland (2019), Policies 1, 10, 13 and 14 of the Adopted FIFEplan – Fife Local Development Plan (2017), Making Fife's Places - Supplementary Guidance (2018) and Fife Council's Elie & Earlsferry Conservation Area Appraisal and Management Plan (2012).

2 - The proposal runs counter to Policies 1 and 13 of the Adopted FIFEplan – Fife Local Development (2017) and Making Fife's Places - Supplementary Guidance (2018) in that trees covered by a Tree Preservation Order (TPO) will be protected from works or actions which will impair their health and appearance. The proposed works are not consistent with the principles of sound woodland management and good arboricultural practice and it is therefore considered that the development would have an adverse impact on the health of the trees within and adjacent to the site that form part of the protected woodland.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### National Guidance

Scottish Planning Policy (2014)

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

### Development Plan

Adopted FIFEplan (2017)

### Other Guidance

Making Fife's Places Supplementary Guidance (2018)

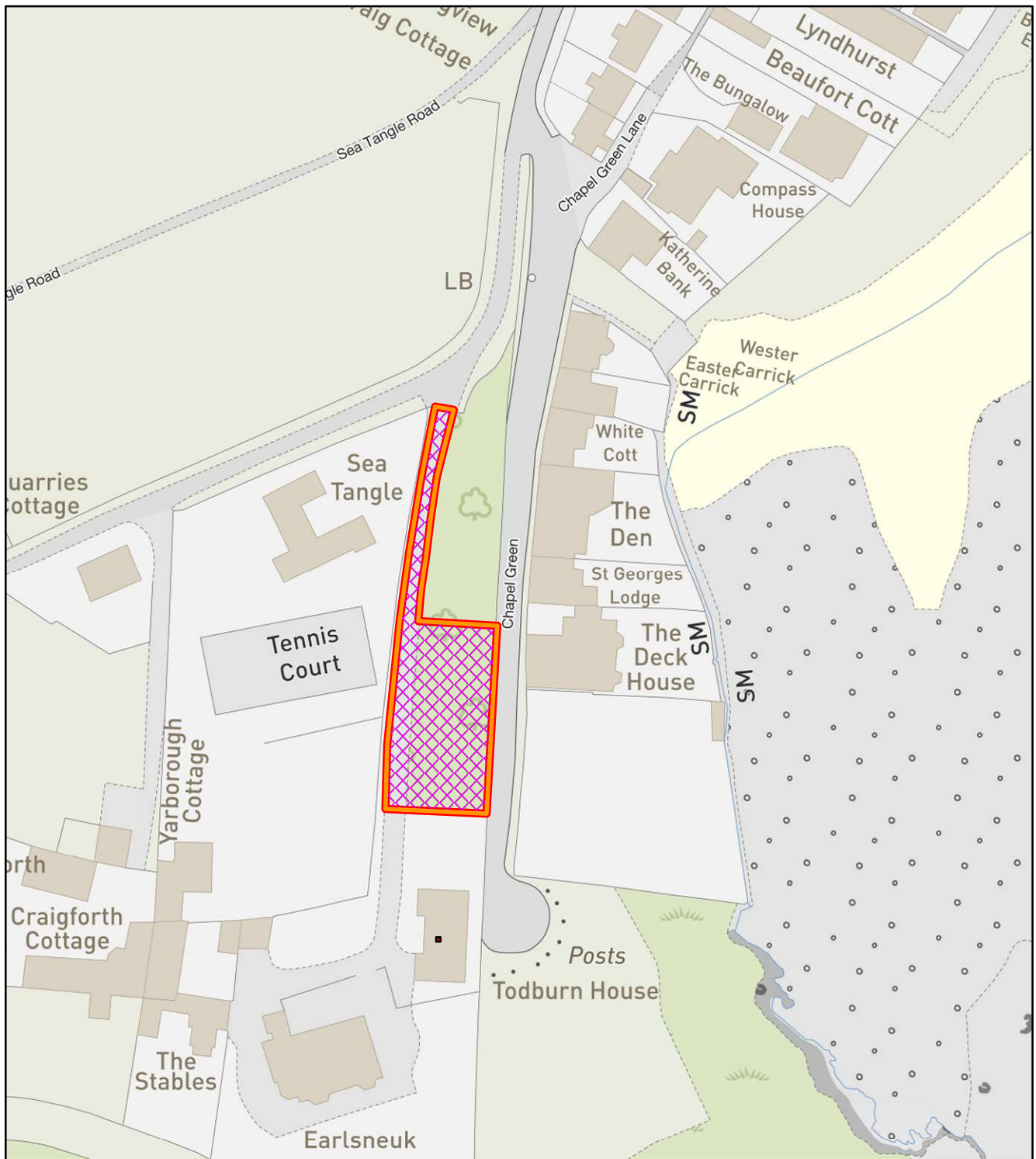
Fife Council's Planning Customer Guidance on Garden Ground (2016)

Fife Council Elie & Earlsferry Conservation Area Appraisal and Management Plan (2012)

Report prepared by Scott McInroy, Planner, Development Management

Date Printed 04/07/2022

## Todburn House Chapel Green Earlsferry

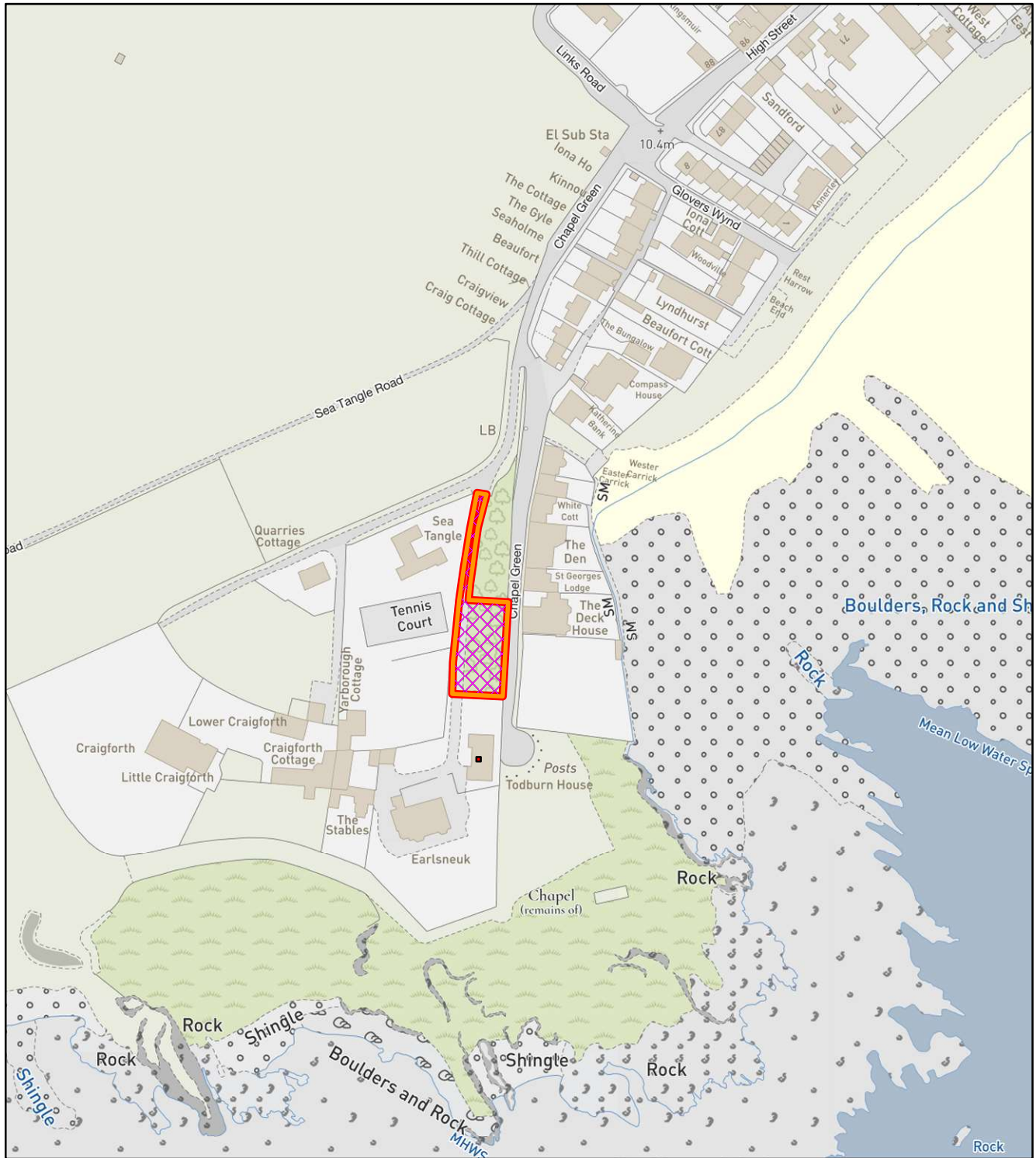


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<b>Legend</b>			
	Application Boundary		

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## Todburn House Chapel Green Earlsferry



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 5**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/01410/FULL**

**SITE ADDRESS: 22 HIGH STREET NEWBURGH CUPAR**

**PROPOSAL : CHANGE OF USE FROM WORKSHOP (CLASS 4) TO DWELLINGHOUSE (CLASS 9) AND ASSOCIATED EXTERNAL ALTERATIONS INCLUDING INSTALLATION OF REPLACEMENT WINDOWS AND DOORS AND ROOFLIGHTS.**

**APPLICANT: MR MICK LEWIS  
13 LOCH ROAD SALINE UK**

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

**CASE OFFICER: Andy Taylor**

**DATE 25/06/2021**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

There are more than five objections

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

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

## 1.0 Background

1.1 This application relates to an 18th Century, terraced, two-storey, traditional Category C Listed property located on Newburgh High Street, within Newburgh Conservation Area and settlement boundary. The property is painted white with natural slate roof and timber windows and doors. The terraced row in which the property located are a various mix of age, height and traditional styles of properties. There is no off-street parking associated with this property with on-street parking located to the front and no garden ground.

1.2 This application seeks planning permission to change the use of from a workshop (Class 4) to a dwellinghouse (Class 9) with associated external alterations including installation of replacement windows and doors and rooflights.

1.3 Planning History on the property is as follows;

- 08/00050/EFULL, planning application to re-roof the building, approved February 2008.

-08/00053/ELBC, listed building consent for re-roofing of building, approved February 2008.

- 21/02718/LBC, an application for listed building consent for internal and external alterations including installation of windows, doors and roof lights is being assessed in conjunction with this application.

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

## 2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are;

- Principle of Development
- Visual Impact on the listed building and conservation area
- Road Safety
- Residential Amenity
- Garden Ground
- Low Carbon

### 2.2 Principle of development

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

2.2.2 Policy 1, Part A, of the 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 Team. Policy 2 of FIFEplan supports the development of unallocated sites for housing provided they do not prejudice the housing land

supply strategy of the Local Development Plan and proposals comply with the policies for the location.

2.2.3 In simple land use terms the principle of the residential development clearly meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the settlement boundary of Newburgh as defined in the Adopted FIFEplan (2017). Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as design, amenity, road safety and other matters all of which are considered in detail below.

## 2.3 Visual Impact on the listed building and conservation area

2.3.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the building or its setting and change shall be managed to protect its special interest. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Design and materials which will affect a conservation area shall be appropriate to both the character and appearance of the building or area and its setting.

2.3.2 FIFEplan Policies 1 (Development Principles), 10 (Amenity) and 14 (Built and Historic Environment), require new development to make a positive contribution to its immediate environment in terms of the quality of the development. Policy 14 (Built and Historic Environment) and 10 (Amenity) of FIFEplan is applicable in requiring that there would be no adverse impact on the amenity, character of the historic environment. Consequently, the design, materials, scale and siting of any development shall be appropriate to the character of the historic environment. Historic Environment Circular 1 (2016) provides further information in relation to the impacts of proposals on the historic environment and is also a material consideration in this regard.

2.3.3 Historic Environment Scotland - Policy Statement (June 2016) advises that new work, including alterations to historic buildings shall enhance its surroundings. The Newburgh Conservation Area Appraisal and Management Plan is also relevant in the assessment of this application.

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

2.3.5 Objections have been received relating to the doors and windows being fitted being of the wrong type, and roof vents not being flush. In addition, there are concerns that the alterations would detract from the listed property. The alterations proposed for the building include replacement sash and case double glazed windows on the front and rear elevation, two simple



traditional style replacement white painted timber doors on the front elevation all like for like, and five rooflights on the rear elevation. Apart from the new windows being double glazed the applicant has proposed a slimline timber framed type window units which are considered acceptable in this instance. The replacement door and windows, and rooflights are considered to retain the existing character of the property while respecting and enhancing the character of this Category C Listed building and the surrounding conservation area. The applicant has stated that conservation rooflights would be installed on the hidden rear roofslope and subsequently this can be conditioned to ensure more suitable traditional roof lights are used. An appropriately worded condition as included in the report can be included. The vents proposed are small and to the rear of the property and are considered acceptable.

2.3.6 In conclusion, it is considered that the design of the alterations, are suitable in terms of proportion and scale and will respect the character and appearance of the building and are not considered to have an adverse impact on the character and appearance of the Category C listed building and the setting of the conservation area, complying with the above noted legislation, development plan policies and national guidance.

## 2.4 Road Safety

2.4.1 FIFEplan Policy 10 ensures that new development does not lead to a significant detrimental impact on amenity and road safety in relation to traffic movements, amongst other considerations. Policy 3 of FIFEplan requires new development to provide appropriate infrastructure to ensure a number of criteria are met, including that local transport routes are provided. Making Fife's Places planning policy guidance also provides further detail in respect of transportation issues, particularly within appendix G.

2.4.2 Objections have been received relating to the lack of parking for the proposed change of use to a dwellinghouse. Fife Council Transportation Development Management Officers (TDM) were consulted on the application to assess the impact it would have on road safety in the surrounding area. TDM have confirmed that there is no off-street parking associated with the building. The proposed dwellinghouse will replace the existing workshop which will have generated its own vehicular transport trips which would likely have been more than the trip generation of a 3-bedroom dwellinghouse. TDM confirm that there is replacement value of transport trips that were related to the previous workshop that will be more than that generated by a single dwellinghouse. There is no requirement therefore, for any additional off-street parking. TDM Based on the above overall assessment, Transportation Development Management have no objections. TDM conclude by stating they have no objection to the proposal.

2.4.3 Taking these factors into account, the proposal would comply with the Fife Council Transportation Development Guidelines and relevant development plan policies.

## 2.5 Residential Amenity

2.5.1 PAN1/2011 sets out how noise issues generally should be handled when considering any application for planning permission whilst Policies 1 and 10 (Amenity) of FIFEPlan (2017) supports development proposals where they are compatible with neighbouring uses. Policy 10 of the Adopted FIFEplan states that development will only be supported in such cases where it would not have a significant detrimental impact on the amenity of existing or proposed land uses.



2.5.2 Objections have been received in relation to the large dormer which was proposed on to the rear and shadowing it may have caused. The applicant has since revised the proposals to remove the large dormer and it has been replaced with rooflights which will allow light into the property but not cause any additional overlooking issues towards No 24 immediately to the north. An objection concerned with increased noise has been received. As the application is for residential use in what is predominantly a residential area there will be no noise issues material to the planning assessment in this case.

5.5.3 In light of the above, the proposal represents a residential use which is appropriate in relation to the surrounding area and is deemed to comply with FIFEplan policies 1 and 10 in terms of amenity.

## 2.6 Garden Ground

2.6.1 Fife Council's Planning Customer Guidelines on Garden Ground advises that new dwellings should have at least 100 sqm of private garden ground. However, in this case the proposal involves the conversion and alteration of an existing building fronting onto Newburgh High Street which has no amenity space. The lack of amenity space would not preclude the use of the building as a dwelling house.

## 2.7 Low Carbon

2.7.1 Policies 1:Development Principles (Part B), 3: Infrastructure and Services and 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.7.2 In this instance the application would involve the conversion of an existing building but further to that it would meet if not exceed the Scottish Building Standards targets in terms of low carbon; would source locally where possible materials necessary to alter the property; would utilise low energy/resource efficient technologies and would fully insulate the property etc. As such, it is considered that the proposed development accords with the above provisions of the low carbon policy and guidance for a small-scale development of this nature.

## CONSULTATIONS

Transportation, Planning Services

No objections

## REPRESENTATIONS

Eleven representations have been received in relation to this planning application objecting on the following grounds;

- Wrong choice of materials for windows and doors.  
See Section 2.3.4

- Issues with roof vents not being flush.

See Section 2.3.4

- Out of character with conservation area.

See Section 2.3.4

- Overshadowing.

There are no alterations proposed which would cause overshadowing. This referred to the large dormer which was proposed originally but revised and replaced with rooflights .

- Alterations detract from character and appearance of listed building.

See Section 2.3.4

- Number of previous unauthorised alterations made to the property.

This would be subject to separate enforcement investigation.

- Parking Issues.

See Section 2.4.2

- No bin storage available.

Not unusual for this type of historic building not to have designated refuse storage but space would be provided as it did when the previous commercial use operated from within the property.

- Increased noise levels.

Given that this is for residential use, it is not anticipated that there will be increased noise levels.

- Loss of privacy.

This has been addressed with the removal of the large box dormer proposed to the rear.

#### Non-Material Matters:-

- Issues with the common door being replaced.

This is a private legal matter and not a material planning consideration.

- Concerns regarding the access.

This is a private legal matter and not a material planning consideration.

- Access/title deed/landowner private legal issues.

Not a material planning consideration.

- Issues regarding water/sewerage supplies.

Not material consideration even though expected connections are shown on plans as the formal technical aspects and agreement to connect to relevant infrastructure would be agreed as part of any future Building Warrant and/or directly with the service provider.

## **CONCLUSIONS**

The proposal is acceptable in meeting the terms of National Guidance, the Development Plan and is compatible with its surrounds in terms of land use, design, will not have any material adverse impact on the amenity of the surrounding area.

## **RECOMMENDATION**

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

1. BEFORE ANY EXTERNAL PAINT WORK COMMENCES, details of the specification and colour of the proposed external paint shall be submitted for the prior written approval of this Planning Authority and thereafter the agreed paint shall be applied.

Reason: In the interests of visual amenity; to ensure that the proposed development does not detract from the character and appearance of this Category C Listed Building and the Newburgh Conservation Area within which the site is located.

2. The proposed rooflights shall be of a conservation type, the details of which shall be submitted for the prior written approval of Fife Council as Planning Authority before they are installed. Thereafter the rooflights shall be installed as agreed and for the avoidance of doubt, the rooflights shall include a central vertical glazing bar.

Reason: In the interests of visual amenity; to ensure that the proposed development does not detract from the character and appearance of this Category C Listed Building and the Newburgh Conservation Area within which the site is located.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### National Guidance

Section 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997  
Historic Environment Scotland - Policy Statement (2016)

### Development Plan

Adopted FIFEplan Local Development Plan (2017)  
Making Fife's Places Supplementary Guidance (2018)

Newburgh Conservation Area Appraisal and Management Plan

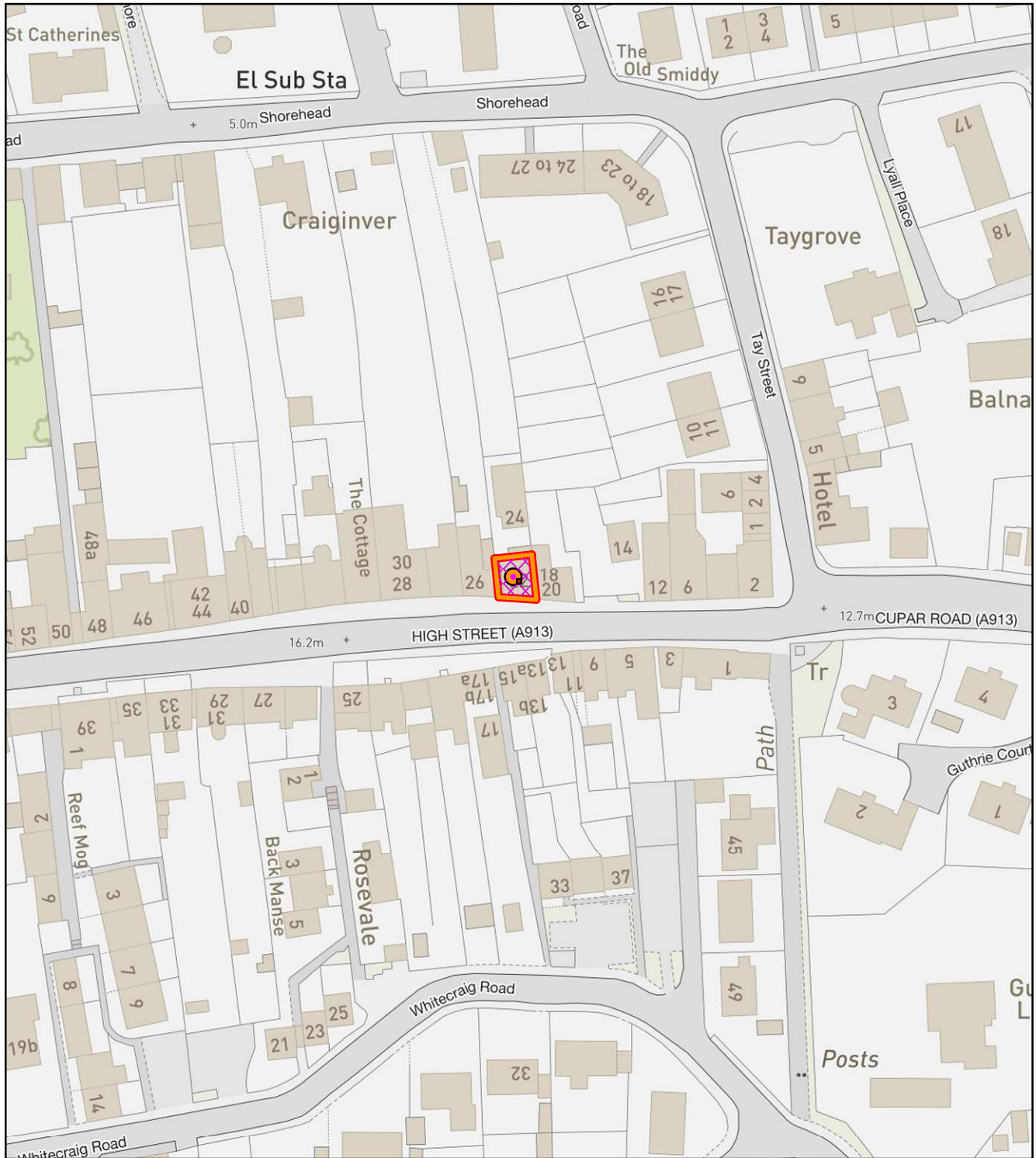
Report prepared by Andrew Taylor, Case Officer

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 25/7/22.

Date Printed 03/08/2022

# 21/01410/FULL

22 High Street Newburgh



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 6**

**APPLICATION FOR LISTED BUILDING CONSENT REF: 21/02718/LBC**

**SITE ADDRESS: 22 HIGH STREET NEWBURGH CUPAR**

**PROPOSAL : LISTED BUILDING CONSENT FOR ALTERATIONS TO  
INTERNAL AND EXTERNAL INCLUDING THE INSTALLATION  
OF A WINDOWS, DOORS AND ROOF LIGHTS**

**APPLICANT: MR MICK LEWIS  
13 LOCH ROAD SALINE UK**

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

**CASE OFFICER: Andy Taylor**

**DATE 10/09/2021  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL  
CONSIDERATIONS**

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

## 1.0 Background

1.1 This application relates to an 18th Century, terraced, two-storey, traditional Category C Listed property located on Newburgh High Street, within Newburgh Conservation Area and settlement boundary. The property is painted white with natural slate roof and timber windows and doors. The terraced row in which the property located are a various mix of age, height and traditional styles of properties.

1.2 The application seeks listed building consent for internal and external alterations including installation of a dormer, windows, doors and roof lights including installation of a dormer, windows, doors and roof lights.

1.3 Planning History on the property is as follows;

- 08/00050/EFULL, planning application to re-roof the building, approved February 2008.

-08/00053/ELBC, listed building consent for re-roofing of building, approved February 2008.

-21/01410/FULL, application for a change of use from workshop (Class 4) to dwellinghouse (Class 9) and associated external alterations including installation of replacement windows and doors and rooflights is being assessed in conjunction with this application.

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

## 2.0 ASSESSMENT

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

2.2 Design, Scale and Finishes/Visual Impact on Historic Character of Listed Building and Conservation Area

2.2.1 Scottish Planning Policy and the Historic Environment Scotland Policy Statement (2019) advises that development proposals should seek to preserve or enhance the character and appearance of Conservation Areas and that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

2.2.2 Historic Environment Scotland's (HES) Managing Change in the Historic Environment's Guidance Note on windows and doors advises that that new window openings must be carefully located to avoid disruption to the characteristics of the surrounding external and internal context and where the location is acceptable, the new window design must consider the size, proportion, material and detailing of surrounding nearby windows. The guidance also states that new doorways should only be considered where they are compatible with the existing historic fabric and where they can be incorporated into the existing architecture. Existing design patterns, symmetrical elevations and architectural details should all be retained. Their guidance note on the use and adaptation of listed buildings advises that it is important to understand the significance of a building or a site's component parts before planning changes to it and normally the best way to communicate this significance is through an illustrated written document often

called a conservation statement. The guidance states that the adaptation, alteration, extension and even partial demolition of buildings are all options which can, in the right circumstances, secure the continued use or re-use of listed buildings. The guidance further states that the best solution for a listed building will be one which secures its long-term future, while preserving as much as possible of its historic character. New dormers and rooflights should be appropriately designed and located with care. The guidance on interiors advises that alterations to historic interiors should be considered in the context of the type and quality of the existing interior and plan form. Interventions should at all times respect and complement the interest and significance of the historic interior.

2.2.3 Policies 1 and 10 of the Adopted FIFE plan advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area, whilst Policy 14 states that proposals will not be supported where it is considered that they will harm or damage the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans. Policy 14 also states that development will not be supported where it harms the character or appearance of listed buildings or their setting, including structures or features of special architectural or historic interest. Any proposals to alter listed buildings must also be sympathetic to the existing scale and character of the building. Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas advises that existing traditional windows should be retained and repaired wherever possible and that if windows are required to be replaced, they should match the originals wherever possible.

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

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

2.2.6 The alterations proposed for the building include replacement sash and case double glazed windows on the front and rear elevation, simple traditional style replacement white timber doors on the front elevation all like for like, and five rooflights on the rear elevation, apart from the new windows being double glazed. The applicant has proposed slimline type double glazed timber framed windows which would be considered acceptable in this instance. The replacement door and windows, and rooflights are considered to retain the existing character of the property while respecting and enhancing the character of this Category C Listed building and the surrounding conservation area. The applicant has stated that conservation rooflights will be used, however this has also been conditioned that more suitable timber roof lights are used. The rooflights currently proposed to the rear are not in keeping with the listed building though not in view from the main street. The vents proposed are small and to the rear of the property. A number of alterations are proposed internally, none of which impact adversely on any of historic

fabric of the building. Fife Council's Built Heritage Officer (BH) has been consulted and had concerns regarding the box dormer which has now been removed from the drawings. Some concerns have been raised to the existing workshop window and the splitting into 2 domestic style windows. BH also ask that paint being used is clarified and has been conditioned accordingly.

2.2.7 In conclusion, it is considered that the design of the alterations, are suitable in terms of proportion and scale and will respect the character and appearance of the building and are not considered to have an adverse impact on the character and appearance of the Category C listed building and the setting of the conservation area provided the conditions recommended are included. Overall, the proposal would comply with the above noted legislation, development plan policies and national guidance.

## **CONSULTATIONS**

Built Heritage, Planning Services

Comments provided.

## **REPRESENTATIONS**

One representation has been received in relation to this listed building application objecting to the proposed dormer which was removed from the application and is therefore no longer material.

## **CONCLUSIONS**

The proposal is considered acceptable in meeting the terms of National Guidance and the Development Plan and is compatible in terms of its impact on the special character and fabric of the listed building. The proposal is approved subject to conditions relating to the submission of external finishing materials. The proposal would, therefore, have no significant detrimental visual impact on the Category C Listed building or the character and appearance of the surrounding Conservation Area.

## **RECOMMENDATION**

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

1. BEFORE ANY EXTERNAL PAINT WORK COMMENCES, details of the specification and colour of the proposed external paint shall be submitted for the prior written approval of this Planning Authority and thereafter the agreed paint shall be applied.

Reason: In the interests of visual amenity; to ensure that the proposed development does not detract from the character and appearance of this Category C Listed Building and the Newburgh Conservation Area within which the site is located.

2. The proposed rooflights shall be of a conservation type, the details of which shall be submitted for the prior written approval of Fife Council as Planning Authority before they are installed. Thereafter the rooflights shall be installed as agreed and for the avoidance of doubt, the rooflights shall include a central vertical glazing bar.



