

North East Planning Committee

Please note, this meeting will be held remotely.



Wednesday, 9th November, 2022 - 1.30 p.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 12th October, 2022. 3 – 8
4. **20/02392/FULL - GLADNEY FARM, WEMYSSHALL ROAD, CERES** 9 – 17
Erection of 6 holiday pods with associated parking, access and landscaping.
5. **22/00514/PPP - 12 BIRKHILL AVENUE, WORMIT, NEWPORT ON TAY** 18 – 29
Erection of dwellinghouse.
6. **22/01734/FULL - 29 CASH FEUS, STRATHMIGLO, CUPAR** 30 – 38
Erection of dwellinghouse.
7. **22/01263/FULL - LAND TO EAST OF PITLETHIE ROAD AND NORTH OF FETTERDALE FIELDS, LEUCHARS** 39 – 57
Erection of 49 affordable dwellings, formation of vehicular accesses, open space and drainage infrastructure.
8. **22/00905/FULL - 1 LINDSAY BERWICK PLACE, ANSTRUTHER** 58 – 64
Change of use from public open space to garden ground and parking area.
9. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**
List of applications dealt with under delegated powers for the period 3rd October to 30th October, 2022.

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

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

Lindsay Thomson
Head of Legal and Democratic Services
Finance and Corporate Services

Fife House
North Street
Glenrothes
Fife, KY7 5LT

2nd November, 2022

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THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

12th October, 2022

1.30 p.m. – 5.30 p.m.

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

ATTENDING: Chris Smith, Lead Officer, Derek Simpson, Lead Officer, Jamie Penman, Planner, Sarah Purves, Planner, Development Management; Steven Paterson, Solicitor and Diane Barnett, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillors Gary Holt and Jonny Tepp (Convener).

23. DECLARATIONS OF INTEREST

Councillor Lothian declared an interest in Para. No. 25 - '22/00833/FULL - Land to East of Stratheden Place, Auchtermuchty' - as he had been in contact with the objectors about the proposed development.

Councillor Lothian also declared an interest in Para. No. 27 - '22/01205/FULL – 3 Myreside, Kingskettle' - as he had spoken with the objector and the applicant about the proposed development.

24. MINUTE

The Committee considered the minute of the North East Planning Committee of 17th August, 2022.

Decision

The Committee agreed to approve the minute.

Prior to consideration of the following item, Councillor Lothian, having declared an interest, left the meeting at this point.

25. 22/00833/FULL - LAND TO EAST OF STRATHEDEN PLACE, AUCHTERMUCHTY

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 21 dwellinghouses and associated works.

Decision/

Decision

The Committee agreed:-

- (1) to approve the application subject to the 9 conditions and for the reasons detailed in the report and following the conclusion of an agreement to secure the necessary planning obligations, namely:
 - (a) a greenspace contribution totalling £20,400; and
 - (b) an affordable housing contribution securing 4 units to be provided on-site; and
- (2) that authority was delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement necessary to secure the planning obligations.

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

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

26. 22/00950/FULL - LAND TO EAST OF MANSE ROAD, SPRINGFIELD

The Committee considered a report by the Head of Planning Services relating to an application for the erection of 30 affordable housing units, formation of vehicular access points, landscaping and other supporting infrastructure.

Motion

Councillor Kennedy, seconded by Councillor Hoggan-Radu, moved to refuse the application on the grounds that the development did not comply with:

- (1) Scottish Planning Policy (2014), Policies 1 and 3 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Planning Guidance (2018) - on the basis that the applicant had failed to demonstrate that the number of trips the proposed development might generate would not have a significant detrimental impact on existing levels of road safety in the surrounding area; and
- (2) Scottish Planning Policy (2014) and Policies 1, 3 and 12 of the Adopted FIFEplan (2017) - on the basis that the applicant had failed to demonstrate the proposed development would not increase flooding or flood risk on or around the application site.

Amendment

Councillor MacDiarmid, seconded by Councillor Hayes, moved as an amendment to approve the application, subject to:

- (1) the 16 conditions and for the reasons detailed in the report; and
- (2)/

2022 NEPC 12

- (2) additional conditions, together with the attendant reason, requiring that:
 - (i) no development would commence on site until the applicant had provided evidence of an agreement with Scottish Water to connect to its existing drainage network in relation particularly to foul drainage - so as not to worsen existing foul drainage issues in the area; and
 - (ii) for the avoidance of doubt, any site clearance works in relation to hedging and trees on or adjacent to the site be undertaken outwith the bird nesting season (beginning of March to end of August).

Roll Call Vote

For the Motion - 5 votes

Councillors Clark, Corps, Hoggan-Radu, Kennedy and Lawson.