Reason: In the interests of visual amenity; to ensure that the proposed development does not detract from the character and appearance of this Category C Listed Building and the Newburgh Conservation Area within which the site is located.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### National Policy and Guidance

Scottish Planning Policy (SPP) (2014)

Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on Windows, doors, roofs, walls, interiors and the use and adaptation of listed buildings

### Development Plan

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

### Other Guidance

Fife Council's Newburgh Conservation Area Appraisal & Conservation Area Management Plan (2014)

Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018)

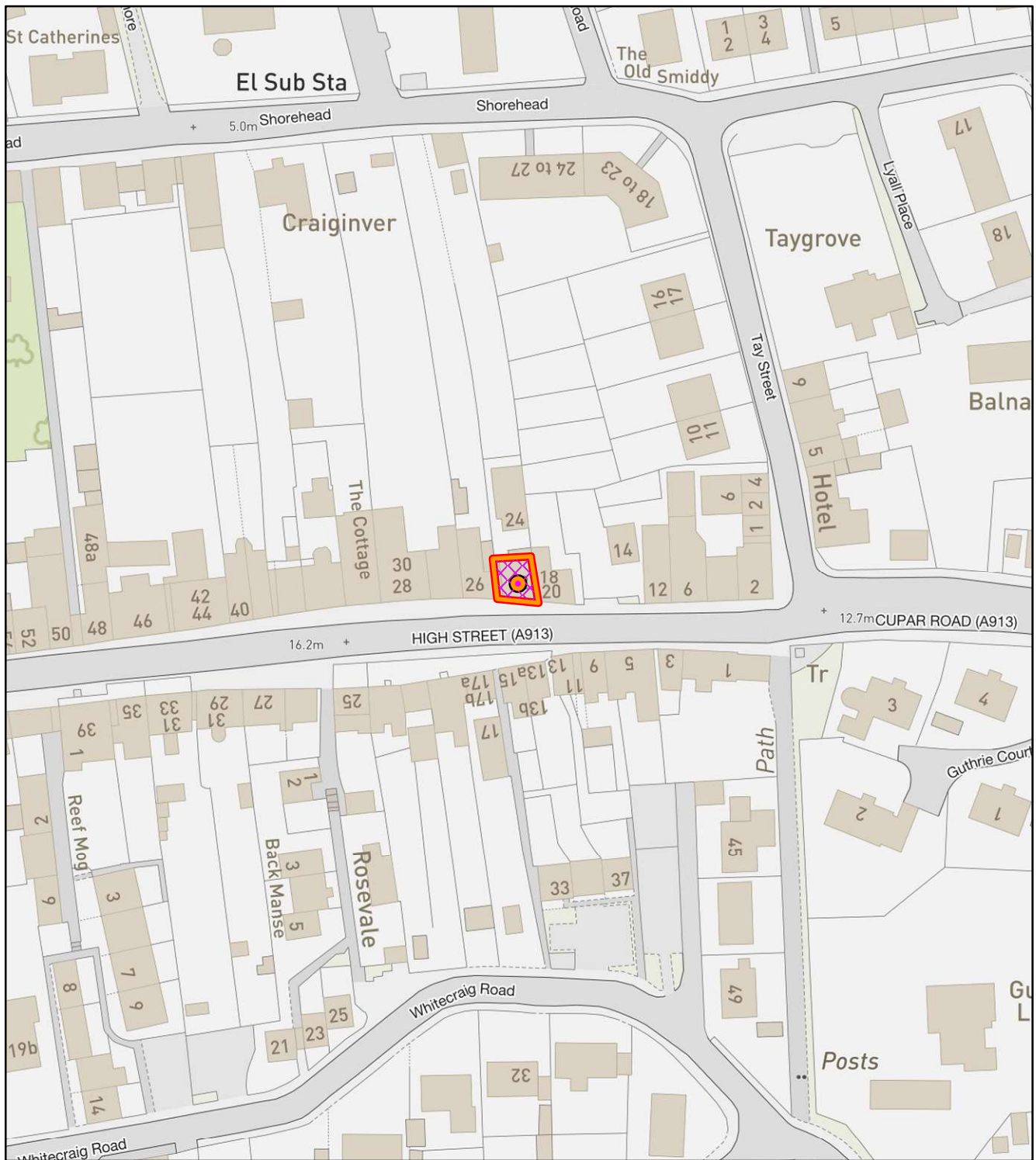
Report prepared by Andrew Taylor (Planner and Case Officer)

Report reviewed by Alastair Hamilton, Service Manager (Committee Lead) 25.7.22

Date Printed 03/08/2022

# 21/02718/LBC

22 High Street Newburgh



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

<b>ITEM NO:</b>	<b>7</b>
<b>APPLICATION FOR FULL PLANNING PERMISSION</b>	<b>REF: 21/03478/FULL</b>
<b>SITE ADDRESS:</b>	<b>ST REGULUS COTTAGE GREGORY PLACE ST ANDREWS</b>
<b>PROPOSAL:</b>	<b>ERECTION OF TWO DWELLINGHOUSES</b>
<b>APPLICANT:</b>	<b>MR MARTIN LIGHTBODY ST REGULUS COTTAGE GREGORY PLACE ST ANDREWS</b>
<b>WARD NO:</b>	<b>W5R18 St. Andrews</b>
<b>CASE OFFICER:</b>	<b>Scott McInroy</b>
<b>DATE REGISTERED:</b>	<b>04/01/2022</b>

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 objections contrary to case officers' recommendation

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.0 BACKGROUND

1.1 This application relates to a building which contains a self-contained flat (2 bed) and a house over two storeys (2 bed). There is a large single storey extension to the rear of the property with a flat roof and rendered masonry walls / match board timber cladding. This building was altered and extended in the early 1980s. St. Regulus Cottage is located within the settlement boundary of St Andrews. The building is not listed though sits within the Central St Andrews Conservation Area and within an area of Archaeological Regional Importance. The Scheduled Ancient Monument of St Andrews Cathedral sits to the south. The surrounding area is primarily residential. The application site measures approximately 538 square metres in area and is generally flat with a very slight fall to the north. The boundary to the site is formed by a natural stone wall to the west and south and a composite masonry wall to the east. It is constructed with rendered walls, a mixture of contemporary and traditional windows and has a slate pitched roof and areas of bituminous felt flat roof. There is a rooflight and a large dormer window on the roof of the principal elevation of the property and two large dormers to the rear. A stone boundary wall encloses kennels to the rear, at Gregory Place. The extension to the rear covered a substantial part of the courtyard. The fabric of the extension and alterations completed at that time are in a poor state of repair.

1.2 This application is for the erection of two dwellinghouses. The proposal would involve the complete demolition of the two dwellings at St Regulus Cottage, Gregory Place, St Andrews. Planning application 21/03477/CAC (Conservation Area consent for complete demolition of two dwellings) is currently under consideration for this site. The proposed building on East scores would be 3- storey in height with a sunroom on top of the third storey, while also have a lower ground floor level. The building would be finished in sandstone with bronze cladding, bronze finished windows and doors. At first floor level on the front elevation there would be a large, glazed area. The ancillary building on Gregory Place would be finished in sandstone with a slate roof and painted wood windows and doors. Parking is to be provided at lower ground floor level via a lift on the ground floor level of the building proposed on Gregory Place

## 2.0 Assessment

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

- Principle of Development
- Design/Visual Impact on Conservation Area
- Residential Amenity
- Garden Ground
- Transportation
- Archaeology
- Flooding and Drainage
- Trees
- Low Carbon
- HMO

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

2.1.3 Concerns have been raised regarding the principle of development. In simple land use terms, the principle of the residential development clearly meets the requirements of the Development Plan and national guidance by virtue of the site being situated within an established residential area of St Andrews within the Adopted FIFEplan. Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as design, amenity, road safety and other matters all of which are considered in detail below.

## 2.2 Design/Visual Impact on Conservation Area

2.2.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland (HES) Policy Statement (June 2016), Managing Change in the Historic Environment (2010) and New Design in Historic Settings (2010), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018), the St Andrews Conservation Area Appraisal and Management Plan (2010) and the St Andrews Design Guidelines (2011) apply with regard to this proposal.

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

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

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

contained within SPP and HES Policy Statement. The application property is not mentioned in the document.

2.2.5 St Andrews Design Guidelines (2011) sets out a number of principles to ensure appropriate design and materials are incorporated into new development. The guidance advises that buildings should respect the historic townscape but ensure the continued economic vibrancy of the town centre and embrace the opportunities for high quality design solutions, including contemporary design where appropriate. The guidance further advises that the introduction of contemporary design in a traditional environment is challenging, and not every site will be able to accommodate this approach, but where appropriate and where design is of a sufficiently high standard of architectural quality, there is an opportunity to develop new built heritage for the future. Key principles related to the proposed development include:

Guideline 8 - Ensure that new development conforms to the predominant height of the visible adjacent roofs to maintain the existing skyline and the prominence of the landmark towers and spires.

Guideline 9 - Ensure that the height of new development beyond the town centre area respects the immediate and wider setting and does not rise above sightlines of the historic skyline from the main approach roads.

Guideline 19 - Ensure that all streetscape and building proposals take account of the need for compliance with the Disability Access and Discrimination Act.

Guideline 20 - Contact the Fife Council archaeologist in relation to all development that involve sub-surface disturbance works in the historic core

Guideline 47 - Provide for adequate on-site waste storage as part of any new planning or licensing consent to ensure that commercial and domestic waste storage containers are not visible from the public realm and are only permitted in the streets immediately prior to collection.

Guideline 63 - Ensure that the development proposals meet the test for acceptable change.

- The design quality is high and will enhance the townscape character
- that the function will help to sustain the economic and social role of the town centre.

This applies to all types of development (alterations, refurbishments, extensions, and new build) and all designs (contemporary or traditional).

Guideline 64 - Encourage good quality design innovation where it is appropriate and to strict constraints on height, footprint, massing, proportion, and materials.

2.2.6 Design advice from HES New Design in Historic Settings (2010) suggests two valid approaches to new developments in conservation areas - historicist faithful matching in design detail, materials and methods, or a respectful and subsidiary contemporary design in high quality contextual materials.

2.2.7 St Regulus Cottage has over the past 40 years been significantly altered and extended and its form and use of materials have little architectural or historic merit. Within the context of East Scores, the building is subservient in terms of building height to the other buildings within the immediate part of the street. The removal of this building would not negatively affect the streetscape or nearby buildings of specific architectural or historical interest. Fife Council's Built Heritage officer was consulted and objected to the demolition of the existing building as they felt

the case had not been made by the applicant with regards to reference to the relevant guidance, however, Historic Environment Scotland who were also consulted with regard to this proposal have no objections to the demolition of this building due to the level of alteration that has already occurred to the existing building and given it provides no contribution to the character of the conservation area.

2.2.8 Concerns have been raised regarding the visual impact of the proposed new building on the conservation area and surrounding area. Fife Council's Built Heritage officer was consulted and objected to the design of the proposed building as they felt the case had not been made by the applicant with regards to reference to the relevant guidance. The proposed building on East Scores would be 3- storey in height with a sunroom comprising the third storey, with a lower ground floor basement level. The building would be finished in sandstone with bronze cladding, bronze finished windows and doors. At first floor level on the front elevation there would be a large, glazed area. The ancillary building on Gregory Place would be finished in sandstone with a slate roof and painted wood windows and doors. Parking is to be provided at lower ground floor level via a lift entered from the ground floor level of the building proposed on Gregory Place.

2.2.9 The scale and detail of the proposed building fronting onto East Scores is considered to be sympathetic to the existing building context. The roof pavilion has been set back from the street and when viewed from the street, the degree to which it influences or impacts upon the existing building pattern and rhythm is significantly reduced. Therefore, although overtly contemporary in design it is not considered to be significantly visually intrusive or incongruous within the context of East Scores. It is considered that the building design would provide a fresh, contemporary, and distinctive contribution to the street. The massing is reflective of the existing building and would appear to be generally visually subservient in terms of scale in relation to adjacent buildings; with a flat roofline (notwithstanding the setback roof pavilion) generally below the ridgeline of these buildings. The sandstone frontage is reflective of the solid massing presented by the existing buildings, with a verticality to fenestration providing a visual relationship to the traditional building context within which it is located. The upper level(s) are formed with extensive areas of fenestration which visually lightens the massing.

2.2.10 Given the above, the overall mass, proportions, and visual impact are considered appropriate - distinctive, and overall complementary to the scale, mass, and architecture of the surrounding area. The principal materials - sandstone and bronze to East Scores - work well visually together and make a positive contribution to the character and distinctiveness of the building and street. The proposed building to Gregory Place is relatively simple in its approach, with contemporary elements to its design, with the structure being visually subservient to the wider context in terms of its massing. The Gregory Place elevation presents more as a contemporary interpretation of traditional form. This element of the proposal is considered to raise no significant concerns from a visual amenity perspective.

2.2.11 It is considered that the proposal respects the character, appearance, and prevailing pattern of the area in terms of density, scale, design, and external finishes and therefore complies with the relevant Development Plan policies and guidelines relating to design and visual impact.

## 2.3 Residential Amenity

2.3.1 Policy 1 and 10 of the adopted FIFEplan supports development proposals where they are compatible with neighbouring uses and protect personal privacy and amenity.

2.3.2 Fife Council's Planning Customer Guidelines on Daylight and Sunlight seeks to ensure that adequate levels of natural light are achieved in new developments and unacceptable impacts on light to nearby properties are avoided.

2.3.3 The main consideration in this instance relates directly to any impact the proposed dwellinghouses would have on the adjacent residential properties and on each other in relation to overlooking, loss of privacy and loss of daylight. Concerns have been raised regarding the impact the proposed new building on East Scores would have on the residential amenity of the surrounding buildings and communal areas. The footprint of the proposed replacement dwellings would be less than the existing building. The proposed building will have a height of 9.5m compared to the existing building which has a height of 6.65m. The building line of the front elevation which fronts onto East Scores is in line with the adjacent buildings. Therefore, this elevation will not impact on the privacy of the adjacent properties and will not create any significant overshadowing or impact on sunlight and daylight to this property. The rear elevation of this proposal would now follow the building lines of the adjacent properties. Although the proposed development will be 3 storeys in height (9.5m in height) with a sunroom, the height of the proposed building is similar to the adjacent buildings and given that the adjacent properties have small communal courtyard areas rather than garden areas there would be no significant impact on the amount of sunlight these areas receive. Also, as a result of the footprint of the proposed building being smaller than the existing building in addition to the building line moving further north, the properties that sit to the south would have little if any impact on daylight received.

2.3.4 The rear elevation looks directly onto a commercial premises (a picture framing business) which works daytime hours; therefore, as this is a commercial premises there are overlooking issues. Given that the picture framing business works daytime hours and isn't considered to be a noise generating business, this business will not impact on the residential amenity of the replacement dwellings nor is the approval of a different residential proposal on the site likely to create potential conflicting uses into closer proximity. The windows at ground floor level of the rear elevation won't create any significant overlooking into the adjacent properties or courtyard areas due to the existing boundary treatment. The windows at first floor level of the rear elevation are from non-habitable rooms so won't create any significant overlooking into the adjacent properties and courtyard area. The existing building has courtyard areas that sit to the southwest and southeast of the rear elevation which are currently overlooked by the rear elevations of the adjacent properties, although the proposed dwelling would add to this, it is considered that given the informal nature of these areas that the proposed overlooking would not be significant. The proposed building on Gregory Place would be similar in height (5.4m) to the adjacent building to the east and smaller than the adjacent building to the west. Concerns have been raised regarding overlooking from this building, however the windows to the rear are not from a habitable room so there would be no overlooking. This building will create a small amount of overshadowing to the area to the west but not significantly given the small footprint of this building. Therefore, in this instance it is considered that the proposal by way of its size, design and materials would not have a detrimental impact on the character of the building and adjacent properties and street scene as the existing street scene on East Scores and Gregory Place is made up of a mixture of designs from more contemporary to traditional historic buildings. It therefore complies with the relevant policies and guidelines relating to residential amenity.

2.3.5 Concerns have been raised regarding noise and impact on surrounding area from proposed works. Fife Council's Public Protection team were consulted on this application. A condition has also been added requiring the applicant to submit a scheme of works to mitigate



the effects on sensitive premises/areas (neighbouring properties and road) of dust, noise and vibration from the construction phase of the proposed development. Under the Control of Pollution Act 1974, Section 60 Fife Council Protective Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out. It is considered that this is more effective than reliance on the planning enforcement system in that regard.

## 2.4 Garden Ground

2.4.1 Fife Council's Planning Customer Guidelines on Garden Ground apply in this instance.

2.4.2 Fife Council's Planning Customer Guidelines on Garden Ground advises that all new detached dwellings should be served by a minimum of 100 square metres of private useable garden space and that a building footprint to garden space ratio of 1:3 is required.

2.4.3 The existing garden is 220m<sup>2</sup> and the proposed courtyard garden for House 1 is 134m<sup>2</sup> and for House 2 it is 118m<sup>2</sup>. This application is therefore considered to comply with Fife Council's Planning Customer Guidelines on Garden Ground.

## 2.5 Transportation

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

2.5.2 Concerns have been raised regarding parking provision, road safety and access. Fife Council's Transportation Development Management Officers were consulted and raised an objection due to the proposed visibility splay not meeting council guidelines and the proposed access losing an off-street parking space. This proposal is for two dwellings, one of which consists of 2 bedrooms, requiring 2 off street parking spaces. The other being a 3-bedroom house with ancillary accommodation consisting of 1 bedroom. on the first floor of the garage/lift building: this combined, will create a 4-bedroom dwelling which will require 3 No. off street parking spaces. That is a total requirement of 5 No. off street parking spaces. The existing property is a self-contained 2-bedroom flat and a 2-bedroom house over two storeys which has no off-street parking associated with the property. If there was off street parking available, the current accommodation would require 4 No. off street parking spaces. Compared to the 5 No. off street parking space requirement to accommodate the proposal, there would be a requirement for an additional 1 No. off street parking space. However, in this instance the application site is close to the St Andrews Town Centre within a short walking and cycling distance to local amenities and to different modes of sustainable transport. In this context as the existing property does not have any off-street parking it is considered that the parking proposed for the new development is acceptable. With regards to visibility splays although the required splays cannot be provided, given the vehicle speeds passing the proposed vehicle access are low on Gregory Place, in this instance the proposed vehicle access is considered to be acceptable.

## 2.6 Archaeology

2.6.1 Adopted FIFEplan (2017) Policies 1 and 14 apply in this instance.

2.6.2 The site lies within the conservation area and within the area zoned by the Council as St Andrews Archaeological Area of Regional Importance. The site is considered to be extremely archaeologically sensitive and likely to contain buried archaeological deposits of early medieval

date. Including the possibility of burials. As development will involve significant sub-surface disturbance. Therefore, as new development on the site is proposed a record of this change should be made by means of an archaeological condition. An appropriate condition has been attached to this application.

## 2.7 Flooding and Drainage

2.7.1 Policy 3 of FIFEplan Local Development Plan (2017) and the Council's 'Sustainable Drainage Systems (Suds) - Design Criteria Guidance Note' is taken into consideration with regards to drainage and infrastructure of development proposals.

2.7.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS.

2.7.3 The applicant submitted a drainage and SUDs strategy report alongside this application. The information submitted was reviewed by the Council's Structural Services team who raised no concerns. It is therefore considered that the application therefore complies with the above noted policies with respect to flooding and drainage.

## 2.8 Trees

2.8.1 Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018) and British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction apply with regard to the potential impact on trees and ecology as a result of this development.

2.8.2 Policies 10 and 13 of FIFEplan and Making Fife's Places Supplementary Guidance Document (2018) set out that development proposals will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height.

2.8.3 As the application site is within the St Andrews Conservation area, the trees on site are protected. Concerns have been raised by objectors regarding the impact on the trees on site. The applicant's tree report states that a total of 5 trees would need removed due to them directly conflicting with the proposed dwelling and construction work. Three trees are category C (i.e. these are smaller trees or ones considered to be of low quality), one tree is category U (i.e. trees that are dead or are showing signs of significant, immediate, and irreversible overall decline), while one is category B (i.e. trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years), however in this instance this tree is a 'cabbage tree' which is technically not a tree but a monocot (grass) of tree like form. Therefore, the trees proposed to be removed are not of high quality. The tree report proposes the planting of 5 trees to compensate for the loss (of the 4 trees and one monocot) of which better quality types are recommended as replacements. The proposal therefore complies with FIFEplan policies and other related guidance.

## 2.9 Low Carbon

2.9.1 Collectively, Policies 1:Development Principles (Part B), 3: Infrastructure and Services and 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.9.2 Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a low carbon checklist which states that the design of the houses makes use of natural light while limiting excessive solar gain. The proposed heating will be electric with consideration being given to low carbon technologies including a heat recovery system.

2.9.3 As such, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon.

## 2.10 Houses in Multiple Occupation

2.10.1 Policy 2 of the Adopted FIFEplan prohibits the use of new houses and flats as HMOs and seeks to control the changes in use of existing property for use as HMOs unless the development is purpose built for that use. The planning authority imposes this restriction by applying a condition to planning permissions.

2.10.2 The proposal is not intended for HMO use at this time and a suitable condition is recommended to ensure that the property will not be used as an HMO in the future unless a further application for that use is submitted for consideration.

## CONSULTATIONS

Scottish Water	No objection.
Community Council	Object
Environmental Health (Public Protection)	No objection subject to conditions
Urban Design, Planning Services	No objections
Historic Environment Scotland	No objections
Archaeology Team, Planning Services	No objection subject to conditions
Built Heritage, Planning Services	Object
Structural Services - Flooding, Shoreline And Harbours	No objection
Transportation, Planning Services	Concerns raised.

## REPRESENTATIONS

16 objections have been received. The material planning considerations relating to these concerns have been addressed under sections 2.1 (Principle of Development), 2.2

(Design/Visual Impact on Conservation Area), 2.3 (Residential Amenity), 2.5 (Transportation) and 2.8 (Trees) of this report of handling.

Comments regarding the type of house type that is required or not required with the settlement of St Andrews are not a material planning consideration in the assessment of this application.

## **CONCLUSIONS**

This full planning application for the erection of two dwellinghouses is deemed acceptable in terms of both scale and design. It would see the removal of the existing buildings which would have no adverse impact on the special architectural/historic interest of the building. Furthermore, the design of the dwellinghouse would be modern/high quality which would create a welcomed separation between the old and new. Additionally, there would be no significant impact on existing levels of residential amenity. In light of the above, the proposal would be deemed to preserve the character of the adjacent listed buildings and the surrounding St Andrews Conservation Area, and as such, comply with FIFEplan 2017 policies and other related guidance. The application is therefore recommended for conditional 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, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

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

2. The mitigation measure as set out in the approved Tree Report (approved plan No.30) shall be carried out during the first planting season (November to March) after work is complete unless otherwise agreed in writing with the Planning Authority

Reason: In the interests of visual amenity and the protection of local ecology

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

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

4. BEFORE WORKS COMMENCE ON SITE a scheme designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and highway) of dust, noise and vibration from the construction of the proposed development shall be submitted to the Planning Authority for approval. Upon approval all matters detailed in the scheme shall be carried out in accordance with the scheme unless otherwise agreed in writing by the Planning Authority

Reason: In the interests of safeguarding the amenity of adjoining and nearby residents.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### National Guidance:

Scottish Planning Policy (2014)

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

Historic Environment Scotland Policy Statement (June 2016)

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

PAN 1/2011: Planning and Noise

### Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

### Other Guidance:

Fife Council Planning Customer Guidelines - Garden Ground (2016)

Fife Council Planning Customer Guidelines - Daylight and Sunlight (2018)

Fife Council Planning Customer Guidelines - Minimum Distances between Window Openings (2011)

St Andrews Conservation Area and Management Plan (2013)

St Andrews Design Guidelines (2007)

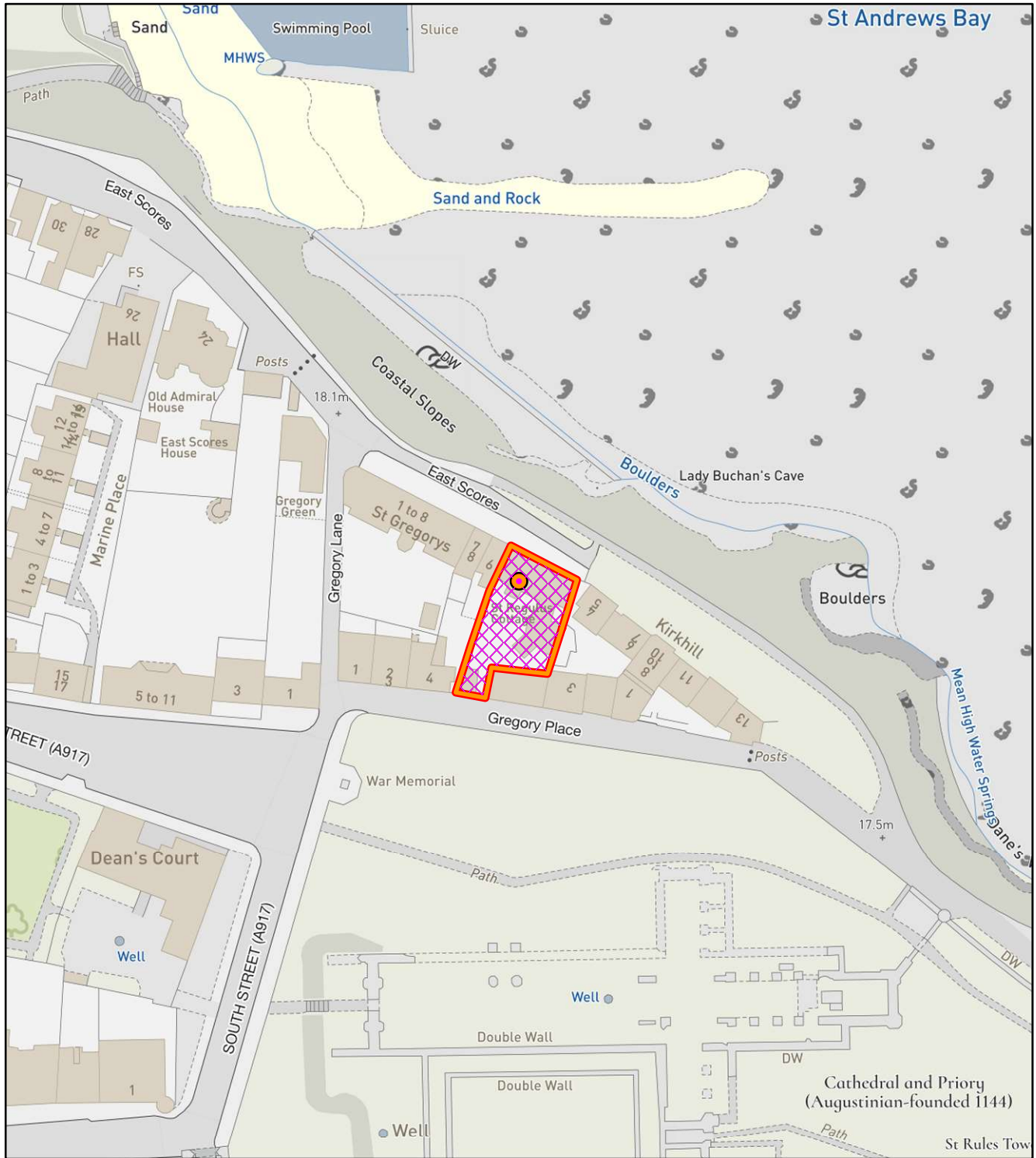
Report prepared by Scott McInroy, Planner Development Management

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 20/7/22.

Date Printed 03/08/2022

# 21/03478/FULL

## St Regulus Cottage Gregory Place St Andrews



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 8**

**APPLICATION FOR CONSERVATION AREA CONSENT REF: 21/03477/CAC**

**SITE ADDRESS: ST REGULUS COTTAGE GREGORY PLACE ST ANDREWS**

**PROPOSAL : CONSERVATION AREA CONSENT FOR COMPLETE  
DEMOLITION OF TWO DWELLINGS**

**APPLICANT: MR MARTIN LIGHTBODY  
ST REGULUS COTTAGE GREGORY PLACE GREGORY  
PLACE**

**WARD NO: W5R18  
St. Andrews**

**CASE OFFICER: Scott McInroy**

**DATE 15/12/2021  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL  
CONSIDERATIONS**

Under Sections 59(1) and 66 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a Conservation Area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.

## 1.0 BACKGROUND

1.1 This application relates to a building which contains a self-contained flat (2 bed) and a house over two storeys (2 bed). There is a large single storey extension to the rear of the property with a flat roof and rendered masonry walls / match board timber cladding. This building was altered and extended in the early 1980s. St. Regulus Cottage is located within the settlement boundary of St Andrews. The building is not listed though sits within the Central St Andrews Conservation Area and within an area of Archaeological Regional Importance. The Scheduled Ancient Monument of St Andrews Cathedral sits to the south. The surrounding area is primarily residential. The application site measures approximately 538 square metres in area and is generally flat with a very slight fall to the north. The boundary to the site is formed by a natural stone wall to the west and south and a composite masonry wall to the east. It is constructed with rendered walls, a mixture of contemporary and traditional windows and has a slate pitched roof and areas of bituminous felt flat roof. There is a rooflight and a large dormer window on the roof of the principal elevation of the property and two large dormers to the rear. A stone boundary wall encloses kennels to the rear, at Gregory Place. The extension to the rear covered a substantial part of the courtyard. The fabric of the extension and alterations completed at that time are in a poor state of repair.

1.2 This application is for Conservation Area Consent for the demolition of the two dwellings at St Regulus Cottage. Planning application 21/03478/FULL (Erection of two dwellinghouses) is currently under consideration for this site and land immediately to the south

## 2.0 PLANNING ASSESSMENT

2.1 The issue to be assessed against the Development Plan and other guidance is as follows: -

- Impact on the Conservation Area

### 2.2 Impact on the Conservation Area

2.2.1 Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Policies 1 and 14 of the FIFEplan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018), Scottish Planning Policy (2020) (Valuing the Historic Environment), Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019), Managing Change in the Historic Environment: Demolition (2010) and the Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019), and the St Andrews Conservation Area Appraisal and Management Plan (2010) apply with regard to this proposal.

2.2.2 Scottish Planning Policy (SPP) (2014) (Valuing the Historic Environment) advises that the design, materials, scale and siting of any development within a Conservation Area must be appropriate to the character and setting of the Conservation Area. SPP further advises that change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced.

2.2.3 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated



area. Design and materials which will affect a conservation area or setting of a listed building shall be appropriate to both the character and appearance of the building or area and its setting.

2.2.4 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

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

2.2.6 HES Historic Environment Policy for Scotland (May 2019) states that the demolition of a building and the construction of a new building in its place, could result in harm to the character and appearance of a Conservation Area, and therefore, the Planning Authority must take into account the importance of the building to the character or appearance of the Conservation Area and of proposals for the future of the cleared site. HES Managing Change in the Historic Environment: Demolition (2010) notes that proposals for demolition in conservation areas should be considered in the context of an application for full planning permission for replacement development. Demolition should not take place until evidence is provided that contracts are let for the replacement development or the landscaping of the site (if appropriate). Works should protect the character and appearance of the conservation area. Further to this, demolition should be supported in-line with one of four 'tests':

- o Is the building no longer of special interest?
- o Is the building incapable of meaningful repair?
- o Is the demolition of the building essential to delivering significant benefits to economic growth or the wider community?
- o Is the repair and reuse of the building economically unviable?

The Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) document produced by HES sets out that when deciding whether conservation area consent should be granted. The Interim Guidance advises that demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.

2.2.7 Fife Council's St Andrews Conservation Area Appraisal and Management Plan (2010) provides a detailed conservation review of the town's Conservation Area boundaries. Further to this, it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the conservation area's future management. The general advice, guidance, and management considerations referred to are relevant to all

new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019). The application site is not referenced in the document.

2.2.8 St Regulus Cottage has over the past 40 years been significantly altered and extended and it's from and use of materials have little architectural or historic merit. The removal of this building would not negatively affect the streetscape or nearby buildings of specific architectural or historical interest. Historic Environment Scotland have been consulted with regard to this proposal and they have no objections to the demolition of this building as due to the level of alteration that has already occurred to the existing building provides no contribution to the character of the conservation area. The case for demolition complies with the relevant guidance. As stated earlier, a planning application is running in conjunction with this proposal to secure new development for this site for residential use. It is considered, therefore, that the proposed complete demolition of St Regulus Cottage accords with the relevant policy and guidance relating to the impact of the works on the character and appearance of the Conservation Area. The proposal is recommended for approval subject to a condition to ensure that no demolition takes place until an appropriate replacement development is in place. Planning application (for the redevelopment of the site is also included on the agenda of this committee.

## **CONSULTATIONS**

Historic Environment Scotland

No objection

## **REPRESENTATIONS**

One objection to this application has been received which refers to the design of the proposed replacement building which is not a material planning consideration for this Conservation Area Consent application.

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of the National Guidance and the St Andrews Conservation Area Appraisal and Management Plan 2010. The existing building is a modern addition with no architectural or historic value. The loss of the properties would have no significant detrimental impact on the character and appearance of the St Andrews Conservation Area. It is therefore considered that complete demolition of the building accords with the relevant provisions of policy and guidance relating to the impact of the works on the character and appearance of the Conservation Area. The proposal is recommended for approval subject to a condition to ensure that demolition does not take place until consent for a replacement development has been approved.

## **RECOMMENDATION**

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

1. NO WORKS OF DEMOLITION SHALL TAKE PLACE until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted and approved in writing by this Planning Authority. The replacement development shall be for a scheme with a valid full planning permission.

Reason: In the interests of visual amenity; to ensure that this Planning Authority retains effective control over the timing of the development to avoid an unsightly gap in a prominent position in the Conservation Area.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### National Guidance

Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997  
Historic Environment Policy for Scotland (April, 2019)  
Scottish Planning Policy (2014) (Valuing the Historic Environment)  
Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Demolition (2010)  
Historic Environment Scotland's New Design in Historic Settings

### Development Plan

Adopted FIFEplan Local Development Plan 2017

### Other Guidance

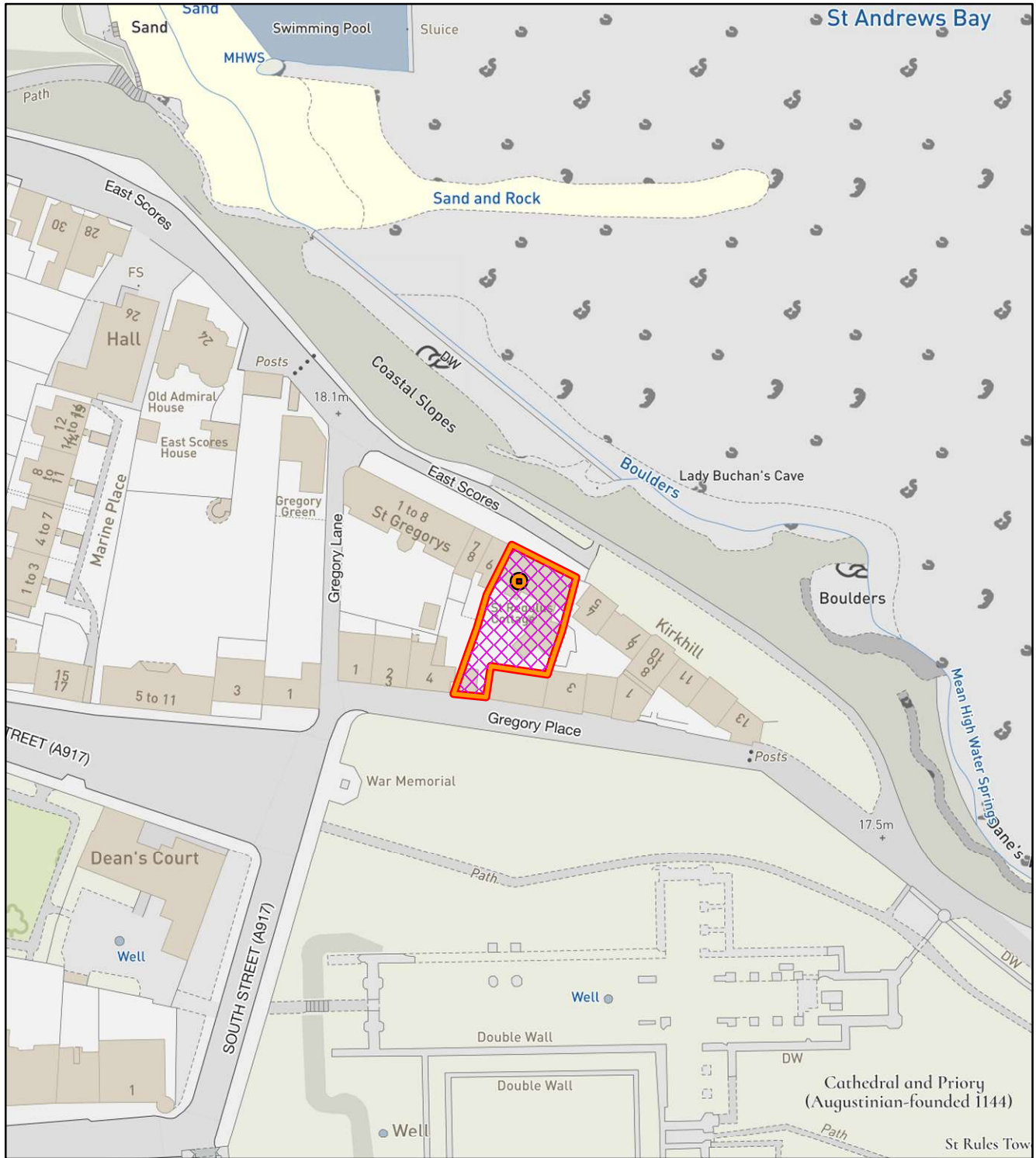
Fife Council's St Andrews Conservation Area Appraisal and Management Plan 2010

Report prepared by Scott McInroy, Planner Development Management

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 20/07/22

Date Printed 03/08//2022

## St Regulus Cottage Gregory Place St Andrews



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 9**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03603/FULL**

**SITE ADDRESS: LAND ADJACENT BALMASHIE HOLIDAY HOMES KENLY BOARHILLS**

**PROPOSAL : TOURISM DEVELOPMENT INCLUDING CHANGE OF USE FROM STORAGE BUILDING TO RECEPTION CENTRE AND ERECTION OF 21 HOLIDAY PODS AND ASSOCIATED LANDSCAPING AND WORKS**

**APPLICANT: ST ANDREWS BAYSIDE LTD  
2 MARSHALL PLACE, PERTH SCOTLAND**

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

**CASE OFFICER: Scott McInroy**

**DATE 04/01/2022**

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 objections contrary to officer's recommendation

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

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

## 1.0 Background

1.1. The application site comprises of an area of maintained open space along with an existing modern storage shed. The application site lies 2 miles to the east of St Andrews and is designated as countryside and part of the St Andrews to Fife Ness Local Landscape Area in the adopted FIFEplan (2017). To the north of the site is the Kittock's Golf Course of the Fairmont Golf complex, while to the southeast is residential complex comprising of 9 dwellings which is separated from the application site by a car park and mature planting. Further to the south is open farmland. Access to the site is taken via the A917 to the south.

1.2 This application is for tourism development including change of use from storage building to reception centre and erection of 21 holiday pods and associated landscaping and works. The proposed 21 pods will be laid out around an internal looped access road. Pods 1-11 will be 3.2m by 6m occupying an area of 19.2m<sup>2</sup> per base, while Pods 12-21 will be 4m by 7m occupying an area of 28m<sup>2</sup> per base. The pods will be finished in larch external cladding, with double glazed upvc anthracite grey doors and window. The fascia board will be painted to match the door. The existing storage shed at the entrance to the site is proposed to be changed into a visitor reception. This proposal will involve minor external adjustments to form entrance doors and windows. Internally the building will be re-configured to include visitor reception, shop, guest and staff laundry and storage area. Landscaping is proposed to the northwest, northeast, southeast boundaries.

1.3 The recent planning history for the site is as follows:

08/00774/EOPP - Planning permission in principle for erection of additional holiday cottages and extension of tourism development - Approved 23.06.2009

08/00775/EFULL - Change of use of agricultural to recreational land and form new farm access - Approved 07.04.2009

13/01013/FULL - Variation of condition 2 of planning permission 08/00774/EOPP for extension to time period by an additional 3 years - Approved 24.04.2013

14/03020/FULL - Change of use from holiday cottages (Class 7) to residential dwellinghouses (Class 9) - Approved 07.01.2015

15/03266/OBL - Modification of planning obligations associated with 08/00774/EOPP and 13/01013/FULL - Approved 16.11.2015

15/00713/OBL - Discharge of planning obligation 08/98/0039D - Approved 29.04.2015

16/00885/FULL - Erection of additional holiday cottages and extension of tourism development (Renewal of planning permission 13/01013/FULL) - approved 09.05.2016

19/00883/PPP - Erection of additional holiday cottages and extension of tourism development (Renewal of planning permission 16/00885/FULL) - Approved 05.06.2019

19/02209/OBL - Discharge of planning obligation (08/00774/EOPP) - Approved 07.10.2019

## 1.4 Application Process

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

## 2.0 Planning Assessment

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

- Principle of development
- Design/Visual Impact on the Countryside
- Residential Amenity
- Road Safety
- Infrastructure
- Contamination
- Low Carbon

## 2.2 Principle of Development

2.2.1 Scottish Planning Policy (2014) and Policies 1 and 7 of the adopted FIFEplan (2017), apply with regards to the principle of development for this proposal.

2.2.2 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Town and Country Planning (Scotland) Act (1997) [the Act]. The SPP seeks to promote the use of previously developed land and better access by sustainable transport modes and advises that new residential units should primarily be concentrated within existing settlements. However, recognises the increased demand for new types of development in rural areas. SPP further highlights that, through supporting policies, demand for new housing in the countryside can still be met in a way which can bring social, environmental and economic benefits.

2.2.3 Adopted FIFEplan (2017) Policy 1 sets out the requirements for development principles. This policy supports development proposals providing they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. It further states the development will only be supported if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 7.

2.2.4 Policy 7 of FIFEplan advises that development in the countryside will only be supported in certain instances. Such circumstance includes facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location. However, it further sets out that all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area. Moreover, in occurrences where development is proposed on prime agricultural land, Policy 7 states that development will not be supported unless it is essential.

2.2.5 In this instance, the principle of the acceptability of tourism related development was set through the approval of planning applications 08/00774/EOPP, 13/01013/FULL, 16/00885/FULL and 19/00883/PPP. The proposal would also comply with criterion 6 of Policy 7 in that the proposal is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location. Therefore, it is considered that the proposed development is suitable for its location and is thus acceptable in principle. The overall acceptability of any such development must however also satisfy other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

2.2.6 Concerns have been raised regarding the principle of the development in the context of the previous holiday homes now being in residential use, therefore the area should be seen as a residential area. In terms of the adopted FIFEplan (2017) the area is designated as countryside, therefore any proposals here have to comply with the relevant policies which in this instance are policies 1 and 7. In this instance the proposal complies with policies 1 and 7 as set out in paragraph 2.2.5

2.2.7 Concerns have been raised regarding the loss of open space. In terms of the adopted FIFEplan (2017) the area is designated as countryside, therefore any proposals here have to comply with the relevant policies which in this instance are policies 1 and 7. In this instance the proposal complies with policies 1 and 7 as set out in paragraph 2.2.5

2.2.8 Concerns have been raised regarding lack of onsite facilities and potential future uses on site, these concerns are not a material planning consideration with regards this application as each site must be determined on its own merits and future uses on applicable land use cannot be prejudged.

2.2.9 Comments on previous planning decisions, however applications are again assessed on their own merits and with regards to the latest planning policy at the date of assessment.

### 2.3 Design/Visual Impact on the Countryside

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

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

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

2.3.4 Making Fife's Places Supplementary Guidance (2018) is Fife Council's Guidance on expectations for the design of development in Fife. This sets out guidance on how to apply the six qualities of successful places as set out in the above policy documents. In respect of this application, for example, key principles include reflecting the pattern of the local settlement form - including street widths, building setback etc; creating streets and spaces with particular character and a sense of identity to create visual interest; integrate green networks with the built



development; creating developments that are not dominated by cars. This Supplementary Guidance document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places, alongside advice for developers on the process of design and the information required to allow the planning authority to fully assess any design proposals.

2.3.5 Concerns have been raised regarding the visual impact of the proposed development. The proposed 21 pods will be laid out around an internal looped access road. Pods 1-11 will be 3.2m by 6m occupying an area of 19.2m<sup>2</sup> per base, while Pods 12-21 will be 4m by 7m occupying an area of 28m<sup>2</sup> per base. The pods will be finished in larch external cladding, with double glazed upvc anthracite grey doors and window. The fascia board will be painted to match the door. The existing storage shed at the entrance to the site is proposed to be changed into a visitor reception. This proposal will involve minor external adjustments to form entrance doors and windows. Internally the building will be re-configured to include visitor reception, shop, guest and staff laundry and storage area. Landscaping is proposed along the to the northwest, northeast, southeast boundaries, and the site will be enclosed once the proposed planting matures, limiting the visual impact of the site on the wider countryside. The site itself cannot be seen from the public streetscene due to the site being over 0.4km from the A917 and the existing field boundary treatment that separates the site from the A917 to the southwest

2.3.6 It is considered that the proposal respects the character, appearance of the area, would be small in nature and would be clustered whilst also naturally screened. Such units as currently proposed are also typical of other tourist related developments nearby which are successfully designed, laid out, and of a scale and finish necessary to respect the rural countryside setting within which they are located. The proposal therefore complies with the relevant policies and guidelines relating to design and visual impact.

## 2.4 Residential Amenity

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

2.4.2 The above policies and guidelines set out guidance for encouraging appropriate forms of development in the interests of residential amenity. They generally advise that development proposals should be compatible with their surroundings in terms of their relationship to existing dwellings, and that they should not adversely affect the privacy and amenity of neighbours.

2.4.3 The closest proposed pod to the residential dwellings to the southeast would be 36m away. There is already a mature tree belt and car park separating the application site from these dwellings. The application also proposes landscaping around the perimeter of the application site which will also add to the already existing boundary mitigation that separates the application site from the existing dwellings. Fife councils Public Protection team were consulted and have raised no concerns with this proposal. Therefore, it is not considered that the proposal would have a significantly detrimental impact on the amenity of any nearby properties.

2.4.4 In terms of concerns raised regarding potential external noise and antisocial behaviour issues, these concerns are noted. Fife Councils Public Protection team have been consulted and have raised no objection to this proposal. Should any complaints be made then they would be appropriately investigated by the relevant Council officer's and Environmental Health Public Protection team. In such instances though it may be that Public Protection officers would have

more appropriate and more direct powers to investigate and deal with where necessary, any statutory amenity nuisance issues within their remit under their own legislative processes. Any littering would be dealt with separately from the planning system as would issues regarding alleged criminal damage/anti-social behaviour which fall within the more appropriate remit of Police Scotland. Subsequently these amenity matters are not covered under the planning system given more appropriate authorities are available to investigate and deal with. Ultimately though, the planning system and any subsequent approvals associated with it, cannot be directly held responsible for inappropriate human antisocial behaviours.

## 2.5 Road Safety

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

2.5.2. Concerns have been raised regarding the impact this proposal would have on the road safety of the surrounding area. Fife Council's Transportation Development Management Service (TDM) were consulted and in terms of road safety matters. This site has a live consent for tourist development through the approval of planning applications - 08/00774/EOPP, 13/01013/FULL, 16/00885/FULL and 19/00883/PPP. Transportation Development Management had no objections to these previous planning applications, subject to the imposition of roads safety conditions in relation to visibility splays, turning and off-street parking. Although the previous approvals were for holiday cottages and not pods, the principle of this use is acceptable in this location. The previous consents have not yet been implemented, however TDM are satisfied subject to the same conditions as the previously consented applications that this proposal is acceptable in road safety terms.

## 2.6 Infrastructure

2.6.1 Policy 3 of FIFEplan Local Development Plan (2017) and the Council's 'Sustainable Drainage Systems (Suds) - Design Criteria Guidance Note' is taken into consideration with regards to drainage and infrastructure of development proposals.

2.6.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS.

2.6.3 Concerns have been raised regarding flooding and drainage. The site does not fall within a flood risk area. Surface water drainage proposals have been submitted which accurately detail how SuDS will be incorporated into the site. Surface water disposal will be to the existing manhole on site. The information submitted was reviewed by the Council's Structural Services team, who concluded that the application would be acceptable and complies with the Council's requirements for full planning permission, with reference to the Design Criteria Guidance Note. With regards to foul drainage, the proposal would link into a private septic tank that sits adjacent the north eastern boundary of the site. The applicant has advised that they have the relevant permissions and stating that they have rights to access and utilise part of the large capacity septic tank from the application site. Further to this, the applicant's agent has confirmed that the tank has sufficient capacity to provide for the existing residential cottages already connected and that there would be more than anticipated capacity to support the proposed units with spare capacity in reserve. The advice from the Council's Structural Services regarding wastewater discharge is that whilst they note the capacity figures provided and do not dispute them, they also recommend that written evidence confirming there is capacity should be provided by a

suitably qualified Wastewater Engineer before the units are occupied. Members should note that the timing of the submission of this evidence should not necessarily delay the determination of the planning application, but as a precautionary measure it should be submitted and agreed prior to the occupation of the first pod. This suspensive condition (No.7) has been included for Members consideration should they agree with the Service recommendation.

## 2.7 Contamination

2.7.1 Planning Advice Note (PAN) 33 Development of Contaminated Land (2000) and Policies 1 and 10 of FIFEplan Local Plan (2017) apply with regards to land stability in this instance.

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

2.7.3 Fife Councils Land and Air Quality team were consulted on this application and have requested that a suitable condition be added regarding the requirement for a site-specific risk assessment should any unexpected conditions be encountered during development.

2.7.4 In conclusion, it is deemed that the proposal would be compliant with the above legislation, subject to meeting the requirement of appropriate conditions as recommended by the Fife Council's Land and Air Quality Team.

## 2.8 Low Carbon

2.8.1 Collectively, Policies 1:Development Principles (Part B), 3: Infrastructure and Services and 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal.

2.8.2 Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a low carbon checklist which states that the lodges will be energy efficient with low energy recessed LED lights; fully insulated panel structures; upvc door and window and Infra-Red heater panels.

2.8.3 As such, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon.

## CONSULTATIONS

Scottish Water	No objection
Structural Services - Flooding, Shoreline And Harbours	No objection
Community Council	Object
Environmental Health (Public Protection)	No objection
Transportation And Environmental Services - Operations Team	No response
Strategic Policy And Tourism	No response
Structural Services - Flooding, Shoreline And Harbours	No objection
Transportation, Planning Services	No objection subject to conditions
Land And Air Quality, Protective Services	No objection subject to conditions

## REPRESENTATIONS

27 objections, including one from the Boarhills & Dunino Community Council were received in connection with this proposal. The material planning considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.3 (Design/Visual Impact on the Countryside), 2.4 (Residential Amenity), 2.5 (Road Safety) and 2.6 (Infrastructure) of this report of handling.

With regards comments about neighbour notification process, neighbours who are within 20m from the boundary of the application are notified.

Comments regarding the advertisement of the application are noted. The application itself was advertised in the Courier on 13/01/2022

1 supporting comment was also received.

## CONCLUSIONS

The proposal is acceptable in meeting the terms of National Guidance, the Development Plan, and relevant Council Planning Customer Guidelines and is compatible with its surrounds in terms of land use and its siting, design and finish will not have any adverse impact on the amenity of the surrounding area.

## RECOMMENDATION

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

1. Prior to the first use of the Visitor Reception building or the occupation of the first holiday unit, whichever comes first, there shall be 1 No. off street parking space provided per holiday pod and 3 No. for the Visitor Reception building within the curtilage of the site.

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

2. Prior to the first use of the Visitor Reception building or the occupation of the first holiday unit, whichever comes first, there shall be provided within the curtilage of the site, suitable turning areas for vehicles suitable for use by the largest size of vehicle expected to visit or be used by occupants of the premises to allow a vehicle to enter and exit the driveway in a forward gear. The turning area shall be formed outwith the parking areas and shall be retained throughout the lifetime of the development.

Reason: In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

3. Prior to any works starting on site, visibility splays of 4.5m x 210m shall be provided to the East and to the West at the junction of the vehicular crossing and the A917 classified public road and thereafter, shall be maintained in perpetuity, insofar as lies within the applicants control, clear of all obstructions exceeding 1.05 metres above the adjoining carriageway level.

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

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

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

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

5. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT a landscaping plan highlighting the native species of native origin shall be submitted to, and approved in writing by, Fife Council as planning authority. The garden boundary planting shall be species-rich native hedgerow, appropriate for this rural location. Thereafter the landscaping shall be planted in the first planting season following completion of the dwellinghouse.

Reason: In the interests of protecting and safeguarding the natural environment.

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

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

7. BEFORE THE FIRST HOLIDAY POD HEREBY APPROVED IS OCCUPIED, written documentary evidence (provided by a suitably qualified wastewater engineer) shall be submitted by the site operator to Fife Council as Planning Authority that a suitable wastewater drainage scheme, with appropriate capacities to accommodate the pods and existing residential properties the installed tank serves is available and of suitable capacity to serve all planned pods/properties. The documentary evidence shall be submitted to Fife Council for its prior written approval and thereafter the agreed scheme shall be operated and maintained as such, unless otherwise agreed in writing with this Planning Authority.

Reason: To ensure the site and proposed pods as well as existing third-party properties are drained in an acceptable manner and connection agreed and properly maintained thereafter.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

National Guidance:

Scottish Planning Policy (2014)

PAN 33 – Development of Contaminated Land (2000)

Development Plan:

FIFEplan Local Development Plan (2017)

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

Other Guidance

Fife Council Planning Customer Guidelines on Daylight and Sunlight; Garden Ground; and, Minimum Window-to-Window Distance Appendix

Fife Council – Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note

Fife Council – Low Carbon Fife Supplementary Guidance (2019)

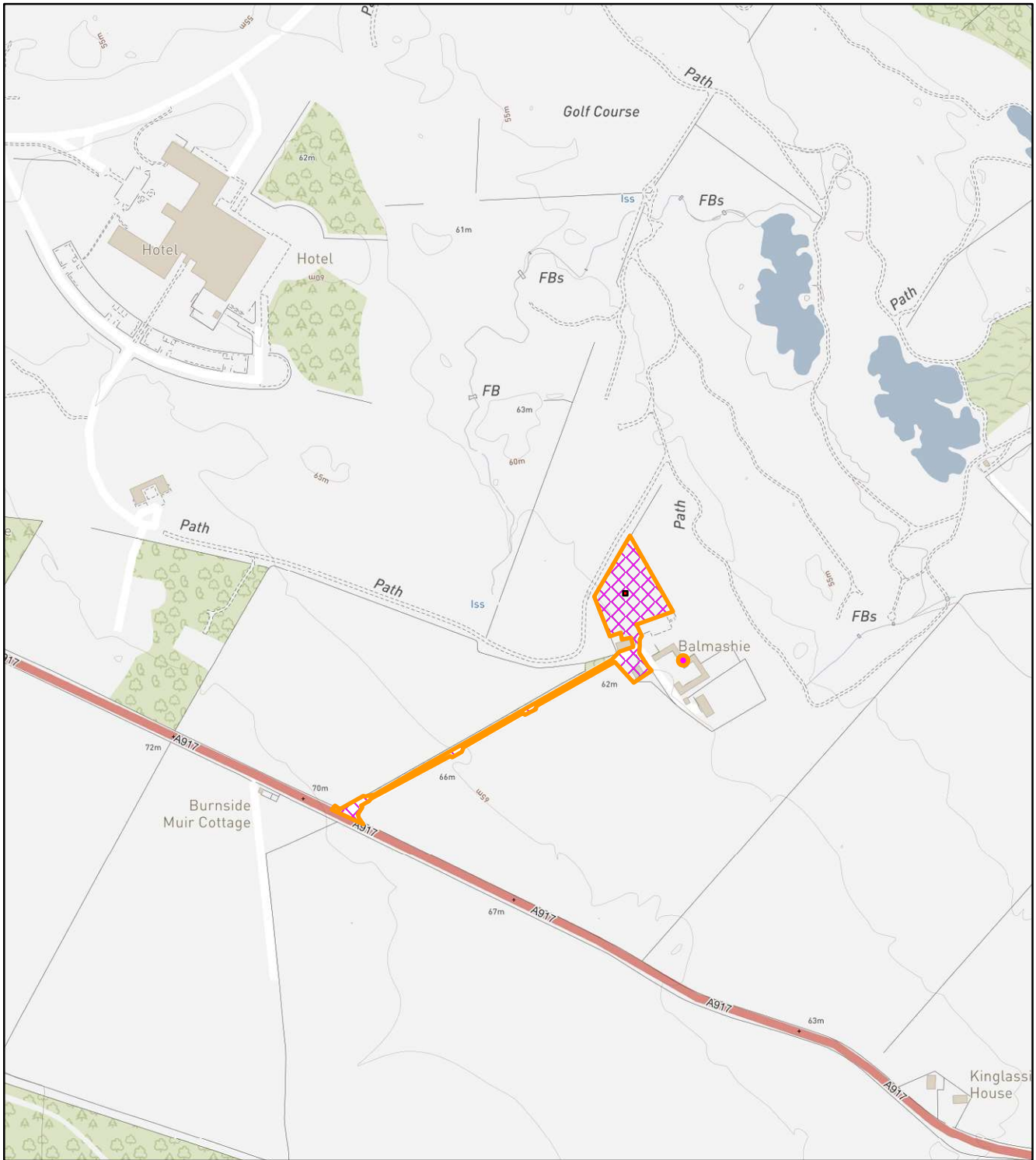
Report prepared by Scott McInroy, Planner Development Management

Report agreed by Alastair Hamilton, Service Manager (Committee Lead) 25/7/22.