For the Amendment - 7 votes

Councillors Dillon, Hayes, Knox, Liston, Lothian, MacDiarmid and Verner.

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

Decision

The Committee agreed to approve the application subject to:

- (1) the 16 conditions and for the reasons detailed in the report;
- (2) additional conditions, together with the attendant reason, requiring that:
 - (i) no development would commence on site until the applicant had provided evidence of an agreement with Scottish Water to connect to its existing drainage network in relation particularly to foul drainage - so as not to worsen existing foul drainage issues in the area; and
 - (ii) for the avoidance of doubt, any site clearance works in relation to hedging and trees on or adjacent to the site be undertaken outwith the bird nesting season (beginning of March to end of August); and
- (3) the Head of Planning, in consultation with the Head of Legal and Democratic Services, drafting and formulating appropriately worded planning conditions to properly reflect those outlined at (2) above.

Councillor Kennedy left the meeting at this point.

Prior to consideration of the following item, Councillor Lothian, having declared an interest, left the meeting at this point.

The Committee adjourned at 3.50 p.m. and reconvened at 3.55 p.m..

27./

27. 22/01205/FULL - 3 MYRESIDE, KINGSKETTLE, CUPAR

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

Motion

Councillor MacDiarmid, seconded by Councillor Lawson, moved to conditionally approve the application against officer recommendation.

Amendment

Councillor Knox, seconded by Councillor Dillon, moved as an amendment to refuse the application for the reasons set out in the report.

Roll Call Vote

For the Motion - 5 votes

Councillors Hayes, Hoggan-Radu, Lawson, MacDiarmid and Verner.

For the Amendment - 5 votes

Councillors Clark, Corps, Dillon, Knox and Liston.

There being an equality of votes, the Chair used her casting vote in favour of the amendment.

Decision

The Committee agreed to refuse the application for the 2 reasons set out in the report.

Councillor Lothian re-joined the meeting at this point.

28. 22/01337/FULL - THE INN AT KINGSBARNES, 5 MAIN STREET, KINGSBARNES

The Committee considered a report by the Head of Planning Services relating to an application for the change of use from owner's accommodation (Class 7) to dwellinghouse (Class 9).

Decision

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

29. 22/01884/FULL - 1 LOGIE'S LANE, ST-ANDREWS

The Committee considered a report by the Head of Planning Services relating to an application for a change of use from retail unit (Class 1) to restaurant (Class 3), including alterations to shopfront and installation of canopies.

Decision/

Decision

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

30. 22/01885/FULL - 1 LOGIE'S LANE, ST-ANDREWS

The Committee considered a report by the Head of Planning Services relating to an application for a change of use from public open space to form outside seating area and erection of awnings and balustrades.

Decision

The Committee agreed to approve the application subject to the 7 conditions and for the reasons detailed in the report.

31. 22/02021/LBC - 1 LOGIE'S LANE, ST-ANDREWS

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

Decision

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

32. 22/01913/FULL - FARMHOUSE BALBUTHIE, BALBUTHIE ROAD

The Committee considered a report by the Head of Planning Services relating to an application for a change of use of part of an agricultural storage building to museum (Class 10).

Decision

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

Councillor Verner left the meeting following consideration of the above item.

33. LEGISLATIVE REQUIREMENT TO LIMIT THE DURATION OF PLANNING PERMISSION BY APPLYING TIME CONDITIONS

The Committee considered a report by the Head of Planning Services providing an update in respect of a change to planning legislation which came into effect on 1st October, 2022 and advising of the need to implement the requirements of the legislation in respect of the applications which the Committee had already indicated it was minded to grant where that decision had not yet been issued.

Decision

The Committee agreed that, in respect of the applications listed in Appendix 1 of the report, the additional conditions required to limit the life of the planning permission (also noted in Appendix 1 of the report) be added to those decisions.

34./

34. 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 8th August to 4th September, 2022; and 5th September to 2nd October, 2022.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02392/FULL

SITE ADDRESS: GLADNEY FARM WEMYSSHALL ROAD CERES

**PROPOSAL : ERECTION OF 6 HOLIDAY PODS WITH ASSOCIATED
PARKING, ACCESS AND LANDSCAPING**

**APPLICANT: MR & MRS R HUTT
GLADNEY FARM WEMYSSHALL ROAD CERES**

WARD NO: W5R20
Cupar

CASE OFFICER: Andy Taylor

DATE 01/12/2020
REGISTERED:

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 objections have been received

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 a site within an area of open countryside which is also a local landscape area. The site is located at the north-west edge of and adjoining the settlement boundary of Ceres. Cupar is located to the north-west with St Andrews to the east. The site slopes slightly upwards to the north and accessed from Wemysshall Road.