Date Printed 03/08/2022

# 21/03603/FULL

## Land Adjacent Balmashie Holiday Homes Kenly Boarhills

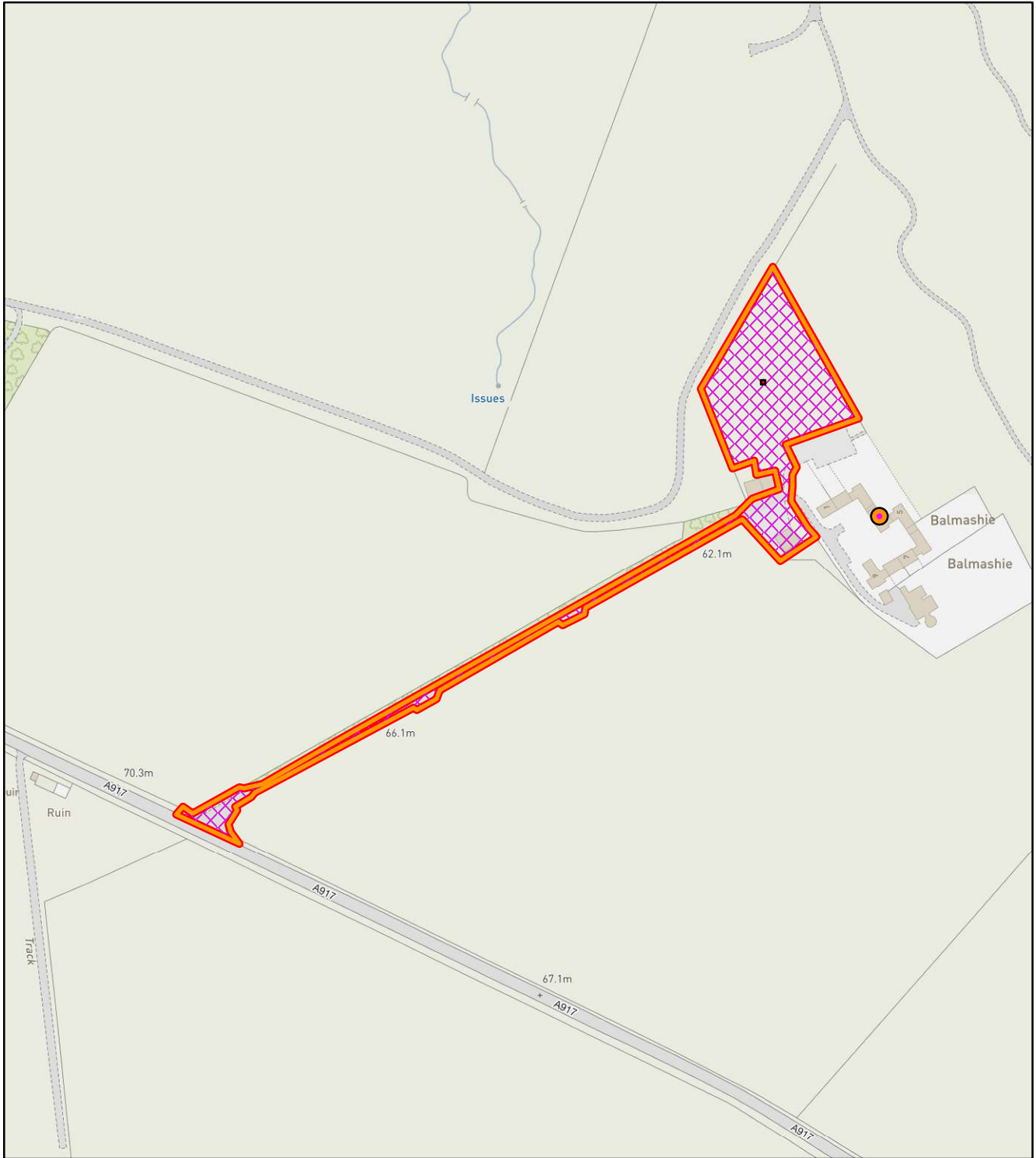


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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

# 21/03603/FULL

## Land Adjacent Balmashie Holiday Homes Kenly Boarhills



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<b>Legend</b>			
	Application Boundary		



**ITEM NO: 10**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03621/FULL**

**SITE ADDRESS: 59 ARGYLE STREET ST ANDREWS FIFE**

**PROPOSAL : ALTERATIONS AND EXTENSION TO GARAGE FORM  
ANCILLARY ACCOMMODATION AND ALTERATIONS TO  
DWELLINGHOUSE**

**APPLICANT: MR R LAWSON  
59 ARGYLE STREET ST ANDREWS FIFE**

**WARD NO: W5R18  
St. Andrews**

**CASE OFFICER: Kirsten Morsley**

**DATE 26/11/2021  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for Listed Building Consent would be subject to a different appeal route unless both the applications are determined together by Committee. The application was also originally submitted by a member of the public whom later became an elected Fife Councillor in the intervening period.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL  
CONSIDERATIONS**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority

should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

## 1.0 BACKGROUND

1.1 This application relates to an 'L' shaped traditional cottage built between 1779 and 1788 which is located on Argyle Street, St. Andrews. The cottage was formerly 3 cottages, is Category C listed, and is situated within the St. Andrews Conservation Area. External finishes (to the front) include a red clay pantile roof, random rubble sandstone walls and timber multi-pane sash and case windows. The cottage has been previously altered, it includes extensions to the rear, black coloured conservation rooflights to the front, and there is a single storey flat roofed double garage located off its north gable wall. External finishes to the garage include, a membrane flat roof, timber fascia with UPVC water goods, scored render to the front with a white coloured up and over metal garage door and rough cast render to the rear.

1.2 The cottage has a large rear garden which extends to approximately 365 m<sup>2</sup> in area. The garden is well set back and screened from Doubledykes Road by other garden ground, high natural stone boundary walls and trees. The site is surrounded by traditional buildings with mixed architectural styles. North-east of the rear garden is the Category C listed former Kinburn Hotel, now known as Kinburn Castle. Its random rubble south boundary wall, which is also listed, aligns the applicant's rear garden and double garage.

1.3 The cottage fronts Argyle Street - the B939, which is one of the four principal routes into St. Andrews town centre. There is a private vehicular lane off the B939 to the east of the cottage, which gives access to the applicant's double garage and the double garage serving 53 Argyle Street. There is also a small private parking and turning area here which the agent has advised is shared between the applicant (59 Argyle Street), and the owners of 53 and 51 Argyle Street.

1.4 Planning consent is sought to alter and largely replace the existing double garage with a larger self-contained 1.5 storey guest annex with parking and sunroom below and with an air source heat pump off its north gable wall, and to the front elevation of the existing cottage, to add one additional rooflight and replace 6 single glazed timber sash and case windows. In addition, solar panels are also proposed to both the proposed annex roof and the cottage roof.

1.5 The external finishes to the annex would comprise of, clay roof tiles to match existing, single ply to the flat roof which would be contained by a flat topped parapet north facing gable wall, one grey coloured rooflight, plywood fascias painted blue/grey to match existing, UPVC water goods, the existing front garage elevation would be retained whilst the rear and side walls would be finished in an off-white smooth render and stone cladding, and the windows and doors would be detailed in timber to match existing styles. On the front elevation of the existing cottage the additional rooflight would be an anthracite grey coloured conservation rooflight and the replacement windows would be light blue/grey painted multi-pane 12 mm thick double glazed slimline timber sash and case units. The solar panels would be located on the west and south facing roof planes of the annex and cottage. The air source heat pump (ASHP) would be located between the proposed annex and the existing north boundary wall.

1.6 The ground floor of the guest annex would include a kitchen, living/dining area, a WC and two parking spaces, and the first floor would include two double bedrooms, a WC and a shower room. Following development, the cottage would have 6 bedrooms (currently there are 4). The agents have advised that the bedrooms in the annex are for occasional use only by the applicant's large family who come to visit St. Andrews during the holidays. The agents have also

stated that the annex would always form part of the dwelling and would not be sold off as a separate entity, nevertheless the usage and frequency of the bedroom annexe cannot be controlled in terms of how often the family or householder would use it and in that context it would also be able to be used by future home owners in the same way as the existing bedrooms.

1.7 This submission has also been accompanied with a Supporting Design Statement from the applicant's agent, which outlines in detail the design, sustainability and other material reasons for supporting the proposal.

1.8 Planning history for the cottage is summarised below,

- 09/00733/EFULL - One and a half storey extension to rear of dwellinghouse, formation of window and French door, and installation of rooflights - permitted with conditions
- 09/01504/ELBC - Listed building consent for extension and internal alterations - permitted
- 09/03100/FULL - Replacement rooftiles - permitted with conditions
- 09/03102/LBC - Listed building consent for the replacement rooftiles - permitted
- 10/00744/FULL - Single storey rear extension to dwellinghouse - permitted with conditions
- 10/00745/LBC - Listed building consent for single storey extension to rear of dwellinghouse - permitted with conditions
- 11/01251/FULL - Alterations to roof, erection of single storey extension to rear, and installation of replacement windows and rooflights -permitted with conditions
- 11/01252/LBC - Listed building consent to demolish existing rear extensions, alterations to roof, single storey extension to rear and replacement windows and rooflights
- 12/00195/LBC - Listed building consent for internal and external alterations (amendment to 11/01252/LBC in retrospect)

1.9 A site visit was carried out and photographs have been placed in the case file.

1.10 A corresponding application for listed building consent, reference 21/03622/LBC, is also included on this committee agenda for consideration.

## 2.0 PLANNING ASSESSMENT

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

- Principle of the Development
- Design and Visual Impact on the Listed Building and the Conservation Area
- Residential Amenity
- Road Safety and Parking

## 2.2 Principle of the Development

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

2.2.2 The application is for a guest annexe which would be ancillary to an existing cottage located within an established residential area of St. Andrews as defined in the Adopted FIFEplan (2017). The proposal for residential accommodation within an existing residential area is considered to be acceptable in principle as it would comply with the Local Development Plan in broad land use policy terms. However specific design details, amenity impacts and other material considerations also need to be considered to determine whether the proposal is considered acceptable as proposed. These design details are discussed in detail below.

## 2.3 Design and Visual Impact on the Listed Building and the Conservation Area

2.3.1 Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to listed buildings and conservation areas. Any changes shall be managed to protect a building's special interest and design and materials which will affect a listed building and a conservation area shall be appropriate to both the character and appearance of the building and its setting.

2.3.2 Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (HEPS) (April 2019), Historic Environment Scotland (HES) Managing Change in the Historic Environment -- Extensions, Windows, Setting, Boundaries, Micro-Renewables, policies 1, 10, 11, and 14 of The Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018), Fife Council's Planning Customer Guidelines on Home Extensions (2016), Windows in Listed Buildings and Conservation Areas (2018), St Andrews Design Guidelines (2011), and the St. Andrews Conservation Area Appraisal and Management Plan (2010) apply to this application.

2.3.3 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that new development should be sensitively managed to avoid or minimise adverse impacts on the fabric of a listed building and on the character and appearance of a conservation area to ensure that special characteristics are protected, conserved or enhanced. Historic Environment Scotland's design guidance on 'Extensions' sets out the principles that apply when proposing to extend a listed building and advise that extensions should,

- protect the character and appearance of the building and be designed in a high quality manner using appropriate materials
- the design should follow one of the following design approaches, and either be a restoration, a replication, a complementary addition, a deferential contrast or an assertive contrast
- be skilfully sited and be sub-ordinate in scale and form and not dominate or unbalance the original building in terms of scale, materials or location, or overlay principal elevations
- be located on a secondary elevation, but if located beside a principle elevation should be generally lower, and set back behind that facade

- not damage important interior fabric

Historic Environment Scotland (HES) guidance further advises that if a building's roof or external form is considered to be important to a building's character, alterations which impact on its roof or on the building's external form and affect its character will not be considered appropriate. The visibility of a proposed development from out with the site is also considered a material consideration as are alterations to the site boundaries, particularly where they relate to other adjoining sites. HES guidance on 'Setting' also highlights that sites need not be visually prominent to have a setting.

2.3.4 FIFEplan Policies 1 (Development Principles), 10 (Amenity), and 14 (Built and Historic Environment) require new development to make a positive contribution to the immediate environment in terms of the quality of the development and that the qualities of the historic environment should be safeguarded. Making Fife's Places - Supplementary Guidance (2018) highlight the importance that development proposals should satisfy the six qualities of successful places where relevant. The quality 'distinctive' is applicable in this case and therefore the question to be asked is whether the design response is appropriate to the surrounding built context in terms of townscape and is the quality of the proposed detailing and materials appropriate. St. Andrews Design Guideline 63 highlights that development proposals should meet the test for acceptable change and enhance townscape character. Guideline 65 states that when traditional design is adopted, the design, the detailing, and choice of materials should reflect local architecture and avoid mixing different styles and periods. Fife Council's guidance on windows set out the general principles that should apply when proposing new windows on Listed Buildings and within Conservation Areas to ensure that their historical and/or architectural significance is safeguarded against insensitive change or damage. Policy 11 (Low Carbon) encourages the use of sustainable energy resources provided these do not result in significant visual impacts which cannot be satisfactorily mitigated.

2.3.5 Fife Council's Built Heritage officers were consulted and are not supportive of the proposals. Whilst they highlight that the extension would not have any significant impact on the wider Conservation Area and would generally comply with the design guidelines they highlight that the late 18th century cottages have an unusual 'L-shaped plan and the ability to read this built form from the outward facing elevations is considered an important feature and that the proposed annex extension would obscure this. They also contend that the existing roof ridgeline, skews and gables all contribute to the existing built form and that the flat roofed garage (whilst modern) still allows for these cottage features and the traditional chimney head to be seen and read. As such Built Heritage advise that the proposed extension would have an adverse impact on the character of the listed building and therefore do not support these proposals.

2.3.6 The agent's design statement contends that 'careful consideration has been given to achieving a development which maintains and enhances the character of the area and safeguards the character, appearance and amenity of the Category C listed building' and states 'that the overall development will be of a high quality in terms of design, massing and materiality'.

2.3.7 The application as first submitted had errors and anomalies. The design styles of the existing cottage window types were in-correct and there was conflicting information between the proposed cottage windows and the design statement. Whilst these errors have since been corrected by the agent, there are still anomalies within the submission and missing information including,

- the rainwater goods are described as 'white coloured UPVC' and as 'painted blue/grey to match existing'.
- the existing north elevation of the double garage is not a fully rendered wall as shown on the existing elevation drawing 03. The agent's site photographs 10 and 11 in document 12, show the existing listed north stone boundary wall as intact.
- the proposed annex material specifications are vague. Whilst reference is made to 'stone cladding on exterior to match existing', 'masonry parapet detail to match existing' there would be an expectation that for a proposed extension to a listed building that all external material finishes would be fully specified.
- the agent was advised that the additional rooflight (W07) on the front cottage elevation was not considered to be acceptable and that an additional 6th rooflight on this elevation would have a cumulative adverse impact on the character of the cottage. Whilst the agent advised that this rooflight could be re-located on the north roof pitch the proposed front elevation has not been revised. Furthermore, the existing rooflights on the front elevation are back coloured Conservation style rooflights, yet proposed rooflight W07 is described as an Anthracite Grey coloured Velux slimline Conservation rooflight which would not match the existing rooflights.
- the supporting design statement makes no mention of or justification for the removal of part of the Category C listed random rubble north wall which forms part of the curtilage boundary of the Category C listed Kinburn Castle. A case has not been made for this wall's replacement with the smooth rendered flat topped garage gable wall as shown on proposed drawings 05 and 06. Built Heritage did not reference this part of the proposal in their consultation response as there were errors on the existing submitted drawings which implied that this part of the listed wall had already been replaced with a rendered wall, however it is clear from the agent's site photographs that this is not the case.

2.3.8 The agents have in their supporting statement confirmed that the 'gable facing Kinburn Castle can be viewed from Doubledykes Road and is consistent with the surrounding built context. This includes a non-traditional two storey property with flat roof and balcony to the LHS (when viewed from the street) and is reflective of the traditional flat- topped gable of Kinburn Terrace on Doubledykes Rd. Furthermore, there is mature planting in this area which provides additional screening.'

2.3.9 Those properties with flat topped gables which have been described by the agent are not listed buildings and are of a different architectural type/period to the application property. HES advise that where a building's roof or external form is considered important to a building's character, alterations which impact on the roof or the building's external form and which affect its character will not be considered appropriate. St. Andrews's Design Guideline 63 highlights that where traditional design is adopted the design detailing should reflect local architecture and should avoid mixing different styles and periods. HES, guidance also highlights that sites need not be visually prominent to have a setting and where works affect site boundaries which are listed, particularly where those site boundaries relate to other important listed buildings, supporting design statements should be included to explain and justify such proposals.

2.3.10 Fife Council Built Heritage officers have not commented on the solar panels. The solar panels would have black anodised aluminium alloy frames with an anti-reflective black coating with a diamond pattern. They would not result in the loss of important historic fabric, they would be located on hidden rear elevations, are removable, and would address an important Climate

Emergency issue. The principle to install solar panels in the locations proposed is considered justifiable in this case. However solar panels on a listed building should be as visually sympathetic as possible and panels with a strong visible pattern as currently proposed should be avoided as this would have more of an adverse impact on the character and appearance of the listed cottage. Pure black solar panels with no obvious pattern is advised, and this could be easily addressed by changing the solar panel specification. The replacement windows to the front of the cottage with 12 mm thick double glazed timber sash and case units are considered acceptable in principle, however more detailed window sections would be required so that the proposed window replacements could be fully assessed. The air source heat pump would be well hidden at the rear of the property and would have no visual impact on the cottage or the wider Conservation Area.

2.3.11 In light of the comments received from Built Heritage officers in terms of the impact the proposed annex would have on the roof character of the existing 18th century listed cottage, the inaccurate and insufficient information contained within this planning submission, the addition of a 6th rooflight on the existing front elevation, and no justification or explanation given for the removal of part of the listed north boundary random rubble wall, the development proposals are not considered acceptable. They would not accord with the architectural and visual quality of the Category C(S) listed building or listed boundary wall, they would have an adverse impact on the character and appearance of the Conservation Area and as such are considered incompatible with the relevant policies and guidelines relating to the Design and Visual Impact on the Listed Building, the Listed Boundary Wall, and the Conservation Area.

## 2.4 Residential Amenity

2.4.1 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.

2.4.2 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.

2.4.3 Fife Council's Planning Customer Guidelines set out in greater detail the general principles which apply in terms of daylight and sunlight, overshadowing, loss of privacy /overlooking and garden ground.

2.4.4 Given the location, orientation, size and height of the annex extension in relation to other residential property there would be no daylight, sunlight or overshadowing issues arising from the proposed development. There would be no window to window infringements or any material loss of privacy to property or gardens from the proposed windows. The rear garden is large and the combined footprints of the earlier extensions and this current proposal would still leave more than 300 m<sup>2</sup> of garden ground of good quality, therefore the proposal is considered acceptable in term of site coverage.

2.4.5 Fife Council's Environmental Health (Public Protection) team were consulted, where upon review confirmed they did not have any objections to the proposed development, however recommended that the applicant take into consideration amenity concerns which could arise during construction. It should be noted however that this is an issue which Fife Council Environmental Health Officers would be able to take action under Section 60 of the Control of Pollution Act 1974.

2.4.6 The air source heat pump (ASHP) would be located within the rear garden between the north gable wall of the annex and the high natural stone north boundary wall. The ASHP would be situated approximately 11 metres from the nearest residential property- i.e. the garage and first floor roof terrace belonging to 53 Argyle Street. Environmental Health have advised that should the application be supported that the following noise condition be applied to ensure that there is no dis-amenity to residential property in respect of noise from the ASHP. The recommended condition in the interests of protecting residential amenity was as follows:-

'The total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation.

For the avoidance of doubt, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs.'

2.4.7 As the annex building includes self-contained ancillary accommodation, any approval would also require to be conditioned on the basis that the annex accommodation could not be sold, let, or rented commercially or otherwise disposed of other than as part of the existing dwellinghouse to ensure full control over the development is retained and to avoid the creation of an additional permanent and separate planning unit.

2.4.8 In light of the above, and with the inclusion of appropriately worded conditions tying the annex accommodation with its ancillary use to the main dwellinghouse, and in respect of noise emissions from the ASHP, the development would be considered fully compliant with Development Plan policy in respect of residential amenity.

## 2.5 Road Safety and Parking

2.5.1 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.

2.5.2 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.

2.5.3 The agents have highlighted that the existing cottage is located within a well-connected area and is close to local bus routes and is within walking distance of St. Andrews Bus Station which also gives connections to rail and flight routes. The agents have also highlighted that there is also available street parking and public car parks nearby and that the applicant has two garage parking spaces and shares the driveway and parking/turning area in front of the garage.



2.5.4 Transportation Development Management were consulted and have advised that as the existing four bedroomed cottage has existed historically with 2 off-street parking places, and the proposed annex extension will not operate as a separate entity and is to remain as an integral part of the existing dwellinghouse, there would be no additional requirement for off-street parking.

2.5.5 Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines stipulate that for a 4 bedroomed dwellinghouse 3 in-curtilage parking spaces are required to satisfy Transportation Development Management parking requirements. However, whilst this cottage only has two off-street parking spaces, as the cottage already has 4 bedrooms, any additional ancillary bedrooms proposed would not trigger the need to provide for additional off-street parking. Furthermore as Transportation Development Management are satisfied that the cottage is well connected by public transportation links the proposed development would be considered fully compliant with Development Plan policy in respect of Road Safety and Parking.

## CONSULTATIONS

Transportation, Planning Services	There is no change to the off-street parking requirement which currently exists within the integral garage and in the existing forecourt.
Environmental Health (Public Protection)	No objection.
Scottish Water	Approve subject to conditions
Built Heritage, Planning Services	No Objections
	Not supportive

## REPRESENTATIONS

There are no representations

## CONCLUSIONS

The proposed annex roof design, the additional and inappropriate rooflight on the existing front principal elevation, the submission of inadequate details and material specifications, and the unjustified proposed removal of part of the listed north boundary random rubble wall would all have a significant negative impact on the character and appearance of the listed building, the listed boundary wall and on the Conservation Area, and as such the proposals do not adequately satisfy the terms of National Guidance, Development Plan Policy and other relevant guidance in relation to the Design and Visual impact on the Listed Building, the Listed Wall and the Conservation Area and the application is therefore recommended for refusal.

## RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of safeguarding the architectural heritage, character and appearance of the listed building, the listed north boundary wall and the wider Conservation Area; the proposed annex roof design, the additional rooflight on the front elevation of the existing building, the unjustified partial removal of the listed north boundary wall and the inadequate details and material specifications would all have a significant impact on the character and appearance of the Category C(S) listed building, the listed north boundary wall and on the Conservation Area and as such the proposals are considered incompatible with and contrary to the relevant policies and guidelines relating to Scottish Planning Policy (2014) (Valuing the Historic Environment); Managing Change in the Historic Environment - Extensions, Setting, Boundaries; Policies 1, 10, and 14 of The Adopted FIFEplan – Fife Local Development Plan (2017); Making Fife's Places - Supplementary Guidance (2018); St Andrews Design Guidelines (2011); and, St. Andrews Conservation Area Appraisal and Management Plan (2010).

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

### National Guidance

Scottish Planning Policy (2014)

Historic Environment Policy for Scotland (HEPS) (April 2019)

Historic Environment Scotland (HES) Managing Change in the Historic Environment -- Extensions, Windows, Setting, Boundaries, Micro-Renewables

### Development Plan

Adopted FIFEplan (2017)

Making Fife's Places - Supplementary Guidance (2018)

### Other Guidance

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

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

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

Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018)

St Andrews Design Guidelines (2011)

St. Andrews Conservation Area Appraisal and Management Plan (2010)

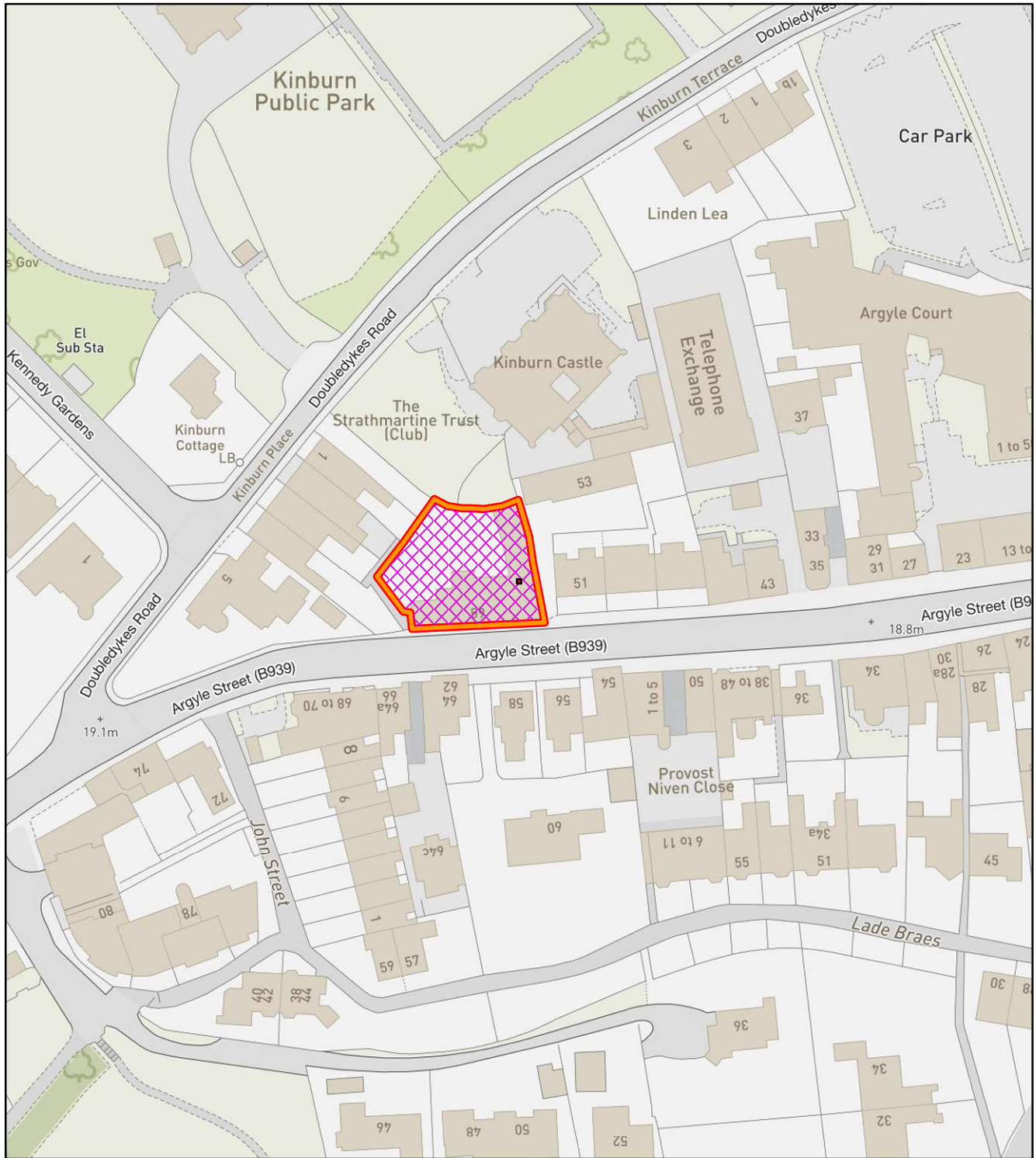
Report prepared by Kirsten Morsley, Planning Assistant and Case Officer.

Report agreed by Alastair Hamilton, Service Manager (Committee Lead) 25/7/22.

Date Printed 05/08/2022

# 21/03621/FULL

59 Argyle Street St Andrews



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<b>Legend</b>			
	Application Boundary		

0 5 10 20 30 m

**ITEM NO: 11**

**APPLICATION FOR LISTED BUILDING CONSENT REF: 21/03622/LBC**

**SITE ADDRESS: 59 ARGYLE STREET ST ANDREWS FIFE**

**PROPOSAL : LISTED BUILDING CONSENT FOR ALTERATIONS & EXTENSION TO GARAGE TO FORM ANCILLARY ACCOMMODATION AND ALTERATIONS TO DWELLINGHOUSE**

**APPLICANT: MR R LAWSON  
59 ARGYLE STREET ST ANDREWS FIFE**

**WARD NO: W5R18  
St. Andrews**

**CASE OFFICER: Kirsten Morsley**

**DATE 22/11/2021  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for Full planning permission would be subject to a different appeal route unless both the applications are determined together by Committee. The application was also originally submitted by a member of the public who later became an elected Fife Councillor in the intervening period.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

## ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

### 1.0 BACKGROUND

1.1 This application relates to an 'L' shaped traditional cottage built between 1779 and 1788 which is located on Argyle Street, St. Andrews. The cottage was formerly 3 cottages, is Category C listed, and is situated within the St. Andrews Conservation Area. External finishes (to the front) include a red clay pantile roof, random rubble sandstone walls and timber multi-pane sash and case windows. The cottage has been previously altered, it includes extensions to the rear, black coloured conservation rooflights to the front, and there is a single storey flat roofed double garage located off its north gable wall. External finishes to the garage include, a membrane flat roof, timber fascia with UPVC water goods, scored render to the front with a white coloured up and over metal garage door and rough cast render to the rear.

1.2 The cottage has a large rear garden which extends to approximately 365 m<sup>2</sup> in area. The garden is well set back and screened from Doubledykes Road by other garden ground, high natural stone boundary walls and trees. The site is surrounded by traditional buildings with mixed architectural styles. North-east of the rear garden is the Category C listed former Kinburn Hotel, now known as Kinburn Castle. Its random rubble south boundary wall, which is also listed, aligns the applicant's rear garden and double garage.

1.3 The cottage fronts Argyle Street - the B939, which is one of the four principal routes into St. Andrews town centre. There is a private vehicular lane off the B939 to the east of the cottage, which gives access to the applicant's double garage and the double garage serving 53 Argyle Street. There is also a small private parking and turning area here which the agent has advised is shared between the applicant (59 Argyle Street), and the owners of 53 and 51 Argyle Street.

1.4 Listed building consent is sought to alter and largely replace the existing double garage with a larger self-contained 1.5 storey guest annex with parking and sunroom below, and to the front elevation of the existing cottage, to add one additional rooflight and replace 6 single glazed timber sash and case windows. Solar panels to both the proposed annex roof and the cottage roof and an air source heat pump are also proposed. The air source heat pump would not require listed building consent.

1.5 The external finishes to the annex would comprise of, clay roof tiles to match existing, single ply to the flat roof which would be contained by a flat topped parapet north facing gable wall, one grey coloured rooflight, plywood fascias painted blue/grey to match existing, UPVC water goods, the existing front garage elevation would be retained whilst the rear and side walls would be finished in an off-white smooth render and stone cladding, and the windows and doors would be detailed in timber to match existing styles. On the front elevation of the existing cottage the additional rooflight would be an anthracite grey coloured conservation rooflight and the replacement windows would be light blue/grey painted multi-pane 12 mm thick double-glazed slimline timber sash and case units. The solar panels would be located on the west and south facing roof planes of the annex and cottage.

1.6 The ground floor of the guest annex would include a kitchen, living/dining area, a WC and two parking spaces, and the first floor would include two double bedrooms, a WC and a shower room. Following development, the cottage would have 6 bedrooms (currently there are 4). The agents have advised that the bedrooms in the annex are for occasional use only by the applicant's large family who come to visit St. Andrews during the holidays. The agents have also stated that the annex would always form part of the dwelling and would not be sold off as a separate entity, nevertheless the usage and frequency of the bedroom annexe cannot be controlled in terms of how often the family or householder would use it and, in that context, it would also be able to be used by future home owners in the same way as the existing bedrooms.

1.7 This submission has also been accompanied with a Supporting Design Statement from the applicant's agent, which outlines in detail the design, sustainability and other material reasons for supporting the proposal.

1.8 Planning history for the property is summarised below,

- 09/00733/EFULL - One and a half storey extension to rear of dwellinghouse, formation of window and French door, and installation of rooflights - permitted with conditions
- 09/01504/ELBC - Listed building consent for extension and internal alterations - permitted
- 09/03100/FULL - Replacement rooftiles - permitted with conditions
- 09/03102/LBC - Listed building consent for the replacement rooftiles - permitted
- 10/00744/FULL - Single storey rear extension to dwellinghouse - permitted with conditions
- 10/00745/LBC - Listed building consent for single storey extension to rear of dwellinghouse - permitted with conditions
- 11/01251/FULL - Alterations to roof, erection of single storey extension to rear, and installation of replacement windows and rooflights -permitted with conditions
- 11/01252/LBC - Listed building consent to demolish existing rear extensions, alterations to roof, single storey extension to rear and replacement windows and rooflights
- 12/00195/LBC - Listed building consent for internal and external alterations (amendment to 11/01252/LBC in retrospect)

1.9 A site visit was carried out and photographs have been placed in the file.

1.10 A corresponding application for planning consent, reference 21/03621/FULL, is also included on this committee agenda for consideration.

## 2.0 PLANNING ASSESSMENT

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

- Design and Visual Impact on the Listed Building

## 2.2 Design and Visual Impact on the Listed Building

2.2.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to listed buildings and any changes shall be managed to protect a building's special interest and design and materials which will affect a listed building shall be appropriate to both the character and appearance of the building and its setting.

2.2.2 Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Policy for Scotland (HEPS) (April 2019), Historic Environment Scotland (HES) Managing Change in the Historic Environment -- Extensions, Windows, Setting, Boundaries, Micro-Renewables, policies 1, 10, 11, and 14 of The Adopted FIFEplan (2017), Making Fife's Places - Supplementary Guidance (2018), Fife Council's Planning Customer Guidelines on Home Extensions (2016), Windows in Listed Buildings and Conservation Areas (2018), St Andrews Design Guidelines (2011), and the St. Andrews Conservation Area Appraisal and Management Plan (2010) apply to this application.

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- protect the character and appearance of the building and be designed in a high quality manner using appropriate materials
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- not damage important interior fabric

Historic Environment Scotland (HES) guidance further advises that if a building's roof or external form is considered to be important to a building's character, alterations which impact on its roof or on the building's external form and affect its character will not be considered appropriate. The visibility of a proposed development out with the site is also considered a material consideration as are alterations to the site boundaries, particularly where they relate to other adjoining sites. HES guidance on 'Setting' also highlights that sites need not be visually prominent to have a setting.

2.2.4 FIFEplan Policies 1 (Development Principles), 10 (Amenity), and 14 (Built and Historic Environment) require new development to make a positive contribution to the immediate environment in terms of the quality of the development and that the qualities of the historic environment should be safeguarded. Making Fife's Places - Supplementary Guidance (2018) highlight the importance that development proposals should satisfy the six qualities of successful places where relevant. The quality 'distinctive' is applicable in this case and therefore the

question to be asked is whether the design response is appropriate to the surrounding built context in terms of townscape and is the quality of the proposed detailing and materials appropriate. St. Andrews Design Guideline 63 highlights that development proposals should meet the test for acceptable change and enhance townscape character. Guideline 65 states that when traditional design is adopted, the design, the detailing, and choice of materials should reflect local architecture and avoid mixing different styles and periods. Fife Council's guidance on windows set out the general principles that should apply when proposing new windows on Listed Buildings and within Conservation Areas to ensure that their historical and/or architectural significance is safeguarded against insensitive change or damage.

2.2.5 Fife Council Built Heritage officers were consulted and are not supportive of the proposals. Whilst they highlight that the extension would not have any significant impact on the wider Conservation Area and would generally comply with the design guidelines, they highlight that the late 18th century cottages have an unusual 'L-shaped plan and the ability to read this built form from the outward facing elevations is considered an important feature and that the proposed annex extension would obscure this. They also contend that the existing roof ridgeline, skews and gables all contribute to the existing built form and that the flat roofed garage (whilst modern) still allows for these cottage features and the traditional chimney head to be seen and read. As such Built Heritage advise that the proposed extension would have an adverse impact on the character of the listed building and therefore do not support these proposals.

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2.2.7 The application as first submitted had errors and anomalies. The design styles of the existing cottage window types were in-correct and there was conflicting information between the proposed cottage windows and the design statement. Whilst these errors have since been corrected by the agent, there are still anomalies within the submission and missing information including,

- the rainwater goods are described as 'white coloured UPVC' and as 'painted blue/grey to match existing'.
- the existing north elevation of the double garage is not a fully rendered wall as shown on the existing elevation drawing 03. The agent's site photographs 10 and 11 in document 12, show the existing listed north stone boundary wall as intact.
- the proposed annex material specifications are vague. Whilst reference is made to 'stone cladding on exterior to match existing', 'masonry parapet detail to match existing' there would be an expectation that for a proposed extension to a listed building that all external material finishes would be fully specified.
- the agent was advised that the additional rooflight (W07) on the front cottage elevation was not considered to be acceptable and that an additional 6th. rooflight on this elevation would have a cumulative adverse impact on the character of the cottage. Whilst the agent advised that this rooflight could be re-located on the north roof pitch the proposed front elevation has not been revised. Furthermore, the existing rooflights on the front elevation are back coloured



Conservation style rooflights, yet proposed rooflight W07 is described as an Anthracite Grey coloured Velux slimline Conservation rooflight which would not match the existing rooflights.

- the supporting design statement makes no mention of or justification for the removal of part of the Category C listed random rubble north wall which forms part of the curtilage boundary of the Category C listed Kinburn Castle. A case has not been made for this wall's replacement with the smooth rendered flat topped garage gable wall as shown on proposed drawings 05 and 06. Built Heritage did not reference this part of the proposal in their consultation response as there were errors on the existing submitted drawings which implied that this part of the listed wall had already been replaced with a rendered wall, however it is clear from the agent's site photographs that this is not the case.

2.2.8 The agents have in their supporting statement confirmed that the 'gable facing Kinburn Castle can be viewed from Doubledykes Road and is consistent with the surrounding built context. This includes a non-traditional two storey property with flat roof and balcony to the LHS (when viewed from the street) and is reflective of the traditional flat-topped gable of Kinburn Terrace on Doubledykes Road. Furthermore, there is mature planting in this area which provides additional screening.'

2.2.9 Those properties with flat topped gables which have been described by the agent are not listed buildings and are of a different architectural type/period to the application property. HES advise that where a building's roof or external form is considered important to a building's character, alterations which impact on the roof or the building's external form and which affect its character will not be considered appropriate. St. Andrews's Design Guideline 63 highlights that where traditional design is adopted the design detailing should reflect local architecture and should avoid mixing different styles and periods. HES, guidance also highlights that sites need not be visually prominent to have a setting and where works affect site boundaries which are listed, particularly where those site boundaries relate to other important listed buildings, supporting design statements should be included to explain and justify such proposals.

2.2.10 Fife Council's Built Heritage officers have not commented on the solar panels. The solar panels would have black anodised aluminium alloy frames with an anti-reflective black coating with a white diamond pattern. They would not result in the loss of important historic fabric, they would be located on hidden rear elevations, are removable, and would address an important Climate Emergency issue. The principle to install solar panels in the locations proposed is considered justifiable in this case. However solar panels on a listed building should be as visually sympathetic as possible and panels with a strong visible pattern as currently proposed should be avoided as this would have more of an adverse impact on the character and appearance of the listed cottage. Pure black solar panels with no obvious pattern is advised, and this could be easily addressed by changing the solar panel specification. The replacement windows to the front of the cottage with 12 mm thick double glazed timber sash and case units are considered acceptable in principle, however more detailed window sections would be required so that the proposed window replacements could be fully assessed

2.2.11 In light of the comments received from Built Heritage officers in terms of the impact the proposed annex would have on the roof character of the existing 18th century listed cottage, the inaccurate and insufficient information contained within this listed building consent submission, the addition of a 6th rooflight on the existing front elevation, and no justification or explanation given for the removal of part of the listed north boundary random rubble wall, the development proposals are not considered acceptable. They would not accord with the architectural and visual quality of the Category C(S) listed building or listed boundary wall and as such are

considered incompatible with the relevant policies and guidelines relating to the Design and Visual Impact on the Listed Building and the Listed Boundary Wall.

## **CONSULTATIONS**

Built Heritage, Planning Services

Not supportive

## **REPRESENTATIONS**

There are no representations

## **CONCLUSIONS**

The proposed annex roof design, the additional and inappropriate rooflight on the existing front principal elevation, the submission of inadequate details and material specifications, and the unjustified proposed removal of part of the listed north boundary random rubble wall would all have a significant negative impact on the character of the listed building and the listed boundary wall and as such would not adequately satisfy the terms of National Guidance, Development Plan Policy and other relevant guidance in relation to the Design and Visual impact on the Listed Building and the Listed Boundary Wall and the application is therefore recommended for refusal.

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interests of safeguarding the architectural heritage, character and appearance of the listed building and the listed north boundary wall; the proposed annex roof design; the additional rooflight on the front elevation of the existing building; the un-justified partial removal of the listed north boundary wall; and, the inadequate details and material specifications would all have a significant impact on the architectural and visual quality of the Category C(S) listed building and listed north boundary wall and as such the proposals are considered incompatible with and contrary to the relevant policies and guidelines relating to Scottish Planning Policy (2014) (Valuing the Historic Environment); Managing Change in the Historic Environment - Extensions, Setting, Boundaries; Policies 1, 10, and 14 of The Adopted FIFEplan – Fife Local Development Plan (2017); Making Fife's Places - Supplementary Guidance (2018); St Andrews Design Guidelines (2011); and, St. Andrews Conservation Area Appraisal and Management Plan (2010).

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

National Guidance

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

Historic Environment Policy for Scotland (HEPS) (April 2019)

Historic Environment Scotland (HES) Managing Change in the Historic Environment -- Extensions, Windows, Setting, Boundaries, Micro-Renewables

Development Plan

Adopted FIFEplan (2017)

Making Fife's Places - Supplementary Guidance (2018)

Other Guidance

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

Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018)

St Andrews Design Guidelines (2011)

St. Andrews Conservation Area Appraisal and Management Plan (2010)

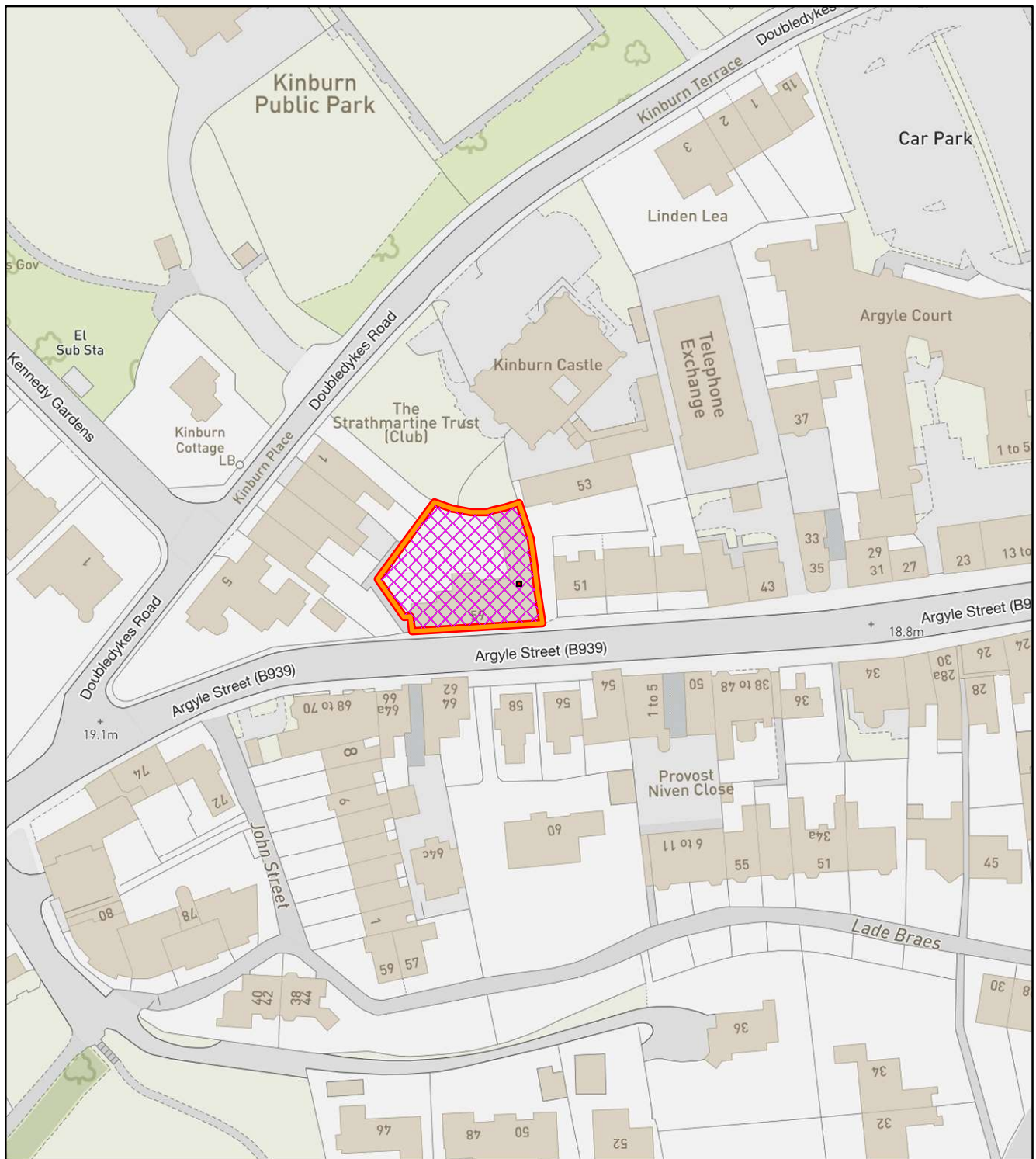
Report prepared by Kirsten Morsley, Planning Assistant and Case Officer.

Report agreed by Alastair Hamilton, Service Manager (Committee Lead) 25/7/22.

Date Printed 05/08/2022

# 21/03622/LBC

59 Argyle Street St Andrews



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<b>Legend</b>			
	Application Boundary		

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**ITEM NO: 12**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00646/FULL**

**SITE ADDRESS: LAND AT EAST PITCORTHIE PITCORTHIE**

**PROPOSAL: CHANGE OF USE FROM STEADING TO DWELLING HOUSE AND ERECTION OF 2 NO. HOLIDAY LETS AND ASSOCIATED INFRASTRUCTURE.**

**APPLICANT: THE HANLEY PORTFOLIO LTD  
6 MANLEY TERRACE LISKEARD CORNWALL**

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

**CASE OFFICER: Scott McInroy**

**DATE REGISTERED: 08/03/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 objections contrary to officer's recommendation

**SUMMARY RECOMMENDATION**

The application is recommended for:

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 This application relates to a traditional steading located to the south of the B9171 which runs between Spalefield and Crail. As per FIFEplan Local Development Plan (2017), the application site is identified as countryside land, with no other recorded designations. The steading, which is set back from the roadside, comprises four stone-built buildings and is formed in a traditional courtyard layout. The buildings are in a visible state of disrepair with missing roofs and walls. The steading, which is now redundant in agricultural terms, is accessed via an existing private access road (approximately 140 metres in length) and is bounded by paddocks to the east and west. Existing residential properties are located to the north and south of the site. The site is classified as prime agricultural land.

1.2 This application is for the change of use from steading to dwelling house and erection of 2 no. holiday lets and associated infrastructure.). Consent to demolish the ruinous buildings was granted through the approval of application 21/02868/DPN. The existing steading which sits to the east of the site is to be redeveloped into a 3-bedroom dwelling which would be finished in reclaimed natural stone with pan tile and cement roof sheet roof. The windows and doors will timber green with roof lights. An L shaped, 2-bedroom single storey cottage is proposed at the northwest corner of the site while a rectangular shaped, 1-bedroom single storey cottage is proposed to the south of the site. The cottages are to be finished in the same materials as the steading.

1.3 In regard to the planning history for the site:

05/01341/EFULL - Change of use of steading to form 5 dwellinghouses and gardens- approved 26/04/2007

08/02770/EFULL - Amendments to 05/01341/EFULL including alterations to access, parking and garden areas - approved 03/02/2019

19/03043/PPP - Planning Permission in Principle for erection of 3 dwellinghouses and associated infrastructure - refused 23/09/2020. Decision was subsequently overturned at appeal on 16/02/2021 (DPEA Appeal Reference Number PPA-250-2348) and approval was granted subject to conditions.

21/02868/DPN - Prior Notification for Demolition of buildings - approved 29.09.2021

## 2.0 ASSESSMENT

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

- Principle of Development
- Design/Visual Impact on the Countryside
- Residential Amenity
- Garden Ground
- Transportation
- Contamination
- Natural Heritage
- Flooding and Drainage
- Low Carbon
- HMO

## 2.2 Principle of Development

2.2.1 Scottish Planning Policy (2014) and Policies 1, 7 and 8 of the Adopted FIFEplan Local Development Plan (2017), apply with regards to the principle of development for this proposal.

2.2.2 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Town and Country Planning (Scotland) Act (1997) [the Act]. The SPP seeks to promote the use of previously developed land and better access by sustainable transport modes and advises that new residential units should primarily be concentrated within existing settlements. However, recognises the increased demand for new types of development in rural areas. SPP further highlights that, through supporting policies, demand for new housing in the countryside can still be met in a way which can bring social, environmental and economic benefits.

2.2.3 The Adopted FIFEplan Local Development Plan (2017) Policy 1 sets out the requirements for development principles. This policy supports development proposals providing they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. It further states the development will only be supported if it is in a location where the proposed use is supported by the Local Development Plan. In the instance of development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 7 and 8.

2.2.4 Policy 7 of FIFEplan advises that development in the countryside will only be supported in certain instances. One such circumstance is that the proposal is in line with Policy 8 (Houses in the Countryside). However, it further sets out that all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.5 The final policy taken into consideration with regards to the principle of development for this application is Policy 8 of FIFEplan which sets out specific requirements for the siting of new housing in the countryside and aims to prevent sporadic or ad-hoc development in the countryside. Policy 8 sets specific guidelines for instance of when the development of housing in the countryside will be supported. One such of these instances is set out in criterion 4 which supports development where it is for the demolition and subsequent replacement of an existing house provided the following all apply:

- a) the existing house is not listed or of architectural merit;
- b) the existing house is not temporary and has a lawful use; or
- c) the new house replaces one which is structurally unsound and the replacement is a better quality design, similar in size and scale as the existing building, and within the curtilage of the existing building.

2.2.6 Policy 8 criterion 5 also supports development which is for the rehabilitation and or/conversion of a complete or substantially completely existing building.

2.2.7 Additionally within Policy 8, (in line with Policy 7) it is set out all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.8 As discussed earlier in this report, the application site is not located within a settlement envelope and is thus deemed to be situated in the countryside. Through the approval of application 21/02868/DPN, demolition of the derelict redundant buildings was deemed acceptable. The area that is to be demolished is where the cottage to the northwest and south are to be built. These buildings will be built within the footprint of the demolished buildings. As such the development of the two cottages complies with criterion 4c of policy 8.

2.2.9 The applicant has provided a structural engineer report with regards to the buildings that make up the existing steading building that sits to the east of the site. The report concludes that the condition of the buildings are variable and where the roof finishes and roof structure remain substantially intact, the masonry walls are reasonably sound requiring only localised maintenance. Where the roof finishes or roof structure have failed and the structure has been exposed for a prolonged period, significantly greater repair work is required. The applicant proposes to redevelop this steading into a 3-bedroom dwelling using reclaimed stone and pan tiles from the areas that are to be demolished on the wider site. Given that this proposal is for the rehabilitation of a substantially complete existing building the proposal complies with criterion 5 of Policy 8. Also, by removing the substantially derelict buildings which have been on site for several years and by virtue of the high-quality proposed design, the proposed design would enhance the environmental quality of this area. As discussed above, as the proposal satisfies the requirements of Policy 8 of FIFEplan, it is therefore deemed to satisfy the requirements of Policies 1 and 7.

2.2.10 In conclusion, the proposal is considered to meet the requirements of the policies outlined above and is thus deemed to be acceptable in principle. The overall acceptability of any such development must however also satisfy other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

### 2.3 Design/Visual Impact on the Countryside

2.3.1 FIFEplan Local Development Plan (2017) Policies 1, 7, 8 and 10 and Making Fife's Places Supplementary Guidance (2018) apply with regard to the design and visual impact of the proposal.

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

2.3.3 As defined previously in this report, Policy 7 of FIFEplan advises that development in the countryside will only be supported where it is for housing which complies with Policy 8 and is of a scale and nature which is compatible with surrounding uses and will result in an overall enhancement to the landscape and the environmental quality of the area.

2.3.4 Making Fife's Places Supplementary Guidance (2018) and Proposed Supplementary Guidance (2017) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the



focus on achieving high quality design. These documents also illustrate how development proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.5 As the application site is located within the countryside, greater consideration must be given to the visual impact the proposed development would have on both in terms of its wider and local impact on the landscape. The application site currently comprises of derelict and redundant steading buildings, some of which have approval to be demolished through application 21/02868/DPN. This proposal proposes a change of use from steading to dwelling house and erection of 2 no. holiday lets and associated infrastructure. The application site can be viewed from outwith the boundary of the site; however, this road is a 60mph unrestricted B road (B9171) and given the fact that the application site is over 176m away from this road and will have a tree boundary the impact on the surrounding area will not be significant. The proposed cottages and steading redevelopment would be built primarily over the footprint of the existing and demolished steading buildings. The proposed buildings would be finished in reclaimed natural stone with pan tile and cement profile sheet roof. The windows and doors will be timber, painted green with roof lights. Furthermore, it has been detailed in the application that the curtilage of the new dwelling will have a post and wire fence, with tree planting to the northern boundary. Finally, it is considered that the removal of the existing buildings within the site and the proposed design of the cottages and steading redevelopment would enhance the visual amenity of the site, and the proposed design of the development would make a positive contribution to the area.

2.3.6 To conclude, it is considered that the proposed dwelling house would make a positive contribution to its immediate environment, consistent with the above policy framework.

## 2.4 Residential Amenity

2.4.1 FIFEplan 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. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to a variety of issues, including: the loss of privacy, sunlight and daylight; construction impacts; the visual impact of the development on the surrounding area; and noise, light and odour pollution.

2.4.2 With regards to residential amenity, the nearest residential property is over 30m to south of the application site and is separated by a mature planting. Given this distance there would be no significant overlooking of this property and its garden ground and also no significant impact on the amount of daylight and sunlight this dwelling and its garden ground would receive. It is considered in this instance that this proposal will have no significant impact on the residential amenity of the surrounding properties.

2.4.3 Fife Council's Public Protection team were consulted on this application and have requested that a condition be added to protect the residential amenity of future residents from the noise of the proposed air source heat pump. A suitable condition has been added to this application.

## 2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground require all new residential properties to be served by garden ground sufficient in quantity, quality and usability to provide for normal needs and activities of future residents. This means all new dwellinghouses must

have a minimum of 100 square metres of useable private garden ground and to provide a plot ration of 1:3.

2.5.2 The proposed development again has been sympathetically designed to ensure sufficient levels of amenity garden ground in line with the policy described above are accommodated. The application therefore meets the requirements of the Development Plan relating in this regard.

## 2.6 Transportation

2.6.1 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council Making Fife Places Supplementary Guidance (2018) apply with regard to this proposal.

2.6.2 Concerns have been raised by objectors to the development regarding the proposed access to the site. Fife Council's Transportation Development Management (TDM) Team was consulted on this application. Through this application the applicant has shown an improvement to the junction access by way of kerbing at the entrance and surfacing of the first 15m of the junction access which is acceptable to Transportation Development Management. The land required to deliver these access improvements are within the applicant's control. Concerns have also been raised regarding visibility splays; however, the required visibility splays can be met in both directions. Given the site already benefits from planning permission for 3 dwellinghouses, it is considered that this proposal would not increase the amount of traffic using this junction. Therefore, TDM has no objection to this application subject to condition regarding the access. It is therefore concluded that the proposal would comply with the Fife Council Transportation Development Guidelines and relevant development plan policies.

## 2.7 Contamination

2.7.1 PAN33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. Policy 1 and 10 of the Adopted FIFEplan advises development proposals will only be supported where there is no significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area.

2.7.2 Fife Council's Land & Air Quality Team (LAQT) has assessed the information contained within the application and have no objection to the proposals however due to past land uses in the area the team requested suspensive conditions stating the action to be taken if any contamination is found.

2.7.3 The application meets the provisions of national guidance and the Development Plan in regard to land stability and contamination.

## 2.8 Natural Heritage Impact

2.8.1 Policies 1 and 13 of FIFEplan (2017), Making Fife's Places Supplementary Guidance Document (2018), the Wildlife and Countryside Act 1981, Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Bat Conservation Trust Publication on Bat Surveys for Professional Ecologists (2016) apply in this instance with regards to natural heritage protection.

2.8.2 Policies 1 and 13 of FIFEplan sets out that development proposals will only be supported where they protect or enhance natural heritage and access assets. Where adverse impacts on

existing assets are unavoidable, the Council will only support proposals where these impacts will be satisfactorily mitigated. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance. Where the proposed development would potentially impact on natural heritage assets (including species), a detailed study must be undertaken by a suitably qualified person detailing the potential impact of the development.

2.8.3 A Bat Survey was submitted alongside this application and concluded that the given the low level of bat activity, it is not considered likely that the buildings will be used for hibernation, therefore the demolition/renovation of these buildings is unlikely to have any significant detrimental impact on bats.

2.8.4 Given the above, it is considered that there is sufficient evidence to conclude that at this stage the proposed development would not compromise protected species at this time and thus complies with policies 1 and 13 of FIFEplan.

## 2.9 Flooding and Drainage

2.9.1 Policy 3 of FIFEplan Local Development Plan (2017) and the Council's 'Sustainable Drainage Systems (Suds) - Design Criteria Guidance Note' is taken into consideration with regards to drainage and infrastructure of development proposals.

2.9.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS.

2.9.3 The applicant submitted a drainage and SUDs strategy report alongside this application. The information submitted was reviewed by the Council's Structural Services team who raised no concerns. It is therefore considered that the application therefore complies with the above noted policies with respect to flooding and drainage.

## 2.10 Low Carbon

2.10.1 Collectively, Policies 1:Development Principles (Part B), 3: Infrastructure and Services and 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a low carbon checklist which states that the proposal will reuse as much of the existing building materials as possible and the proposal would include an air source heat pump and solar array.

## 2.11 Houses in Multiple Occupation

2.11.1 Policy 2 of the Adopted FIFEplan prohibits the use of new houses and flats as HMOs and seeks to control the changes in use of existing property for use as HMOs unless the

development is purpose built for that use. The planning authority imposes this restriction by applying a condition to planning permissions.