1.2 This application is for full planning permission for the siting of 6 holiday pods with associated infrastructure and parking on an area of just over half a hectare. While described as holiday “pods” the units applied for are considered to meet the legal definition of caravans as defined in the Caravan and Control of Development Act 1960 (As amended). A caravan site licence would also be required for the proposed caravan site. A right of way (FN880) runs adjacent to the site.

1.3 There is no recent planning history for this site.

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

2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity Impact
- Road Safety
- Drainage
- Low Carbon/Sustainability

2.2 Principle of Development

2.2.1 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications, thus reinforcing the provisions of Section 25 of the Act. Policy 1 of FIFEplan provides general support for development within settlement boundaries subject to further considerations.

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 application site is located within the countryside, FIFEplan (2017) Policy 7 (Development in the Countryside) aims to create a rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. Part 6 states that development in the countryside will only be supported where it is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location. In all cases, development must be of a scale and nature compatible with surrounding uses, be well-located in respect of available infrastructure

and contribute to the need for any improved infrastructure and be located and designed to protect the overall landscape and environmental quality of the area.

2.2.4 A supporting statement and a market research document have been submitted to justify the location of the proposed pods (caravans). This details that the holiday pods would provide desirable tourist accommodation which would benefit from a countryside location. The site is currently unused and is not identified as being prime agricultural land. The small scale of the pods would mean that they would be of a scale and nature compatible with the surrounding uses. It is considered that the pods would help to boost Scotland's tourism recovery by promoting staycations.

2.2.5 It is recognised that there is a demand for more rural experiences where guests can enjoy the countryside. This is reinforced by FIFEplan's (2017) spatial strategy which states that the rural economy and community will be supported by allowing developments which are of an appropriate scale and location that will complement existing settlements. The spatial strategy also continues by noting that tourism plays an important role across Fife and that the countryside is often a key visitor destination which is essential in supporting Fife's economy. Further to this, nine letters of support have been received in relation to this proposal. All of these consider that the holiday accommodation would benefit the local area by boosting the tourist economy and would be of a style and scale appropriate to the area.

2.2.6 On balance, it is considered that the proposal would benefit from a countryside location and would help to boost local tourism and the economy. As such, the principle of the development complies with FIFEplan (2017). The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

2.3 Design and Visual Impact

2.3.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance, the policies will be applied to assess the visual impact of the proposed development on the surrounding area. Making Fife's Places 2018 also applies.

2.3.2 The application site is within a local landscape area. The proposed pods (caravans) would measure 6.7m long x 3.25m wide and 2.8m high and of timber construction. The applicant proposed sympathetic natural screening methods such as small trees and shrubbery. Visually, the impact on this countryside location of this proposed development is considered acceptable.

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

2.4 Residential Amenity Impact

2.4.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported where it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance the policies will be applied to assess the impact the proposed development would have on existing levels of residential amenity. This includes, but is not limited to, privacy, daylight and sunlight and garden ground. PAN 1/2011 also applies and 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.

2.4.2 Representations have been received in relation to the proposed holiday pods (caravans) in this location objecting on the grounds of, noise from holiday makers, privacy and security, location of the pods and litter. The closest dwellinghouse to the site is just over 70m away and it is proposed that screening will be in the form of natural planting. The natural planting will help to act as a buffer to noise to reduce any impact which may occur from tourists using the pods (caravans). As such, there are no significant residential amenity concerns relating to privacy and noise. In the unlikely circumstance that security issues arise from holiday makers this would be a police matter and not a planning consideration in this instance. The control of unwanted litter generated would be an issue to be addressed by the owners of the application site. The applicant has submitted the proposed site terms and conditions of the proposed use of the site which seeks to overcome the issues raised in the objections.

2.4.3 The proposal complies with FIFEplan (2017) Policies 1 and 10 however, this is not a determining factor in the assessment of this application.

2.5 Road Safety

2.5.1 Policies 1 Development Principles and 3 Infrastructure and Services collectively require incorporation of safe transport infrastructure in connection with development. Appendix G: Fife Council Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 Transportation Development Management (TDM) team were consulted and confirm that vehicular access is proposed along the existing private access leading from Wemysshall Road. The vehicular access sits outside the current 20mph zone. TDM conclude that the full visibility splay at the junction of the private access and Wemysshall Road cannot be met in the direction to the East as it goes over the land that is outwith the control of the applicant. Any increase in vehicular trips over this access would be to the detriment of the safety of all road users. Transportation Development Management have a policy against the formation of new access roads or intensification of existing accesses and junctions onto unrestricted roads that are out with established built-up areas. From a transportation point of view a built-up area is defined as the area within a 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. Based on the above overall assessment, Transportation Development Management have objections in the interest of road and pedestrian safety.