2.11.2 The proposal is not intended for HMO use at this time and a suitable condition is recommended to ensure that the property will not be used as an HMO in the future unless a further application for that use is submitted for consideration.

## CONSULTATIONS

Land And Air Quality, Protective Services	No objection subject to conditions
Transportation, Planning Services	No objection subject to condition
Structural Services - Flooding, Shoreline And Harbours	No objection
Scottish Water	No comments received
Environmental Health (Public Protection)	No objection subject to condition

## REPRESENTATIONS

9 objections have been received. The material planning considerations relating to these concerns have been addressed under sections 2.6 (Road Safety) of this report of handling.

8 supporting comments have also been received. These comments primarily support the development of a derelict site which will visually enhance this area.

## CONCLUSIONS

The proposal is considered acceptable in meeting the terms of the Development Plan and National Guidance. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any detrimental impacts on surrounding residential properties or road safety and is considered acceptable in terms of its visual impact.

## RECOMMENDATION

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

1. Prior to the occupation of the first dwellinghouse or holiday let, the following shall be carried out at the existing private junction access with the B9171 classified public road.

The junction access shall be reconstructed to include 45° entry kerbs at the immediate access with the B9171 classified public road. The first 3m of the access shall be constructed to an adoptable standard, with the remaining 12m being surfaced in a bound material.

The minimum width of the access along its entire 15m length shall be no less than 5.8m.

For the avoidance of any doubt, all works carried out on or adjacent to the public roads and footways shall be constructed and completed in accordance with the current Fife Council Transportation Development Guidelines.

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

2. The total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation.

For the avoidance of doubt, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: To protect the residential amenity of the residents of the dwellinghouses

3. NO DEVELOPMENT SHALL COMMENCE ON SITE until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures and a Verification Plan specifying how, when and by whom the installation will be inspected.

All land contamination reports shall be prepared in accordance with CLR 11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fife.gov.uk/contaminatedland](http://www.fife.gov.uk/contaminatedland).

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

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

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

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

5. IN THE EVENT THAT CONTAMINATION IS ENCOUNTERED that was not identified by the developer prior to the grant of this planning permission, all development works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days.

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

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

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

National Policy and Guidance  
Scottish Planning Policy (SPP) (2014)

Development Plan  
Adopted FIFEplan (2017)  
Making Fife's Places Supplementary Guidance (2018)

Other Guidance  
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2017)  
Fife Council's Planning Customer Guidelines on Garden Ground (2016)  
Fife Council's Minimum Distance between Windows Guidance

Other Documents  
DPEA Appeal Reference Number PPA-250-234

Report prepared by Scott McInroy, Planner Development Management  
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 14/7/22

Date Printed 03/08/2022

# 22/00646/FULL

## Land At East Pitcorthie Pitcorthie Kilrenny

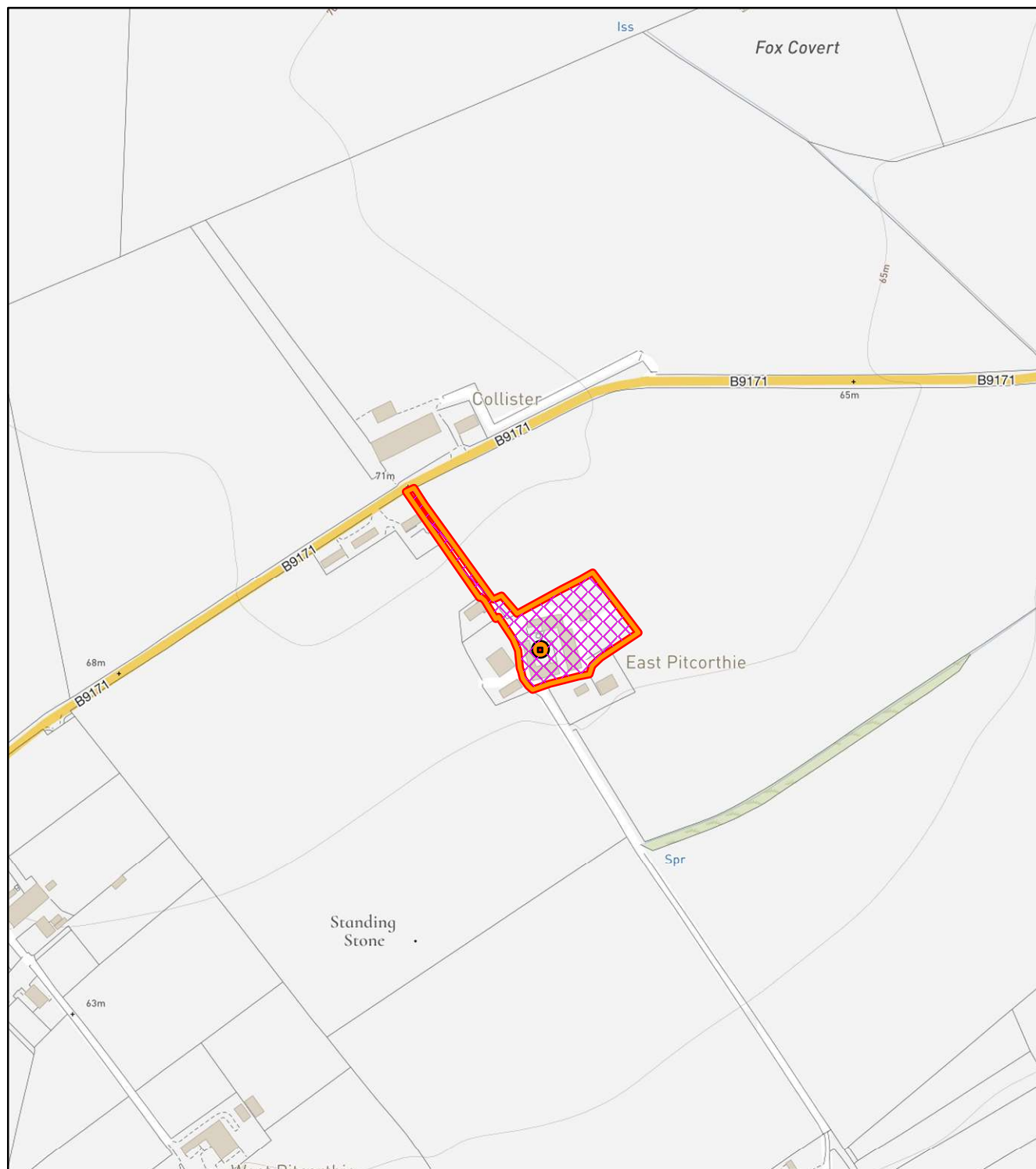


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<b>Legend</b>			
	<b>Application Boundary</b>		

# 22/00646/FULL

## Land At East Pitcorthie Pitcorthie Kilrenny



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	



**ITEM NO: 13**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00378/FULL**

**SITE ADDRESS: 10 PRIESTDEN ROAD ST ANDREWS FIFE**

**PROPOSAL : ERECTION OF ANCILLARY ACCOMMODATION (1 OCCUPANT) WITHIN GARDEN GROUND OF HMO HOUSE (6 OCCUPANTS)**

**APPLICANT: MRS MHAIRI GIBSON  
10 PRIESTDEN ROAD ST ANDREWS SCOTLAND**

**WARD NO: W5R18  
St. Andrews**

**CASE OFFICER: Kirsten Morsley**

**DATE REGISTERED: 09/03/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

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

## 1.0 BACKGROUND

1.1 This application relates to the rear garden serving an HMO property (House in Multiple Occupation) which is located within a well-established residential area of St Andrews. The HMO property is not a listed building and it is not located within a Conservation Area. Its garden is surrounded by other 1.5 storey modern dwellinghouses which are similar in age, character and size. The property has its own front and rear gardens, a detached single garage and off street parking for two cars. Rear garden ground is a good size and is enclosed by brick walls on the north and west boundaries and a timber fence on the east boundary. A low rendered wall encloses the front garden which includes a drive for one car and soft landscaping. Aligning the site's west boundary is a public footpath which connects Priestden Road with Priestden Park.

1.2 This application seeks planning permission to erect a self-contained residential annex within the rear garden. The annex would include one double bedroom with an en-suite bathroom and a kitchen/living room. The annex would take up approximately 42m<sup>2</sup> of usable garden ground. It would have a flat grey coloured membrane roof with an overall height of approximately 3.0 metres, two flat glazed roof windows, an oak coloured composite fascia board, composite oak vertical cladding boards and UPVc glazed doors and side screens coloured anthracite grey.

1.3 In 2020 the HMO property received planning permission under consent 20/01243/FULL for a change of use from a 6-person HMO to a 7-person HMO. This approval is for the erection of a single storey rear extension, external alterations, the erection of an outbuilding, a bicycle shelter and for the formation of hardstanding within the front garden. This application was supported on the basis that prior to the occupation of the seventh bedroom, there would be three off-street parking spaces provided within the front garden which would be retained throughout the lifetime of the development and would be in accordance with the current Fife Council Transportation Development Guidelines.

1.4 That 20/01243/FULL planning permission is still extant, and whilst these earlier proposals have not been shown on the drawings for this further proposal for a self-contained residential annex within the rear garden, the applicant has confirmed that their intention would be to implement both proposals if at all possible. Accordingly, this current planning application shall therefore be assessed on the basis that both developments are being proposed given that both proposals could be implemented and would read on plan as one large 'L' shaped extension to the existing property.

1.5 This current submission for a self-contained residential annex has been accompanied by a supporting statement from the applicant who also owns three other HMO properties within St Andrews. The statement highlights that 10 Priestden Road has been operating as an HMO for over ten years and the applicant wishes to build and rent out the garden annex along with the existing HMO property to students. The applicant has confirmed that the annex building would share the same utility connections with the house and would not be sold off separately. The statement also draws attention to other self-contained garden annexes located locally at, 8 Priestden Park, 14 Priestden Road, 8 Andrew Land Crescent, 65 Tom Morris Drive, and 6 Spottiswoode Gardens. These garden annexes the applicant highlights have all received planning permission and is of the view that this application is no different to those earlier applications and therefore should be supported. The applicant is also of the view that the proposed annex would not create any residential amenity impacts in terms of loss of privacy, overlooking, or daylight/sunlight issues, that the proposals would not impact detrimentally upon the existing property or on parking and points out that there is already consent in place to provide for 3 car parking spaces within the front garden. Furthermore, the applicant has stated

that both the 20/01243/FULL approval and this current proposal combined would be compliant with garden ground and in any event highlights that the property is located very close to amenity land and East Sands Beach and that other nearby properties have already had large parts of their gardens built over e.g., 3 Priestden Park, 16 Priestden Road, 20 Priestden Road, 22 Priestden Place, 20 Priestden Place, 1 Priestden Road, and 17 Moir Crescent.

1.6 The applicant has requested that the proposed garden annex accommodation be added to the existing HMO licence for the property, and that an appropriate planning condition be added accordingly for its use in this respect. The applicant states that there is a shortage of student accommodation within St. Andrews, with students having no option but to look for accommodation out with St. Andrews and travel in from further afield. This, the applicant contends, has largely been brought about by both the 2019 HMO Overprovision Policy (see paragraph 1.7 below), and because St. Andrews has not been designated as a short term let control zone and that these issues have contributed to the lack of supply and availability of affordable long-term letting for tenants looking for accommodation in St. Andrews. Furthermore, the applicant has highlighted that holiday-let properties, unlike HMO properties, are not controlled by landlord registration and licensing and is of the view that HMO properties should be viewed in a similar vein to affordable housing. For these reasons the applicant contends that the demand for student accommodation needs to be met by the private sector and hence this is the reason for these proposals.

1.7 Fife Council's HMO Overprovision Policy (2019) means that in principle there shall be no further growth of HMOs within the settlement boundary of St Andrews. This policy however only applies to new changes of use to form an HMO property and does not apply to HMOs which already benefit from planning permission or for those applications which propose the intensification of an existing HMO.

1.8 Relevant planning history associated with this site is summarised below,

- The dwellinghouse held a license to operate as an HMO for 5 persons in 2015. The applicant was then granted permission for a change of use from a dwellinghouse to an HMO (6 persons) - planning reference 15/03288/FULL following a successful appeal, PPA-250-2252 (31 March 2016). The application had been initially refused by the North-East Planning Committee in the interests of residential amenity. The reason for refusal had been cited as,

"In the interest of residential amenity; it is considered the proposal would harm the established residential amenity of this quiet residential street by virtue of the proposal increasing the level of activity within this property, beyond the established level of activity of the surrounding area. The proposal is therefore contrary to Policy H2(c). The established character of the street is that of a quiet residential street which is therefore considered to be more sensitive to any increase of activity. 6 individuals living 6 independent lifestyles at this address would detrimentally impact on the amenity of the neighbouring residential properties. The proposal is therefore contrary to Policy H2(c) of the Adopted St Andrews Area Local Plan (1996)."

- This 15/03288/FULL recommendation for refusal was however overturned. The appeal reporter highlighted that the material change in the use of the property as a result of the increased occupation for one additional person over and above what presently existed was considered negligible and he was satisfied that the proposal would not create any discernible detrimental impact on the residential character and amenity of the surrounding area. Furthermore, notwithstanding that a five bedroomed property would normally require the provision of three parking spaces, as HMOs in St. Andrews are commonly used for student accommodation, a car

parking requirement of less than 3 spaces was also considered an accepted approach given that students are more likely to use local bus services, cycle or walk than use a car. This approval did not include any external alterations to the property and the application was approved subject to the two existing off-street parking spaces within the front garden curtilage being retained in perpetuity and in accordance with the current Fife Council Transportation Development Guidelines.

- 20/01243/FULL - Change from HMO (6 Persons) to HMO (7 Persons) with external alterations including erection of single storey extension to rear, reharling of external walls, formation of window opening, erection of outbuilding and bicycle shelter and formation of hardstanding - permitted with conditions

1.9 A physical site visit was carried out on the 9 May 2022 and site photographs have been placed in the file.

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Application Description and Ancillary Use
- Residential Amenity
- Design and Visual Impact
- Road and Pedestrian Safety

### 2.2 Principle of the Development

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

2.2.2 The applicant proposes the self-contained residential accommodation would be used as an HMO property and that the accommodation would be ancillary to the existing HMO property. As the site is located within an established residential area as defined in the Adopted FIFEplan (2017), a proposal for residential accommodation could be acceptable in principle as it would comply with the Local Development Plan in broad land use policy terms. However, the use of the annex in relation to the use of the HMO property as well as specific design details, amenity impacts and other material considerations also need to be considered to determine whether the proposal is considered acceptable as proposed. These further material considerations are discussed in detail below.

### 2.3 Application Description and Ancillary Use

2.3.1 Concern raised by objectors that the application description was inaccurate in stating the proposal was for the 'Erection of ancillary accommodation (1 occupant) within garden ground of HMO house (6 occupants)' and was mis-leading as it did not include the earlier approved planning proposals for 20/01243/FULL have been noted. However, the application description reflects what is shown on the submitted drawings. The applicant was asked why the earlier proposals were not included within this current submission and whether they were intending to revoke the earlier consent, in favour of this current proposal. The applicant stated that they were

not aware that the inclusion of the earlier approved proposals would be required and only confirmed post submission that the intention would be to implement both proposals, if at all possible.

2.3.2 As set out in the HMO Housing Act 2006, Part 5, Section 125 states that HMO accommodation is where several occupants share basic amenities e.g. kitchen, bathroom etc. A self-contained annex for one person which includes all basic amenities and where these basic amenities are not shared with others is not HMO accommodation. Accordingly, the garden annexe could not be registered, licensed, or controlled by HMO licensing as it would be a separate self-contained residential unit. Furthermore, the garden annexe could accommodate 1 - 2 persons (i.e. a couple). As the garden annexe would be self-contained and not an HMO property, it also cannot be considered ancillary to the existing HMO property. On this basis, the application description would be more accurately described as, 'Erection of a self-contained garden annex within garden ground of HMO house (6 persons) with permission in place under planning approval 20/01243/FULL to change and extend the existing HMO house from HMO (6 persons) to HMO (7 persons).'

2.3.3 The application description was not changed as the submitted drawings do not show the earlier proposals and the applicant contends that the garden annex can be used as an HMO and be ancillary to the existing HMO. This position is not supported by Fife Council, for the reasons cited above in paragraph 2.3.2.

## 2.4 Residential Amenity

2.4.1 Policies 1, 2, and 10 of the Adopted FIFEplan (2017) and Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Garden Ground (2016) apply to this application.

2.4.2 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 2 states that all housing proposals must include appropriate screening or separation distances to safeguard residential amenity. Policy 2 also highlights that student and holiday accommodation types are not considered as an acceptable form of affordable housing as they do not provide permanent homes and that it is considered important and essential that affordable housing is fully integrated into development sites and be indistinguishable from other housing types. Policy 10 advises that development will only be supported where it will not have a significant detrimental impact on the amenity of existing or proposed land uses and that all 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, overlooking, sunlight, or daylight, overshadowing etc.

2.4.3 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.

2.4.4 Fife Council's Planning Customer Guidelines on Garden Ground 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. For every new house, (including affordable housing), Fife Council uses a plot ratio formula approach to ensure that the ratio of buildings to garden must be at least 1:3, that new houses should have a minimum usable private garden area of at least 100m<sup>2</sup>, that setback distances between buildings must be at least 18 metres where there are facing windows to habitable rooms and back gardens must be at least 9 metres long to create a private area. Importantly, there is also an expectation that plot ratios for new residential homes should be in keeping with the properties in the surrounding area, to ensure that the quality of the local environment is not harmed and that the character of the area is retained or enhanced. Fife Council guidance stipulates that house extensions where planning permission is required must not take up more than 25% of the original private garden ground unless there is otherwise appropriate justification, or unless it can be demonstrated that all existing and proposed development complies with the stipulations of 'permitted development' as set out under The Town and Country Planning (General Permitted Development) (Scotland)(Order 1992), as amended.

2.4.5 Thirteen letters of objection, which include a representation from the St. Andrews Community Council, have been received in relation to residential amenity concerns. The 20 letters of support do not comment on residential amenity. Objectors contend that the property is already at maximum capacity for the house and the street. They highlight that if all the proposed builds for the site are pulled together, they would represent an overdevelopment of the site curtilage and loss of green space. They say the proposal would also create a new planning unit with self-contained accommodation and that this would represent a sub-division of the existing site. They also state that the separation distances between the other houses breaks regulations, that there would be a loss of privacy, loss of amenity value, concerns with noise, the annex would be located too close to the site boundaries, and there would be maintenance concerns given the proximity of the annex to the site boundaries. These issues are assessed in detail under paragraphs 2.4.8 to 2.4.11 below.

2.4.6 The applicant is of the view that the submission complies with all residential amenity requirements, a summary of which is provided above in paragraph 1.5. The applicant contends that with both builds implemented 'there would be a sufficient and useful and pleasant area of rear garden ground' remaining. The applicant also highlights that it is possible to build up to 50 % of rear garden ground under 'permitted development' and has requested that Fife Council's rear garden ground recommendations be re-considered, especially since 'some people are put off by large gardens' and believes that 100 m<sup>2</sup> of garden ground would be adequate. The applicant has also highlighted in the supporting statement that nearby properties have already had large parts of their gardens built over and has listed 12 other approved applications for ancillary accommodation which they consider to be similar to this current proposal in terms of accommodation type and site coverage. These issues are assessed in detail under paragraphs 2.4.8 to 2.4.11 below.

2.4.7 The planning histories cited by the applicant noted in paragraph 1.5 above (except for 20 Priestden Place and 16 Priestden Road as these are pre 2004 and are considered too old to be relevant) have all been checked. The examples given are all dwellinghouses (Use Class 9) and all comply with Fife Council's guidance in terms of Garden Ground. It is also important to clarify that dwellinghouses are also different in planning terms from the HMO House for the following reasons,

- Use Class 9 (Houses) relates to people living together as a family and restricts the number of unrelated residents sharing a house to 5. Whilst under this Use Class these properties can also be used as bed and breakfast establishments or guest houses this is on the basis that at any

one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms, 1 bedroom can be used for that purpose. Furthermore, whilst a whole house can be let out through a private residential tenancy to another household under Use Class 9 without requiring a change of use application this is on the basis that these occupancy rates are not exceeded.

- Planning permission would be required for a change of use for any intensification or diversification of the occupancy within a dwellinghouse beyond that described above and as outlined under Use Class 9 (Houses) where individuals are not living as part of a family but are living independent lifestyles within a house. Amenity impacts caused by an intensification of occupancy would be assessed on a case-by-case basis. Important to note is that an intensification of use is the reason why the current property required a change of use application in 2015 to operate as an HMO property for 6 persons.

- Although not yet implemented the applicant's property already has planning consent in place to be extended to allow for 7 un-related residents to share the house. For those reasons cited under section 2.3 the self-contained garden annex cannot be registered as an HMO, and as it would not be covered by HMO landlord registration and licensing the actual occupancy of the annex would not be restricted to just one person and could be rented out to 2 persons/couple.

- Relevant to this case is that the property in the application site is not a dwellinghouse but is an HMO house which is in a Use Class of its own - Sui Generis, and as such the property no longer benefits from having the same permitted development rights as that of a dwellinghouse under Use Class 9 (Houses). Licenses for HMOs require to be renewed every 3 years and it could be argued that for this reason the residential interests of the neighbours should carry significant weight as they are looking to protect the amenity and character of this well-established residential area in the longer term, especially from over development.

- Residential ancillary accommodation associated with a dwellinghouse under Class 9 Houses is primarily meant for family, relatives and for visiting family members and whilst they can allow for a degree of independence they are not meant to be built and used purely as full-time commercial rental concerns. Furthermore, the occupancy restriction in place under Class 9 (Houses) is there to prevent the over intensification of use of a dwellinghouse and this in turn protects the residential amenity of surrounding residential property from over-development.

- It would not be possible to tie the residential use of the proposed annex accommodation back to the existing HMO property by way of a planning condition as the additional annex would not be an HMO property. Furthermore, Fife Council has no control over who uses either the HMO House or indeed who would use the annex accommodation, as neither would be restricted for student accommodation only and both could be rented out by professionals and/or by students. Furthermore, the proposed annex accommodation could also be used as an Air BnB or as a holiday rental.

2.4.8 Given the orientation and location of the annex in relation to other property and gardens and with a height to eaves of approximately 3.0 metres the annex accommodation would be compliant with Daylight and Sunlight guidance and would not materially overshadow other rear gardens. Given the intervening public footpath on the west boundary, the window/door set-backs from the north and west garden boundary walls and window angles towards the existing HMO (House) there would be no potential for direct overlooking from the annex or window to window infringements. There would however be a very close and direct overlook from the access steps/raised platform leading into the extended HMO House towards the glazed doors of the

residential annex and both properties would share the same garden and have no privacy. In addition whilst there is an existing hedge screen beyond the north garden boundary wall, the owner of this hedge has highlighted that this is not a permanent long-term screen and already has gaps in it. Furthermore, the submitted drawings identify this boundary wall as measuring only 1.4 metres high and if an additional self-contained residential annex unit were to be built within the rear garden the north boundary should have a privacy screen to a height of 1.8 metres so that privacy levels to the neighbour's garden beyond could be secured in the longer term.

2.4.9 If the current submission were for one larger extension, (i.e. the combined footprint of the annex accommodation and the proposed extension to the HMO House) this would take up approximately 42% of the useable garden ground. Combine this figure with the proposed summer house and this would increase site coverage to approximately 46 % of the usable rear garden ground, leaving approximately 100 m<sup>2</sup> of undeveloped rear garden ground. This degree of site coverage does not comply with Fife Council's Garden Ground Guidelines which stipulate that where a development requires planning permission not more than 25% of the original private garden should be taken up by development.

2.4.10 Notwithstanding the above garden ground calculation, which is not compliant with Fife Council's garden ground guidance, as the residential annex is not an ancillary residential unit to the existing HMO House, and as the HMO property does not benefit from the same 'permitted development rights' as a dwellinghouse, the annex accommodation proposal in terms of garden ground requires to be assessed differently, i.e. as a new planning unit and as a separate dwellinghouse. A development of this type would require the ratio of building(s) to garden ground to the existing HMO House and to the residential annex to both be at least 1:3, and for each to have a minimum usable private garden area of at least 100m<sup>2</sup>. The existing site curtilage is too small to satisfy this minimum site criteria. Furthermore, the resultant builds would not mirror the existing plot ratios already established within this well-established residential area where gardens are generally much larger and the proposed development if implemented would create a cramped and over-developed site.

2.4.11 The concerns cited under the original change of use of the site from a 3 bedroomed dwellinghouse to a 6 bedroomed HMO House in 2015 are relevant. The property has, since the 2015 appeal approval, received further planning consent to enlarge to a 7 bedroomed HMO House. This further proposal for a separate residential "annexe" within the rear garden would increase the occupancy of the site once again to 8-9 individuals, all living independent lifestyles. The sub-division of the existing site into 2 separate planning units and the further increase in the occupancy of the site would, it is considered, be beyond the established level of activity of the surrounding area and that this would have an unacceptable impact upon the amenity of the neighbouring residential properties.

2.4.12 In light of the above, it is the view that the proposals would be an over development and an over -intensification of the existing site curtilage. The residential annex and the HMO house extension would not comply with plot ratio and garden ground requirements, both builds would overlook each other at close range and would fail to satisfy basic residential amenity requirements in terms of privacy, all of which would not satisfy Development Plan policy in respect of residential amenity. Furthermore, the overall intensification of occupancy within the site with potentially 9 individuals, all living independent lifestyles, would, it is considered, have an adverse impact on other adjacent residential property, and this in turn would impact on the established character of the street and area.



## 2.5 Design and Visual Impact

2.5.1 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 (including conservatories and garages) (2016) are relevant to this application.

2.5.2 FIFEplan Policies 1 (Development Principles), and 10 (Amenity), require new development to make a positive contribution to the immediate environment in terms of the quality of the development. Making Fife's Places Supplementary Guidance provides a framework where proposals can be evaluated against the 6 qualities of successful places. The qualities distinctive, safe and pleasant and resource efficient are of particular relevance in this case. Development proposals should be appropriate in scale and character to an existing property, they should also be subsidiary and not over dominate, or detract or look out of place from other nearby buildings. Developments which also achieve high environmental performance and minimise impacts on the built or natural environment are also important. 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.

2.5.3 The application has received 13 letters of objection as well as a statutory objection from St. Andrews Community Council and 20 letters of support.

2.5.4 The letters of objection have stated that the property is already at the maximum capacity for the house and the street, that further expansion will result in the loss of greenspace and amenity value, and this will change the character of the area from residential to more of a business area. Objectors have also cited that the garden annexe shall be a separate detached house and that its design would not be in keeping with the character of the existing house.

2.5.5 Those issues raised by objectors relating to loss of green space, amenity value and change of character of the area have been considered under Section 2.4 - Residential Amenity. The character of the garden annex is considered under paragraph 2.5.7.

2.5.6 The letters of support highlight that the site is not located within a Conservation Area, that the proposed build is almost identical to that at 14 Priestden Road and that a design precedent has already been set. The applicant has also highlighted that the annexe is 'proportionate in size and will not have a detrimental visual impact on the main house' and 'will only be partially visible from the road.' The character of the garden annex is considered under paragraph 2.5.7. Fife Council does not agree that a design precedent has already been set and that the proposal is similar to other garden annexes located nearby and listed under paragraph 1.5 for the reasons given in paragraph 2.4.7.

2.5.7 FIFEplan Policies and related guidance supports developments where they do not have a significant detrimental visual impact on the surrounding area. The annexe accommodation would mirror the height, form, and external finishes proposed for the 20/01243/FULL rear extension (except from the sedum roof) and if both builds were implemented the development would read as one large 'L' shaped flat roofed single storey extension. All builds, the garden annex, the extension, the garden building and the bicycle stand would all be located within the rear garden and, with the exception of the garden annex, would not be visible from the public road. Furthermore, with existing nearby trees within and out with the site and the low building heights would mean that the proposals would not impact significantly upon the character of the existing property and would not over dominate or detract from other nearby buildings.

2.5.8 In light of the above, the proposed extension, the residential annex and the other garden buildings, given their rear location, height and finishes would be considered acceptable in terms of design and visual impact and would not impact significantly upon the character of the existing property, street or area and would comply with Development Plan policy and all its related guidance in relation to Design and Visual impact.

## 2.6 Road and Pedestrian Safety

2.6.1 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.

2.6.2 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.

2.6.3 The letters of objection have cited that there would be insufficient parking for both the occupants of the site and for visitors to the site, there would be access and egress difficulties and that the accommodations could be let out to non-students. The letters of support state that the location is suitable, as it is within walking and cycling distance of St. Andrews. The applicant also contends that the proposal would not impact detrimentally on parking and that there is already consent in place to provide for 3 in-curtilage parking spaces under the 20/01243/FULL approval. These issues are considered below.