2.5.3 In terms of road safety, the proposed development fails to comply with Policies 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and the related provisions of Appendix G: Fife Council Transportation Development Guidelines/Making Fife's Places Supplementary Guidance (2018).

2.6 Drainage

2.6.1 SPP and FIFEplan policies 1, 3 and 12 advise that developments should not place unacceptable demands on public infrastructure including drainage systems. Developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken. Development will not be supported where a proposal would increase the risk of flooding unless adequate mitigation measures can be secured.

2.6.2 Objections have been received relating to potential flooding and drainage issues on this site. Fife Council Structural Services, Flooding, Shoreline and Harbours Officers have been consulted regarding drainage information submitted. Following further requested information by SS being submitted by the applicant and agreed during the assessment of the application, the proposed development would raise no significant concerns in terms of flooding or surface water drainage and would therefore comply with FIFEplan (2017) Policies 1, 3 and 12. Scottish Water have confirmed that they would have no objections as there is sufficient water and wastewater capacity in the area.

2.7 Low Carbon/Sustainability

2.7.1 SPP (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. 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 proposals meet the criteria set out within the policy.

2.7.2 All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport and cars. Fife Council's Low Carbon Fife Supplementary Guidance (January 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.

2.7.3 The proposal is to provide tourist accommodation where more sustainable modes of transport are not readily and safely available to allow people to access local facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips. Consequently, the development does not provide for non-car modes of transport and, the development would be car dominant which is against the principles of SPP.

2.7.4 The applicant has submitted a Low Carbon Statement (LCs) which notes that all required materials will be sourced using local suppliers and labour. An appropriate sustainable drainage system has been proposed and accepted by Structural Services as per the previous section.

2.7.5 The proposal would be acceptable in this instance and would comply with the Adopted FIFEplan.

CONSULTATIONS	
Structural Services - Flooding, Shoreline and Harbours	No objections
Scottish Water	No objections
TDM, Planning Services	Objections
Parks Development And Countryside - Rights Of Way/Access	This planning application site is adjacent to a public right of way (FN880) This route must be kept open and free from obstruction throughout the development process and in perpetuity.
Natural Heritage, Planning Services	No comment.

REPRESENTATIONS

Nineteen representations have been received regarding this planning application including seven objections, 9 supporting the application and two making general comments. Objections are as follows;

- Noise

See Section 2.4

- Privacy and security

See Section 2.4

- Litter

See Section 2.4

- Drainage/Flooding

See Section 2.6

- Potential for further development in the future

Although it is agreed that there is scope in the adjacent area to expand the proposed site, this would be subject of a further planning application and not material in the assessment of this planning application.

- Road Safety

See Section 2.5

- The development will not create any employment

This is not a material planning consideration in this instance

- Adverse impact on the countryside

See Section 2.3

CONCLUSIONS

The development does not accord with the provisions of policy and guidance in relation to matters relating to road safety and does not provide for non-car modes of transport and therefore the development would be car dominant contrary to Policies 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and the related provisions of Appendix G: Fife Council Transportation Development Guidelines/Making Fife's Places Supplementary Guidance (2018). The principle of the development, design, residential amenity and drainage are all considered to be acceptable in terms of the provisions of policy and guidance, however these are not determining issues in this case. Overall, the development is considered contrary to the

development plan, there being no relevant material considerations of sufficient weight to justify departing therefrom.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of pedestrian and road safety in terms in that full visibility splay at the junction of the private access and Wemysshall Road cannot be met in the direction to the east as it goes over the land that is outwith the control of the applicant and any increase in vehicular trips over this access would be to the detriment of the safety of all road users; in addition, Transportation Development Management have a policy against the formation of new access roads or intensification of existing accesses and junctions onto unrestricted roads that are out with established built-up areas. From a transportation point of view a built-up area is defined as the area within a 30 or 40mph speed limit. The reason for this policy is that such vehicular accesses introduce, or increase, traffic turning manoeuvres which conflict with through traffic movements and so increase the probability of accidents occurring, to the detriment of road safety. The proposed development therefore fails to comply with Policies 1 and 3 of the Adopted FIFEplan Local Development Plan (2017) and the related provisions of Appendix G: Fife Council Transportation Development Guidelines/Making Fife's Places Supplementary Guidance (2018); and there are no relevant material considerations of such weight as to indicate that these provisions should not be accorded the priority given to them by Section 25 of the Town and Country Planning (Scotland) Act 1997.