2.6.4 The proposed site plan shows an existing garage and a treble car width driveway located in front of the garage. Transportation Development Management officers (TDM) were consulted and have confirmed that a total of 4 No. off street parking spaces are required for this application, 3 for the 7 bedroomed HMO house and 1 for the proposed annex accommodation. They have stated that they are not supportive of this application and say this is a policy refusal based on the fact that Fife Council Development Guidelines Parking Standards are not being adequately met on this site. They have confirmed that they do not accept triple width driveways as the length of the dropped kerb to accommodate triple width driveways not only reduces the availability for on street parking for motorists who do not have driveways but the length of the dropped kerb also reduces the availability for on street parking for other motorists, and with the type of possible manoeuvres of one or more cars moving at the same time that a triple width driveway (and a car from the garage behind) could cause that this would create an inconvenience to pedestrians and road users. They highlight that the consequential reduction in the number of adequate off-street parking in this already congested area would only exacerbate existing on-street parking congestion and would create manoeuvring difficulties within the area.

2.6.5 Transportation Development Management were also not supportive of the treble width driveway which had been proposed under the earlier 20/01243/FULL application and accordingly the block plan was changed to a double width driveway in revised drawing 02A - Block Plan, before this planning consent was issued.

2.6.6 A car parking requirement of less than 3 parking spaces was supported under the 15/03288/FULL consent (for 6 persons) as it was agreed that students are more likely to use local bus services, cycle, or walk than use a car and this particular site is within walking and

cycling distance of St. Andrews. This was then increased to 3 parking spaces under the 20/01243/FULL consent given the proposed increase in occupancy of the HMO to 7 persons. These consents were on the basis that the parking would serve a licensed HMO which was intended for students. However, the self-contained garden annex is not an HMO property and cannot be considered ancillary to the HMO property for reasons already cited under section 2.3 of this report. The garden annex would be an additional planning unit which could be rented out to professionals as well as students. It could also legitimately operate as an Air B and B or be used as a holiday rental. Professionals and holiday makers are more likely to have cars than students and therefore the requirement for a 4th parking space on this site, as advised by TDM is considered a necessity, particularly as TDM already considers the area to be congested. The objectors have also stated that the property is already at maximum capacity for the house and the street and that there would be in-sufficient parking. The front garden however is considered too small to be able to accommodate a fourth parking space satisfactorily without causing road safety issues as cited by TDM and a treble width driveway would result in the loss of on-street parking. The proposed parking arrangement would create potential conflicts, especially when cars attempt to access or leave the site together, as not all 4 parking spaces can be accessed independently (i.e. the garage is blocked by the other parking spaces).

2.6.7 In light of the above, the front garden curtilage is considered too small and would not be able to accommodate parking for 4 cars in a manner which would ensure safe unhindered vehicular ingress and egress from the site for all potential vehicular users, and the use of a treble width driveway would result in the loss of existing on-street parking, both of which would not comply with Development Plan policy and all its related guidance in relation to Road and Pedestrian Safety.

## CONSULTATIONS

Transportation, Planning Services	Refuse - Council's Development Guideline Parking Standards are not met on this site.
Royal Burgh of St Andrews Community Council	Objections.
Scottish Water	No Objections

## REPRESENTATIONS

33 letters of representation have been received, 13 letters of objection and 20 letters of support.

The letters of objection raise the following issues,

- Cumulative impact/overdevelopment and all proposed builds require to be included. See Section 2.5
- Design not in keeping with house and is at variance with FC Guidance. See Section 2.5
- Overdevelopment of an original modest 3 bedroomed house for 8-9 tenants. See Section 2.5
- Separation distance between proposal and neighbour breaks regulations. See Section 2.5
- Loss of privacy - particularly to 5 Priestden Park whose existing boundary hedge will not provide a long term and satisfactory screen to the proposed development. See Section 2.4
- Loss of amenity value. See Section 2.4
- Concerns with increased noise. See Section 2.4
- Will block sunlight. See Section 2.4
- Concerns that accommodation will be a separate detached house.

- Loss of green space. See Section 2.4
- Description of application is incorrect - the submission does not show full intention of what is being asked for. See Section 2.3
- Insufficient parking, including lack of visitor parking and if the development is not solely for students requires additional parking. See Section 2.6
- Vehicular access and egress difficulties. See Section 2.6
- Impact on services - e.g. emergency vehicles. See Section 2.6
- Nothing to prohibit use of the building as a B&B or Guest House. Would need to comply with regulations applicable at the time.

Non-material issues raised in objections include:-

- Concerns that the area will become more of a business area rather than a residential area for residents.
- Motivation is for additional profit rather than for enriching lives of students.
- Property is already at maximum capacity for house and street.
- It is the responsibility of St. Andrews University to provide adequate student accommodation and not the private sector. St. Andrews University plans to build 900+ student accommodation close by at Albany Park and this combined with lower student applicants will reduce pressure on the private sector and would make the letting of the property to non-students more likely.

The concerns raised in respect of residential amenity, design and visual impact and road and parking issues have been addressed within the main body of the report. The position held that the private sector should meet the demand for HMO accommodation and to not do so would be discriminating to students are not planning matters and are therefore not material in the consideration and determination of this application.

The position held that there is a shortfall of quality and affordable student accommodation within St. Andrews, and that the private sector should meet the demand for HMO accommodation and take up the shortfall, and to not do so would be discriminating to students are not planning matters and are therefore not material in the consideration and determination of this application.

Furthermore, Fife Council has no control over who would use either the HMO (House) or the residential annex, as both could be rented out by either professionals or students or both, and the proposed annex accommodation, as it is self-contained and not classed as an HMO, could also be rented out as an Air BnB or used as a holiday rental. Such issues are not material in the consideration of this planning application.

The letters of support highlight the following issues:-

- Shortage of quality and affordable student accommodation within St. Andrews with students requiring to take accommodation outwith St. Andrews, such as in Dundee, Leuchars, Crail, Anstruther.
- Student accommodation being built by St. Andrews University is not enough to keep up with demand.
- There is a ban on all new HMO's within central St. Andrews and the private sector should be supported to help make up the shortfall in student accommodation.
- Location is suitable - within walking/cycling distance of St. Andrews and the University.
- Almost identical to that of 14 Priestden Road, precedent has already been set - with 14 Priestden Road, and 8 Priestden Park.
- Not within a Conservation Area.

- Building has a low carbon footprint.

Non-material issues raised in the letters of support include:-

- By not supporting, this is discriminating to students.
- Affects mental health of students if they cannot find suitable accommodation.
- Many houses are now holiday lets which are not controlled, unlike HMO's which are controlled by landlord registration and licensing etc.

## **CONCLUSIONS**

The development proposals do not accord with the Development Plan and its related guidance in terms of Residential Amenity and Road and Pedestrian Safety. The proposals would represent a sub-division of an existing residential plot and would be an overdevelopment and an over-intensification of an existing site. This in turn would impact on privacy, would generate increased levels of activity beyond that which currently exists within the residential area and would exacerbate existing on-street parking in an already congested area, all of which would detrimentally harm the residential amenity and ambience of the existing residential area.

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interests of residential amenity; the proposals would represent the sub-division of an existing rear garden to create an additional residential unit which would be an overdevelopment of the existing site curtilage and would not comply with required plot ratios, rear garden ground requirements, and would create privacy infringements. These amenity impacts combined with the increase in occupancy within the site to 8-9 individuals all living independent lifestyles, would harm the established residential amenity of this street by virtue of the proposed increased level of activity within the site beyond that of the established level of activity of the surrounding area, and this would detrimentally harm the amenity of the neighbouring residential properties and as such would be contrary to policies 1, 2, and 10 of the Adopted FIFEplan 2017 and Fife Council's Planning Customer Guidelines on Garden Ground (2016).

2. In the interests of road and pedestrian safety; Fife Council Development Guidelines Parking Standards are not being adequately met as the front garden is too small to be able to accommodate parking for 4 cars in a manner which would ensure unhindered vehicular ingress and egress for all independent vehicular users without converting the whole garden into a parking area and extending the dropped kerb in a manner which would reduce the availability for on street parking for other motorists, all of which would exacerbate existing on-street parking in an already congested area and as such would be contrary to Policies 1, 3, and 10 of the Adopted FIFEplan (2017) and Fife Council Development Guidelines Parking Standards (2018).

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

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

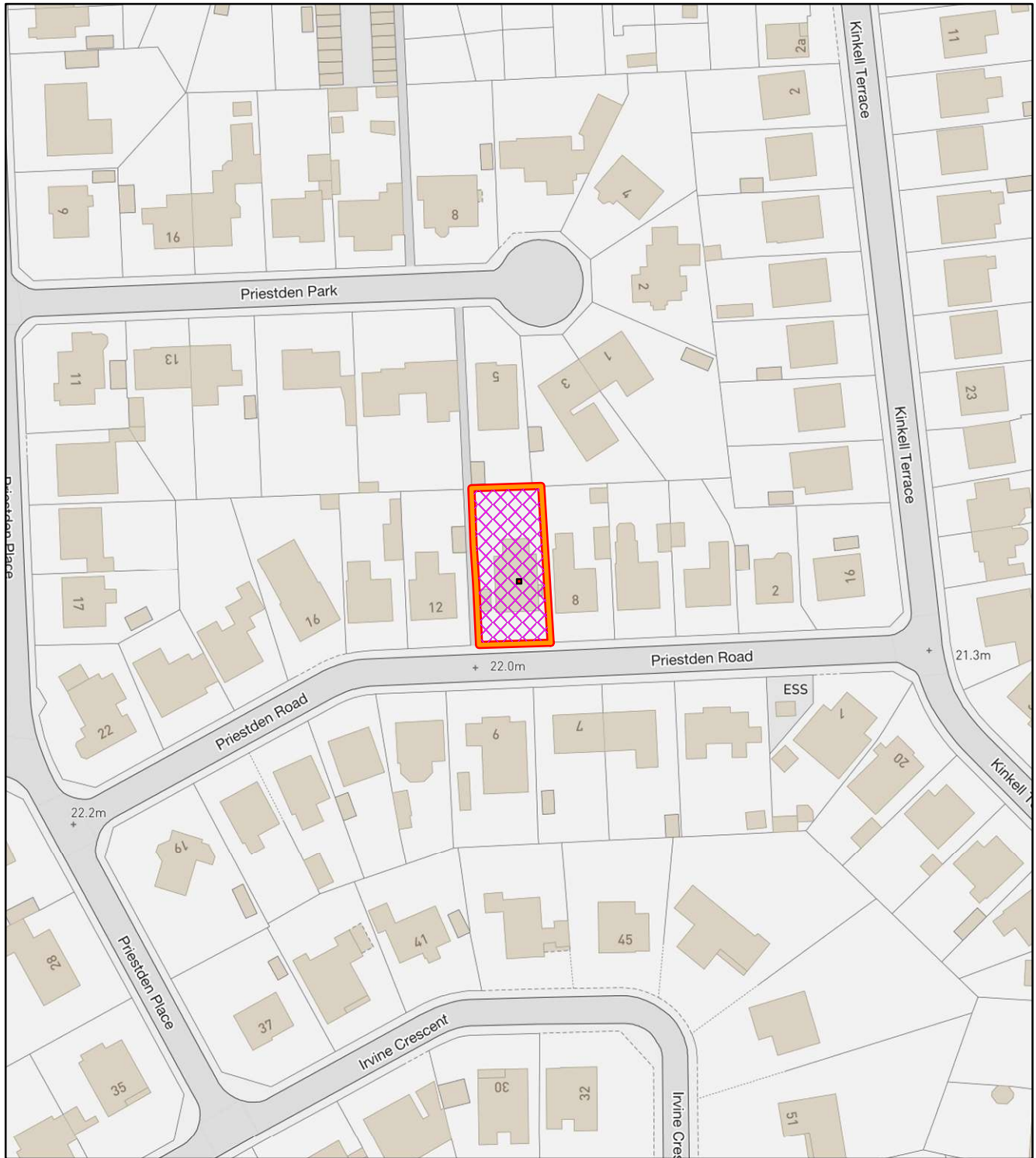
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)  
Fife Council's Planning Customer Guidelines on Garden Ground (2016)  
Fife Council's Planning Customer Guidelines on Home Extensions (2016)

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer.  
Report agreed by Alastair Hamilton, Service Manager (Committee Lead) 25.7.22.

Date Printed 03/08/2022

# 22/00378/FULL

10 Priestden Road St Andrews



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<b>Legend</b>			
	Application Boundary		

**ITEM NO: 14**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/03892/FULL**

**SITE ADDRESS: SITE AT WEST PARK ROAD WORMIT**

**PROPOSAL : ERECTION OF 4 DWELLINGHOUSES**

**APPLICANT: SOLERA ASSOCIATES LTD  
RDA ARCHITECTS SEABRAES HOUSE GREENMARKET**

**WARD NO: W5R17  
Tay Bridgehead**

**CASE OFFICER: Sarah Purves**

**DATE REGISTERED: 14/01/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

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 This application relates to a vacant site at the north-east end of West Park Road, Wormit, which measures approximately 0.12 hectares. The site is within the Settlement Envelope of Newport-on-Tay, however, is not allocated, as per the Adopted FIFEplan Local Development Plan (2017). The site comprises of a level area adjacent to the road and a steep slope to the rear (south-east) and side (south-west). The surrounding area is residential in nature, with housing sloping up from the River Tay coast. There is a sheltered housing complex on the north side of West Park Road, directly across from the site, which is set lower due to the ground levels. On the south side of West Park Road, there are larger two and three storey dwellinghouses. There are elevated dwellinghouses to the south-east (rear) of the site along Westfield Terrace, and ongoing development of the former hospital site to the north-east.

### 1.2 Proposal

1.2.1 This application seeks planning permission for the erection of four dwellinghouses. The proposed dwellinghouses would comprise of two semi-detached blocks of three storeys with pitched roofs. The buildings would be set back in line with the adjacent property to the south-west, with landscaping to the front and tiered gardens to the rear. There would be parking and storage space at ground floor level, with steps at either side of the blocks to provide access to the rear gardens.

### 1.3 Planning History

1.3.1 The planning history for the site is as follows:

- In 2004, a Reserved Matters application was refused for the erection of 2 2-storey plus basement dwellings (reference 03/03940/EARM).
- In 2005, a Reserved Matters application was approved for the erection of two three-storey basement dwellinghouses (reference 04/04001/EARM).
- In 2008, planning permission was refused for the erection of 9 flats (reference 08/02187/EFULL). This decision was subsequently appealed and the appeal was dismissed (planning permission refused) (reference P/PPA/250/851).
- In 2013, planning permission was granted for the erection of two dwellinghouses with associated parking (reference 11/03373/FULL).
- In 2021, an application for the erection of 7 flatted dwellings with associated access and parking was withdrawn (reference 20/02235/FULL).

The previous applications have now expired and are no longer implementable.

### 1.4 Procedural Matters

1.4.1 The application was advertised in The Courier newspaper on 20.01.2022.

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

## 2.0 ASSESSMENT

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

- Principle of development
- Visual Impact
- Residential Amenity/ Garden Ground
- Transportation
- Drainage/Flood Risk
- Natural Heritage
- Low Carbon

### 2.2 Principle of Development

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

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

2.2.3 As the proposal lies within the settlement boundary of Newport-on-Tay, as defined in the Adopted FIFEplan (2017), there is a presumption in favour of development. The surrounding area is wholly residential and the proposed dwellinghouses would occupy a vacant and overgrown site, therefore the proposal is considered to be acceptable in principle and would comply with Development Plan Policy in this respect. The overall acceptability of such a development, however, must also meet other policy criteria which are considered in detail below.

### 2.3 Visual Impact

2.3.1 Policies 1 and 10 of the Adopted FIFEplan advise that development will only be supported if it does not have a significant detrimental visual impact on the surrounding area.

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

2.3.3 The proposed dwellinghouses would comprise of two semi-detached blocks of three storeys with pitched roofs. The finishing materials would include traditional slate, grey edging details and rainwater goods, smooth white render, grey/brown composite cladding and grey windows, which would replicate some of the existing building materials within the street, whilst adding more contemporary features. The surrounding properties vary in style, including large modern dwellinghouses, traditional stone-built villas and low-level sheltered housing. The scale and massing of the proposal would be consistent with the surrounding context, with parking at ground floor level and living accommodation on the first and second floors. There would be 1.1-metre-high post and wire fencing to the rear of the properties, to allow planting to be grown along the boundaries of the tiered garden areas.

2.3.4 Objections have been submitted which have raised concerns that the proposal would be out of keeping with the surrounding area and would result in overdevelopment of the site. Given the varied nature of the adjacent properties and the topography of the site, the proposal is considered to be a suitable design approach which would reflect the positive characteristics of the surrounding area. Three storey properties with garages at ground floor level are common within the street and are proposed on the adjacent site at the former hospital. As such, the proposed design would be appropriate and would in addition have a positive visual impact on a long-term vacant site.

2.3.5 The proposal would therefore comply with Development Plan Policy and would be acceptable in this regard.

## 2.4 Residential Amenity/Garden Ground

2.4.1 Policy 1 of the Adopted FIFEplan (2017) advises that development proposals will be supported if they are 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 etc.

2.4.2 Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other for privacy reasons, however, this distance reduces where the windows are at an angle to each other. Fife Council's Planning Customer Guidelines on Garden Ground (2016) advises that new dwellinghouses shall have private garden ground of 100 square metres and that the ratio of buildings to garden shall be 1:3.

2.4.3 At ground floor level, there would be no outward-facing openings on the rear or sides of the properties due to the slope in the site, which is below ground level at this point, however there would be windows and doors to the front and within the internal courtyard area. There would also be doors/windows on the front of the properties at first floor level, leading to balconies facing the street, which would be screened by obscured glazing on each side to reduce the impact of overlooking in these directions. In addition, there would be a Juliet balcony to the front of each property on the second floor, however these would not require obscured glazing as there would be no usable external space associated with these. Whilst the proposed frontages would overlook the public street, this would not significantly impact the privacy of neighbouring properties from this direction, as these views can already be achieved from standing at street-level. There would be outward-facing windows at first and second floor level on the side of each building, however these would be obscurely glazed and would therefore have no adverse impact on privacy. A condition is proposed to ensure that obscured glazing is installed and retained in perpetuity, unless otherwise agreed in writing by Fife Council Planning Authority, in order to safeguard the amenity of nearby residents. Given the slope in the site, only the first and second floor levels of the buildings would be visible from the rear. There would be windows and doors to the rear of the properties at first floor level, and rooflights at second floor level. Due to the distance between the buildings and the property to the rear at the closest point (approximately 15 metres), the angle the properties would be situated at and the slope in the site, there would be no opportunity for direct overlooking between the properties as a result of the development.

2.4.4 With regard to daylight/sunlight, the proposed dwellinghouses would have no significant detrimental impact on the properties to the northwest (front) and southwest (rear) due to the topography of the site, as the development would be situated at the bottom of the slope. Similarly, due to the path of the sun and the position of the proposed dwellinghouses set lower in the site in comparison to the adjacent property to the south-west side, there would only be a slight impact in the morning, which would not be significant. To demonstrate the impact on the proposed property to the northeast side, site elevations have been submitted, which have been assessed against Fife Councils Daylight and Sunlight Guidance. The 25-Degree Assessment has been carried out, and although the mid-point of the lowest neighbouring window would be within the splay, this is acceptable as this room would be served by additional windows on the front elevation. As such, it is considered that although the dwellinghouses would have some impact on daylight to the adjacent property to the northeast, this would not be significant and is therefore considered to be acceptable.

2.4.5 In terms of private amenity space, plot 1 (northernmost property) would have approximately 71 square metres, plot 2 and 3 would have approximately 75 square metres and plot 4 (southernmost property) would have 81 square metres. On average, each of these fall short of Fife Councils Garden Ground guidance by approximately 25 square metres. Given that there is over 100 square metres of shared amenity space to the front of the properties which would include planting, this is acceptable in this instance. The site measures approximately 1260 square metres and the cumulative building footprint would cover approximately 410 square metres. As such, the plot ratio of 1:3 would be achieved in this instance. Whilst the distance between the frontage of the northernmost property and the property boundary would be approximately 0.5 metres short of the 4.5 metres recommended by Fife Councils Garden Ground guidance, this would not have a significant detrimental impact on the privacy of future residents as the windows on this elevation would serve a garden/office room and a hallway, which are not considered to be 'habitable rooms' used for prolonged periods of time.

2.4.6 Fife Council's Environmental Health (Public Protection) team have been consulted and have no objections to make, however a Scheme of Works designed to mitigate the effects of dust, noise and vibration from the construction phase of the proposed development has been recommended, to limit the impact on nearby sensitive premises. A condition to limit the working hours on site has also been recommended, however, it is considered more effective that the mechanism to control the time of working on construction sites is regulated by the relevant Environmental Health legislation rather than by planning condition.

2.4.7 Subject to conditions requiring the installation and retention of obscured glazing and the submission of a Scheme of Works, it is considered that the proposal is acceptable regarding residential amenity and garden ground. Whilst the 25-Degree Assessment shows that the daylight of one of the windows on the property to the northeast would be impacted by the development, this would not be significant given that this room would be served by another window. Also, whilst the size of the private garden ground spaces would fall short of Fife Council's guidance, the provision of additional shared amenity space to the frontage would allow for sufficient amenity space. Similarly, although the distance between the frontage of the northernmost property and the boundary would fall slightly short of the distance recommended by Fife Councils guidance, this is acceptable in this instance given that the habitable rooms would be positioned on the first and second floors. Overall, the proposal would be acceptable in regard to residential amenity and garden ground, as Fife Councils Garden Ground guidance is not legislation and can therefore be relaxed in instances which would provide an overall benefit to the site and surrounding area.

## 2.5 Transportation

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

2.5.2 The properties would comprise of three bedrooms, which would each require 2 off street parking spaces. There is also a requirement for one visitor parking space overall, given the number of units. The proposed parking area would include 8 suitably sized off street parking spaces, with two spaces positioned to the side of each property. A further two integrated garages would be provided, which are both capable of providing one off street parking space for each of those dwellings. As such, the off-street parking provision is acceptable in catering for the overall requirement of the proposed development.

2.5.3 Objection comments have been received which note that the scheme is not wheelchair liveable and there is no disabled parking, however there is no requirement for disabled parking/accessibility through the planning process. Further objections have made reference to the cumulative impact of additional vehicles on the street, however given the small-scale nature of the development, this impact would not be significant.

2.5.4 Fife Council's Transportation Development Management team have advised that they have no objections to the proposal, subject to conditions in the interest of road safety. One of the suggested conditions relating to the retention of the adopted road cannot be added as it is not relevant to planning and is covered by separate legislation. As such, this would not meet the tests set out in Planning Circular 4/1998: the use of conditions in planning permissions. Therefore, the proposal is acceptable, subject to the remaining conditions.

## 2.6 Drainage/Flood Risk

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

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

2.6.3 The surface water runoff would be stored in an attenuation crate in the centre of the site, which would connect to the existing drainage infrastructure. Scottish Water have confirmed acceptance of these connections. After discussions with Scottish Water, Fife Councils Structural Services team have no comments to make.

2.6.4 Scottish Environmental Protection Agency (SEPA) flood maps have been assessed, which show no coastal, river or surface water flooding risk on the site.

2.6.5 As such, the development is in compliance with Policies 1 and 3 of FIFEplan and is acceptable in regard to drainage and flood risk.

## 2.7 Natural Heritage

2.7.1 Policy 1 Part B of the Adopted FIFEplan states that development must safeguard or avoid the loss of natural resources. Policy 13 of the Adopted FIFEplan also outlines that development proposals will only be supported where they protect or enhance natural heritage and access.

2.7.2 Whilst there are some small trees and shrubs within the site, these appear to be self-seeded, and none are subject to a Tree Preservation Order. These would be removed as part of the development, however some planting is proposed in replacement, as shown on the Proposed Roof Plan. Although the trees and shrubs are not established, they may be used by nesting birds, therefore a condition has been added to ensure that all vegetation clearance should be undertaken outwith the nesting season, or alternatively, a suitably qualified and experienced ecologist should undertake checks of the area immediately prior to works commencing.

2.7.3 The proposed landscaping to the front of the properties, as shown on the Roof Plan, is welcomed as this would add to the biodiversity and sense of place for the area. Further details of this, including the siting, numbers, species and proposed heights of all trees, shrubs and hedges to be planted, has been secured by condition.

2.7.4 Overall, the development complies with the Development Plan in this regard, subject to the aforementioned conditions.

## 2.8 Low Carbon

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

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

2.8.2 A Low Carbon Checklist has been submitted, which notes that energy efficiency measures have been considered through the building layout and orientation to reduce energy consumption and with a high standard of insulation to reduce heat waste. In addition, sustainable materials will be used which are naturally abundant, easily extracted and/or easily recycled, and renewable sources of energy will be incorporated where possible. The waste solution would incorporate facilities for separate collections of dry and recyclable waste. As the development would be within the settlement boundary, there are opportunities for active and sustainable travel which are further supported by the provision of secure, covered bicycle storage facilities. There is no requirement for an Air Quality Impact Assessment in this instance.

2.8.3 The proposal is therefore considered to be acceptable and would comply with Development Plan Policy in this respect.

## CONSULTATIONS

Structural Services - Flooding, Shoreline And Harbours	Structural Services have no further comments to make.
Transportation, Planning Services	Transportation Development Management have no objections, subject to conditions.
Environmental Health (Public Protection)	Environmental Health have no objections, subject to conditions.
Scottish Water	Scottish Water has no objection.

## REPRESENTATIONS

Nine objection comments (two from one party) have been submitted for this application, which make reference to the following matters:

Inaccurate neighbouring properties on drawings- These are indicative representations for scale/massing/layout purposes. This does not change the assessment of the application.

Inaccurate application form- This is at the Planning Authority's discretion and the information provided is sufficient to make an assessment.

Insufficient supporting information provided- This is at the Planning Authority's discretion and the information provided is sufficient to make an assessment.

Safety/risk of landslip - This is a matter which will be assessed at the Building Standards stage.

The fee has not been paid- This application was registered within 12 months from the date the previously withdrawn application was registered, therefore a fee exemption was applied. This is an approach which is consistently taken by Fife Council, and this is at Fife Council's discretion. For information, the withdrawal letter associated with the previous application (20/02235/FULL) notes 'The subsequent application must be submitted in full and registered before the expiration of 12 months from the date this application was registered. For the avoidance of doubt this application was registered on 21 January 2021.' The current application was registered on the 11th of January 2022, which is acceptable.

Development outwith site boundary- These works are permitted development as per the Town and Country Planning (General Permitted Development) (Scotland) Order (as amended) or are to be dealt with through separate consenting processes. As such, these do not require to be within the red line site boundary or for neighbour notification to be carried out.

Inaccuracies in Low Carbon Checklist - Whilst it is noted that there are inaccuracies within the Low Carbon Checklist in relation to district heating, this is not applicable to this application therefore this has been discounted.

Development of greenfield land- Whilst this is a greenfield site, it has been subject to various planning approvals. In addition, it has been vacant and overgrown for a number of years.

Lack of garden ground - This is addressed in section 2.4.5 of the Report of Handling.

Overdevelopment- This is addressed in section 2.3.4 of the Report of Handling.

Out of keeping- This is addressed in section 2.3.4 of the Report of Handling.

Overlooking - This is addressed in section 2.4.3 of the Report of Handling.

Overshadowing- This is addressed in section 2.4.4 of the Report of Handling.

Parking/Road Safety Issues- This is addressed in section 2.5 of the Report of Handling.

Increased noise- This is addressed in section 2.4.6 of the Report of Handling.

Dust from construction- This is addressed in section 2.4.6 of the Report of Handling.

Impact on Ecology/Trees- This is addressed in section 2.7 of the Report of Handling.

Damage to private property as a result of development- This is a private civil matter and not material to the determination of this application.

## **CONCLUSIONS**

The proposal is acceptable in meeting the terms of the Development Plan and National Guidance and would be compatible with its surrounds in terms of land use. There would be no significant detrimental impacts on surrounding properties or road safety as a result of the development.

## **RECOMMENDATION**

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

1. Prior to the commencement of works, a Scheme of Works shall be submitted, designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities"



should be consulted. Once approved, the development shall be constructed in accordance with the approved Scheme of Works unless otherwise agreed in writing.

Reason: In the interests of safeguarding the amenity of nearby residents.

2. Prior to the occupation of the first dwellinghouse, there shall be 2 No. off street parking spaces provided for that dwellinghouse and thereafter, 2 No. off street parking spaces for each of the other 3 No. dwellinghouses. The parking spaces shall be provided within the curtilage of the site in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places. The parking spaces shall be retained throughout the lifetime of the development for the purposes of off street parking.

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

3. Prior to the occupation of the first dwellinghouse, there shall be provided within the curtilage of the site, 1 No. off street visitor parking space in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places. The parking space shall be retained throughout the lifetime of the development for the purposes of off street parking.

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

4. Prior to the occupation of the first dwellinghouse, the first two metre length of the access driveways at both vehicular access points, to the rear of the public footway shall be constructed in a paved material (not concrete slabs).

Reason: In the interest of road safety; to ensure that no deleterious material is dragged on to the public road.

5. Prior to the occupation of the first dwellinghouse, all works carried out on or adjacent to the public roads and footways shall be constructed and completed in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places/Fife Council Transportation Development Guidelines.

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

6. The obscured glazing shown at first and second floor level on each side of the properties and on the first floor level balcony screens(drawing numbers 21024d-RDA-EL-DR-A-001, 21024d-RDA-PL-DR-A-002 and 21024d-RDA-PL-DR-A-003) shall be installed and retained in perpetuity, unless otherwise agreed in writing by Fife Council Planning Authority.

Reason: In the interests of safeguarding the amenity of nearby residents.

7. Vegetation removal shall not take place at any time between March and August (inclusive) in any calendar year, unless checks are undertaken by a suitably qualified and experienced ecologist immediately prior to works commencing, or otherwise agreed in writing with the Planning Authority.

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

8. BEFORE ANY WORKS START ON SITE, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for approval in writing by this Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner.

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

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

National Policy and Guidance  
Scottish Planning Policy (SPP) (2014)

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

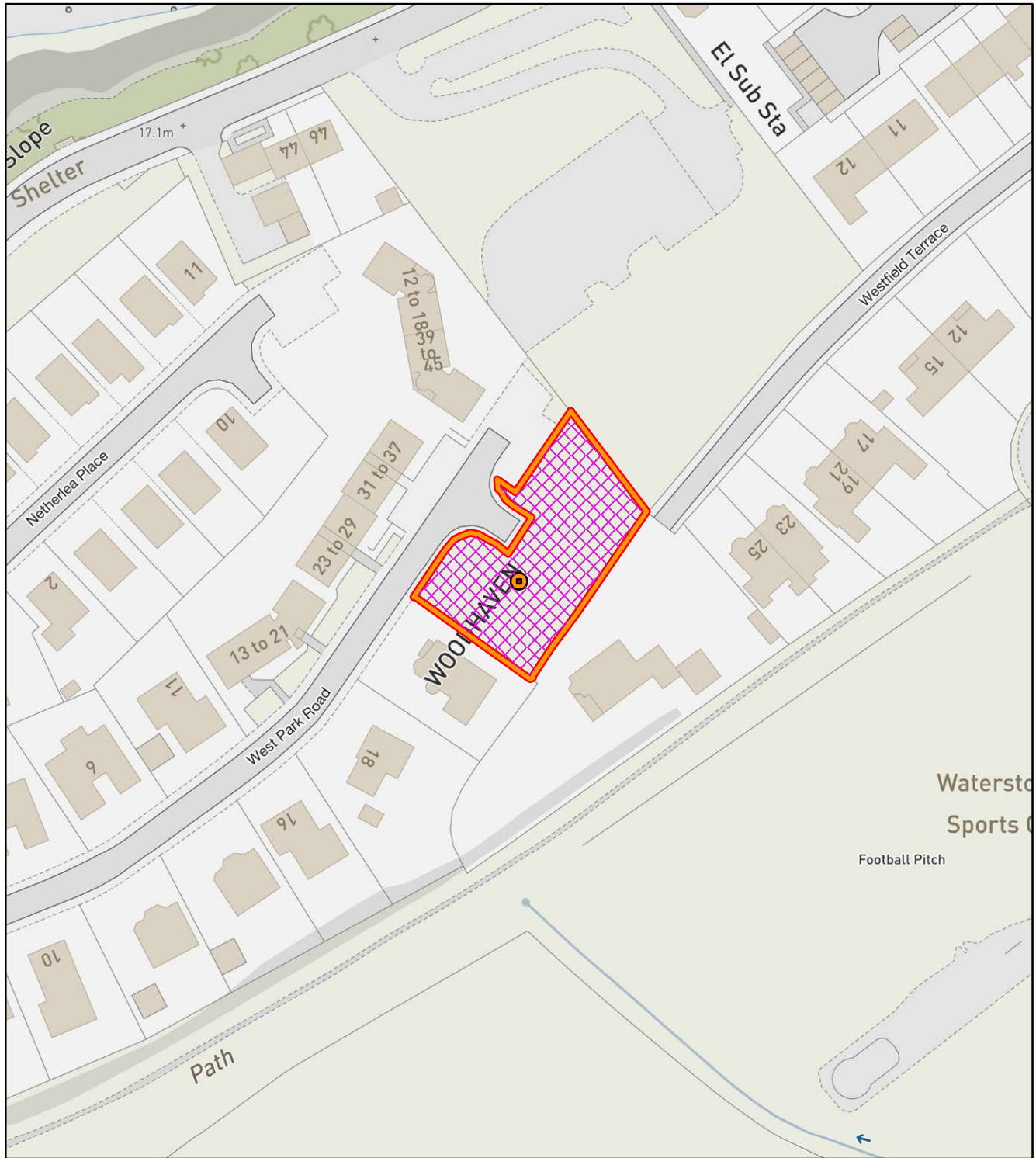
Other Guidance  
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)  
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)  
Fife Council's Planning Customer Guidelines on Garden Ground (2016)  
Fife Council's Minimum Distance between Windows Guidance (2011)

Report prepared by Sarah Purves, Planner and Case Officer.  
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 22/7/22.

Date Printed 22/07/2022

# 21/03892/FULL

Site At West Park Road Wormit



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<b>Legend</b>	
 Application Boundary	
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 Fife COUNCIL Economy, Planning & Employability Services	

# 21/03892/FULL

## Site At West Park Road Wormit



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 15**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00871/FULL**

**SITE ADDRESS: FORMER TELEPHONE EXCHANGE SESSION LANE  
PITTENWEEM**

**PROPOSAL: CHANGE OF USE OF FORMER TELEPHONE EXCHANGE TO  
DWELLINGHOUSE (CLASS 9)**

**APPLICANT: MR DAMON WILKINSON  
CARLOWAN MILLGATE CUPAR**

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

**CASE OFFICER: Scott McInroy**

**DATE REGISTERED: 24/03/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 objections contrary to Officer recommendation

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

**ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL  
CONSIDERATIONS**

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



## 1.0 Background

1.1 The application site relates to a vacant and derelict former telephone exchange building, located on Session Lane, Pittenweem. The building is located within the settlement boundary for Pittenweem, as defined in the Adopted FIFEplan (2017). The surrounding area is predominately residential with Pittenweem primary school to the east. The existing layout is of a single ground floor room with one door and four windows, each of which has original secondary glazing. The building is finished externally in unpainted roughcast render with a pitched roof with plain red tiles. The site is enclosed on the north and west boundaries by 1.5m high post, rail, and paling timber fencing. The east boundary is defined by a 1.2m high brick wall enclosing the Primary School playground. The south boundary is currently enclosed by temporary steel mesh fencing and a 0.9m high timber fence. The application property has a residential premises adjoining to the east and west and above at first floor level. Access is taken off Session Lane.

1.2 Planning permission is sought for the change of use of the former Telephone Exchange to a dwellinghouse (Class 9). Internally the building would be reconfigured to create a one-bedroom dwelling. Externally the wall rendering will remain unpainted, and the windows will be reinstated. The original cast iron gutters will be reinstated. The rainwater gutters, downpipes, windows, and the door will be painted green.

1.3 There is no recent planning history for this site.

### 1.4 Application Process

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

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Residential Amenity
- Visual Amenity
- Garden Ground
- Road Safety

### 2.2 Principle of Development

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

2.2.2 Policy 1, Part A, of the 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 Team. Policy 2 of FIFEplan supports the development of unallocated sites for housing provided they do not prejudice the housing land

supply strategy of the Local Development Plan and proposals comply with the policies for the location.

2.2.3 In simple land use terms, the principle of the residential development clearly meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the settlement boundary of Pittenweem within the Adopted FIFEplan (2017). Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as design, amenity, road safety and other matters all of which are considered in detail below.

## 2.3 Residential Amenity

2.3.1 PAN 1/2011 establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development.

2.3.2 With respect to the protection of residential amenity, policy 10 of the Adopted FIFEplan (2017) supports development proposals where they will not lead to a significant detrimental impact on the impacts on the operation of existing or proposed businesses and commercial operations.

2.3.3 The application site is a single storey building located within a predominately residential area. The two windows on the west elevation would look towards the driveway of the neighbouring property however the existing boundary treatment and planting would mitigate against any overlooking onto this property. The window to the east would look towards the primary school playground, again the existing boundary wall would provide some mitigation here. As there are no external alterations proposed in terms of change in height or footprint of the building, this proposal would not create any new or additional overshadowing or impact on the amount of daylight and sunlight the surrounding properties receive. Given that the application site is adjoining existing residential premises it is concluded that this proposal is compatible with the surrounding uses and would not significantly impact on the residential amenity of these premises.

2.3.4 On this basis, the proposal is therefore considered to be capable of meeting the requirements of the relevant Development Plan policies and Fife Council Customer Guidelines respectively with respects to ensuring there are no adverse impacts on neighbouring developments.

## 2.4 Visual Amenity

2.4.1 Policy 10, criterion 7 of FIFEplan supports development where it does not have a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area.

2.4.2 Externally the windows would be reinstated in the building with the original cast iron gutters being repaired and reinstated. The gutters and rainwater downpipes, windows and the door would be painted green. These alterations along with the proposed garden area being tidied up and landscaped would visually enhance this vacant and derelict building which would in turn enhance the visual amenity of the surrounding area.

## 2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground advises that new dwellings should have at least 50m<sup>2</sup> of private garden ground. In the case of this application no private garden ground is proposed, however the flats benefit from communal amenity/drying area immediately adjacent the rear of the properties.

2.5.2 In this instance although the proposed dwelling doesn't provide the extent of garden ground expected through Fife Council's Planning Customer Guidelines on Garden Ground, given that there is a large area of formal open space within walking distance to the north of the application site and the fact that the principle of the change of use is acceptable in planning policy terms the lack of formal garden ground is acceptable in this instance.

## 2.6 Road Safety

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

2.6.2 Fife Council's Transportation Development Management (TDM) have been consulted and have raised concerns to this application. Concerns have been raised regarding the surface of Session Lane and parking provision. TDM have concerns regarding the existing surface of the existing track and the visibility splays from the unadopted Session Lane onto the public road. Session Lane and its substandard visibility splays are already used by a number of cars from the existing residential properties located here. It is considered that an additional small one bedroom residential property with space for one vehicle within its curtilage would not significantly impact on the existing lane or significantly intensify the use of the junction onto Session Lane with the public road. TDM also have concerns regarding the proposed off street parking space in terms of manoeuvrability, however some of the existing driveways onto Session Lane are similar in size and shape so in this instance it is considered that the proposed off street parking area is acceptable. Concerns have been raised in terms of road safety with regards to children using the lane to get to the adjacent primary school. Given the nature of the lane and the fact that other existing properties use Session Lane as a vehicular access it is considered that one additional one bedroom dwelling arising from the conversion of an existing building would not significantly increase risk to pedestrian safety.

### **CONSULTATIONS**

Transportation, Planning Services

Object

### **REPRESENTATIONS**

6 objections have been received. The material planning considerations relating to these concerns have been addressed under sections 2.6 (Road Safety) of this report of handling.

Concerns raised regarding state of the existing building.

-Any repairs that require to be done to the building would be at the cost of the owner and if any works required planning permission then they would have to apply separately for this.

Comments regarding assurances of no further development on Session Lane; impact on utilities; and impact on existing properties are not material planning concerns in the assessment of this



Planning Application as nobody can control such potential future development and impacts on utilities are considered separate from the planning system.

10 supporting comments have been received. These comments support the proposal to bring a building that is in disrepair back into use

## **CONCLUSIONS**

It is therefore considered that the proposed change of use of the former Telephone Exchange to a dwellinghouse is acceptable and results in a suitable scheme in terms of use and design, that would achieve a viable solution for the re use of the existing redundant building. As such, the proposal is considered to be in compliance with the relevant policies of the Development Plan and relevant guidelines.

## **RECOMMENDATION**

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

1. Prior to the occupation of the proposed dwellinghouse, off street parking shall be provided as shown on approved Drawing No.02 in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places. The parking space shall be retained throughout the lifetime of the development for the purposes of off street parking.

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

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

National Guidance  
Scottish Planning Policy (2014)

Development Plan  
Adopted FIFEplan (2017)  
Making Fife's Places Supplementary Guidance (2018)

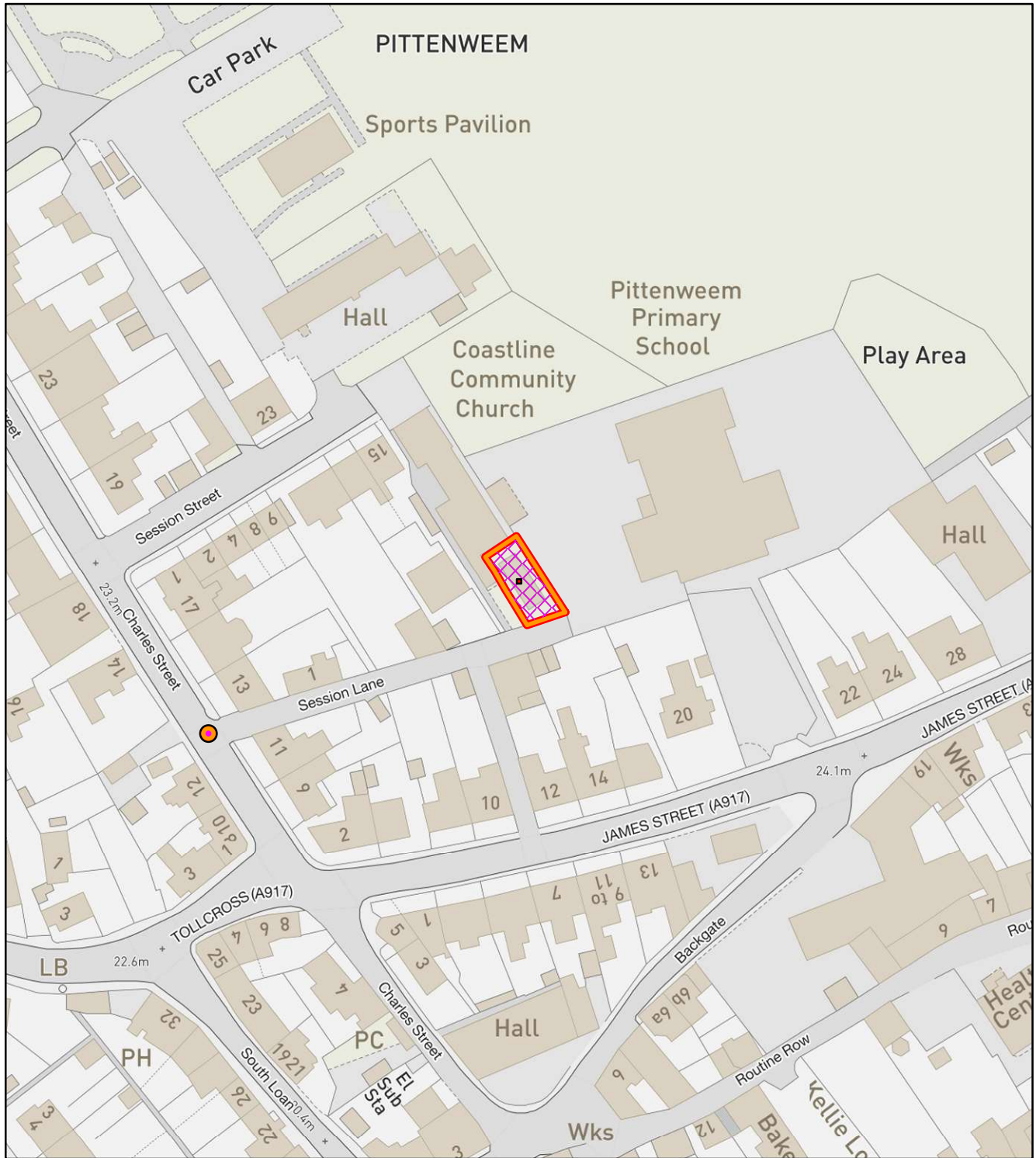
Other Guidance  
Fife Council Customer Guidelines - Garden Ground

Report prepared by Report prepared by Scott McInroy, Planner Development Management  
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 20/07/22

Date Printed 03/08/2022

# 22/00871/FULL

## Former Telephone Exchange Session Lane Pittenweem



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	

**ITEM NO: 16**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01132/FULL**

**SITE ADDRESS: KINCAPLE LODGE KINCAPLE ST ANDREWS**

**PROPOSAL : INSTALLATION OF DORMER EXTENSIONS TO REAR OF DWELLINGHOUSE**

**APPLICANT: MR PHILLIP MULHOLLAND  
KINCAPLE LODGE KINCAPLE ST ANDREWS**

**WARD NO:** W5R18  
St. Andrews

**CASE OFFICER:** Kirsten Morsley

**DATE** 28/04/2022  
**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional 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 This application relates to Kincaple Lodge, a modern 1.5 storey detached dwellinghouse located within the small hamlet of Kincaple near St. Andrews. Kincaple is situated within the countryside approximately 1.2 km south east of Guardbridge and 3.6 km north-west of St. Andrews. Access to the dwellinghouse is from the B91 or the C4 via a narrow access road. This access road also serves Kincaple House, Coach House, Kincaple Stables Cottages (all listed buildings) as well as the Forest Lodges Holiday Park. The dwellinghouse is situated within the green belt and is visible from the access road. It includes a detached double garage, a large garden curtilage and has wide panoramic views of the open countryside to the north-east and the south-east.

1.2 Planning permission is sought to install two dormer extensions to the north-east facing elevation to serve existing bedrooms 3 and 4. External finishes to the dormers would comprise of roof tiles to match existing, roughcast to dormer faces and haffits, white upvc composite casement windows and dark grey coloured upvc soffits and fascias. The submitted drawings also show internal works to rooms and fenestration changes to the dwellinghouse but these works would fall under permitted development and would not require planning consent. A flat roofed single storey extension has also been erected recently off the dwelling's south-east gable wall. This extension has been the subject of an Enforcement Investigation and is discussed in more detail below under paragraphs 1.3 and 1.4.

1.3 Planning history for the site includes recently withdrawn planning application, reference 22/00037/FULL, to erect a single storey extension to side, dormer extensions to the rear and for the formation of a roof top terrace. Fife Council had advised the agent that there were concerns with this earlier submission, particularly in terms of the design of the upper floor terraced area, the flues, the triangular wall shape and the first floor roof canopy, all of which were not thought to be an enhancement to the existing dwellinghouse and would have had a significant negative impact on the character of the area. The agent agreed to withdraw this application and advised that a revised application for only the dormers would be submitted and that his client would extend the dwellinghouse in a manner which would comply with their 'permitted development rights'. The agent was recommended to submit a Certificate of Lawfulness Proposed (CLP) for this additional work, and whilst this was not received, the applicant is not legally obliged to submit a CLP.

1.4 Following a complaint, an Enforcement Officer visited the site on 27 June 2022 and from the photographs taken on that day, the works were seen to comply with 'permitted development'. However, the Enforcement Officer did note that a glazed French door had been inserted at first floor level off the south-east gable wall. The owner was therefore advised that whilst the addition of a Juliet balcony to this door would not require planning consent, a full balcony and any formation of a roof terrace on top of the extension would require planning consent, and that no such work should take place until the required planning permissions were in place. The owner on being advised of this, agreed that this would be the case.

1.5 Kincaple Lodge was built in 1985 as a manager's property for the Forest Lodges Holiday Park. However, the obligations which restricted the use of the Lodge as only as a 'holiday park manager's house' were discharged on 9 November 2015 and the lodge thereafter reverted back to Use Class 9 (Houses) and with this change brought a range of permitted development rights. The agent has confirmed that the use of the dwellinghouse would remain under Use Class 9 (Houses). Use Class 9 (Houses) relates to people living together as a family and restricts the number of unrelated residents sharing a house to 5. Whilst under this Use Class these

properties can also be used as bed and breakfast establishments or guest houses this is on the basis that at any one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms, 1 bedroom can be used for that purpose. Furthermore, whilst a whole house can be let out through a private residential tenancy to another household under Use Class 9 without requiring a change of use application this is on the basis that these occupancy rates are not exceeded. The requirement for a change of use in planning terms e.g. from a dwellinghouse to a holiday let, is all about fact and degree, and the agent has robustly defended that the use of the dwellinghouse would remain firmly under Use Class 9 (Houses) restrictions. However should the future use of the dwellinghouse raise concerns and mount to what is considered a material change of use this would require a Change of Use planning application.

1.6 More generally, the planning position on holiday lets in Scotland is currently in the process of reform and soon Local Authorities will have the powers to designate all or parts of their areas as a 'short-term let control areas', which means that the use of a house in such designated areas for short-term accommodation will be deemed to involve a change of use and as such planning permission will likely be required.

1.7 The planning history associated with Kincaple Lodge is summarised as follows,

- N82/660 Outline permission for the erection of one house in connection with the management and supervision of the existing chalet development approved 11.10.85.

- N85/700 Erection of a detached house - approved 8.11.85

- 22/00037/FULL - Single storey extension to side, dormer extensions to the rear and formation of balcony - Withdrawn

- 22/00215/ENF - opened 22.06.2022, to investigate current on-going building works at Kincaple Lodge.

1.8 A physical site visit was undertaken by an Enforcement Officer on 27 June 2022 and site photographs have been uploaded to the file.

## 2.0 PLANNING ASSESSMENT

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

- Residential Amenity
- Design and Visual Impact
- Representations Received

### 2.2 Residential Amenity

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

2.2.2 Policy 1 of the Adopted FIFEplan (2017) advise that a development proposal will be supported if it is in a location where the proposal use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. Policy 10 advises that

development is required to be implemented in a manner that ensure that existing uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, potential losses of privacy, sunlight, or daylight etc. Fife Council Customer Guidelines on Daylight and Sunlight advises that the design of residential environments must seek to ensure that adequate levels of natural light can be achieved within new development and that unacceptable impacts on light to nearby properties are avoided. Fife Council Customer Guidelines on Dormer Extensions advises that proposals should respect the privacy and amenity of neighbours and includes a guide showing the accepted separation distances between habitable rooms of existing and proposed windows.

2.2.3 Kincaple Lodge is not located close to other dwellings and as such the dormers are compliant with Daylight and Sunlight requirements and would not overshadow other property. The dormers would also overlook open countryside and would not create any window to window infringements or overlook private garden ground.

2.2.4 In light of the above the proposed dormers are considered compliant with Development Plan policy in respect of residential amenity.

### 2.3 Design and Visual Impact

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

2.3.2 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. 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 where relevant as set out Scottish Planning Policy 2014. The guidance states that new development will be supported where it is appropriately located and where it respects the local built context and relates well to the nearby buildings in terms of, scale, form, and character and uses appropriate materials and details. Fife Council's Customer Guidelines on Dormer Extensions outlines in greater detail the design expectations for dormers and highlights that dormers should not dominate or detract from neighbouring development, be subsidiary to the existing dwellinghouse, respect existing materials, reflect the style of the original build and have appropriate set-back distances from ridge, gable and wall heads.

2.3.3 The dormer extensions are in keeping with the character of the existing property, are appropriately located, scaled and comply with the set-back distances from ridge, gable and wall heads.

2.3.4 In light of the above, the proposed dormers would not be detrimental to the character of Kincaple Lodge or the surrounding area and would comply with Development Plan policy and all its related guidance in relation to Design and Visual impact.

## 2.4 Representations Received

2.4.1 This application has received 1 letter of support and 24 letters of objection. The letter of support highlights that the property is well hidden, the dormers would not overlook any other property and with the views, the dormers would be a great addition to the property.

2.4.2 The non-material objection issues raised, primarily because they do not relate specifically to the dormer proposal before Members but rather relate to other on-going associated works that are being carried out at Kincaple Lodge following the withdrawal of the earlier planning application, 22/00037/FULL. The objectors are concerned that the proposals detailed in this withdrawn application are still being built and that the developer will thereafter just apply for planning permission retrospectively. They have highlighted that given the sensitive nature of the site context which includes traditional stone-built cottages and listed buildings those on-going works are of concern and should be further scrutinised within the context of this current application. There are also concerns that Kincaple Lodge will be rented out as a holiday 'party' home and some contend that Kincaple Lodge is still a manager's house for the Forest Lodges Holiday Park and as such the dwelling does not benefit from 'permitted development rights'.

Additional questions as noted below have also been raised as detailed below and the Planning Services response is included:-

- Some objectors have pointed out that the planning file includes an invalid letter dated 18th April which may have led to some confusion to neighbours and reduced the number of objections.

This Service can confirm that this application has gone through the appropriate due process. The application was made valid on 21 April 2022 and neighbour notification letters were sent out on 28 April 2022 with a deadline date for responses of the 26 May 2022. Twenty-five representations were received in total, twenty-four of which objected.

- Allowing permission for an extension to the house will lead to further development which is not in keeping with the Kincaple hamlet which includes traditional stone built cottages, and the listed Kincaple House and Coach House.

This Service can confirm that all works requiring planning permission will be assessed in terms of their design and visual impact on the property and on the surrounding area. The earlier 22/00037/FULL application was withdrawn because the Service were not supportive and advised that the then proposals were not considered acceptable in terms of design and visual impact and would have had a negative impact on the dwellinghouse and on the surrounding area of Kincaple. It is to be noted that Kincaple Lodge is not a listed building and it is not located within a Conservation Area and as such Fife Council as Planning Authority has no control over the design and visual impact of works which are permitted development and do not require planning consent.

- The hot tub in the garden could overwhelm the existing septic tank or suds causing pollution to the surrounding environment.

It should be noted by Members that there was no hot tub in the garden when the Enforcement Officer carried out the site visit. Nevertheless a hot-tub in the rear garden of this property would not require planning consent.

- Access road C4 is not capable for intense traffic use, and existing volume of cars are already causing problems. The C4 junctions onto the A91 and the Strathkinness/Guardbridge roads are dangerous and unsuitable for increased use.

Members should note that this application is not increasing the number of bedrooms, therefore there is no planning requirement to consult Transportation Development Management and no transportation related conditions would be required for the current proposals.

- The lighting and rubbish disposal arrangements currently within the holiday park are an environmental nuisance and both require planning approval.

Members should note that the lighting and refuse disposal arrangements relate to the Forest Lodges Holiday Park, which is a separate site to this application and is an issue not related to this planning application.

2.4.3 The agent confirmed in writing that following the withdrawal of application 22/00037/FULL that the applicant was going to extend the property by exercising their 'permitted development rights' and that the works, as well as the use of the property, 'would comply' with permitted development caveats. The agent also provided a copy of the Land Register of Scotland Title Agreement which confirms that all obligations regarding the restricted the use of the Lodge as only a 'holiday park manager's house' having ceased on 9 November 2015. The agent was advised on 12 May 2022 to submit a Certificate of Lawfulness Proposed (CLP) as proof that the current works would be lawful, however it is to be noted that applying for a CLP is not mandatory and the submission of such an application would be at the discretion of the applicant.

2.4.4 An enforcement case, reference 22/00215/ENF was opened with regard to the above concerns raised. A site visit was carried out on the 27 June 2022 and photographs were taken of the site. The observations made by the Enforcement Officer are note earlier in this report.

2.4.5 With regards to the other concerns raised, these concerns largely relate to works which lie out with the scope of this current application, however Fife Council's responses are as follows,

2.4.6 In light of the representations received, the works carried out to date are considered to comply with 'permitted development'. The owner and the agent have been made fully aware that any further changes proposed as noted under paragraphs 1.4 and 1.5 would require the submission of a separate planning application(s) so that any potential impacts can be thoroughly scrutinised and assessed appropriately. However, future works proposed and not yet built at Kincaple Lodge should not have any bearing on how this current application is assessed and determined as each proposal would be assessed on their own individual merits. Furthermore, Fife Council only has powers to act if a development has already been built and is deemed to be un-authorized.

## CONSULTATIONS

None



## **REPRESENTATIONS**

24 letters of objection and 1 letter of support have been received.

The letters of objection highlighting materially relevant planning matters directly associated with this proposal are considered in detail in the main body of this report. Other non-material matters are considered in Section 2.4 of this report and were received on the following grounds:-

- Validity of application caused confusion.
- Current building/external works are partially completed/look similar to withdrawn proposal 22/00037/FULL and still appear to require planning consent.
- Permission will just lead to further development which is not in keeping with the traditional style and finishes of Kincaple hamlet.
- Concerns developer will just build what was proposed under withdrawn application 22/00037/FULL and then apply retrospectively.
- Concerns dwellinghouse being converted into a holiday let.
- Hot tub in the garden could overwhelm the existing septic tank or SUDS causing pollution to the surrounding environment.
- C4 access road and junction (with A91) not capable for intense traffic use and existing volume of cars are already causing problems and nearby Strathkinness/Guardbridge roads are also currently dangerous and unsuitable for increased use.
- Lighting and waste disposal arrangements currently within the holiday park are an environmental nuisance and both require planning approval.

The letter of support received highlights the following:-

- the dormers would take advantage of the view and would be a great addition to the property
- the property is well hidden and the dormers would not overlook any property

All of the above issues/observations have been considered in detail as part of the overall assessment.

## **CONCLUSIONS**

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

## **RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally.

## **STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

Development Plan

Adopted FIFEplan (2017)  
Making Fife's Places - Supplementary Guidance (2018)

#### Other Guidance

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)  
Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer.  
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 25.7.22

Date Printed 03/08/2022

# 22/01132/FULL

Kincaple Lodge Kincaple St Andrews



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<b>Legend</b>	
 Application Boundary	
	
 Economy, Planning & Employability Services	