2. The proposal is to tourist accommodation where more sustainable modes of transport are not readily and safely available to allow people to access local facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips. Consequently, the development does not provide for non-car modes of transport and in reality, the development would be car dominant which is against the principles of SPP.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National
Scottish Planning Policy (SPP)

Development Plan:
Adopted FIFEplan - Fife Local Development Plan (2017)
Fife Council Making Fife's Place's Supplementary Guidance (2018)

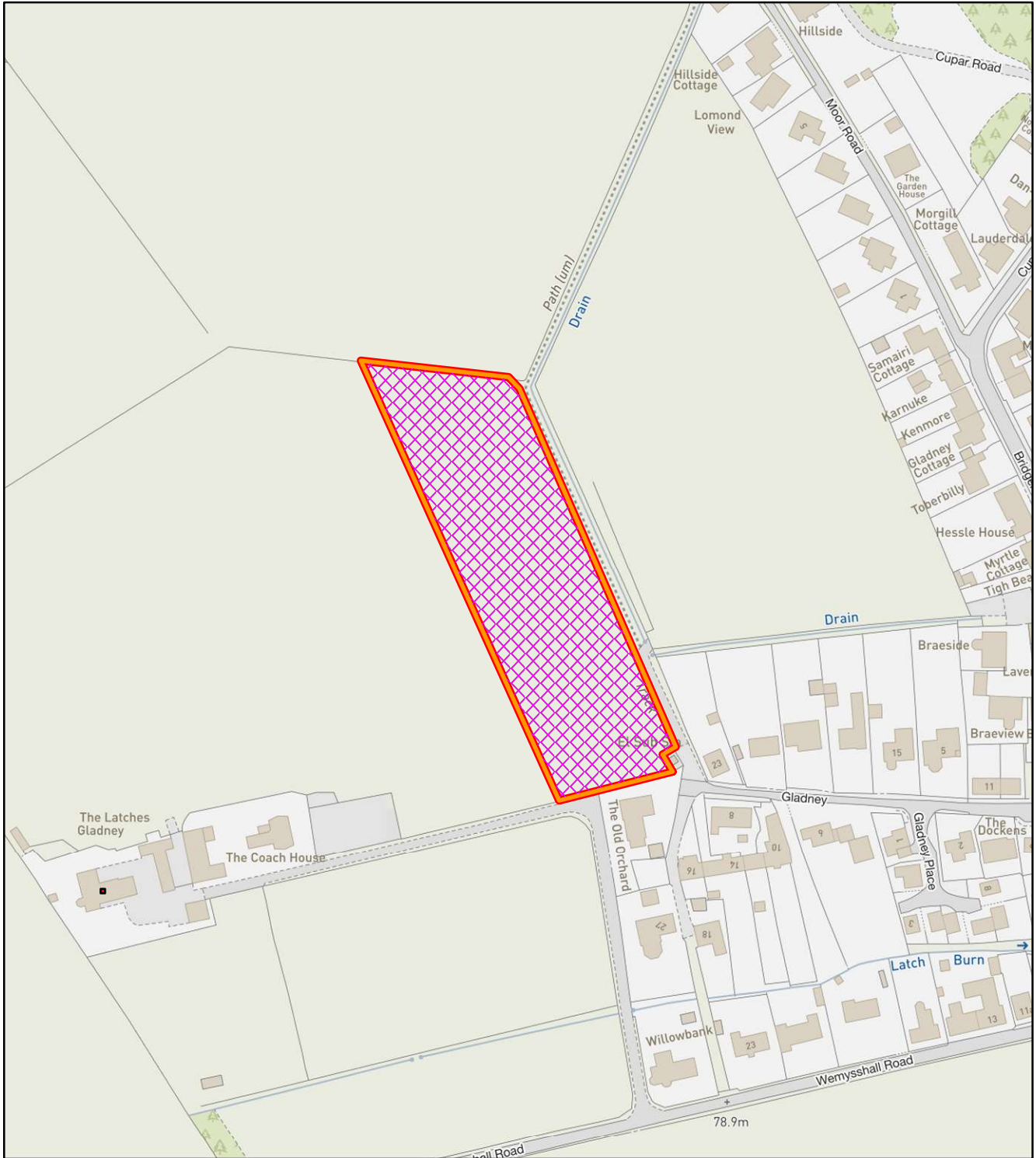
Other
Fife Council Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018)

Report prepared by Andy Taylor, Case Officer and Chartered Planner
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 31/10/22

Date Printed 14/10/2022

20/02392/FULL

Gladney Farm Wemysshall Road Ceres KY15 5LX

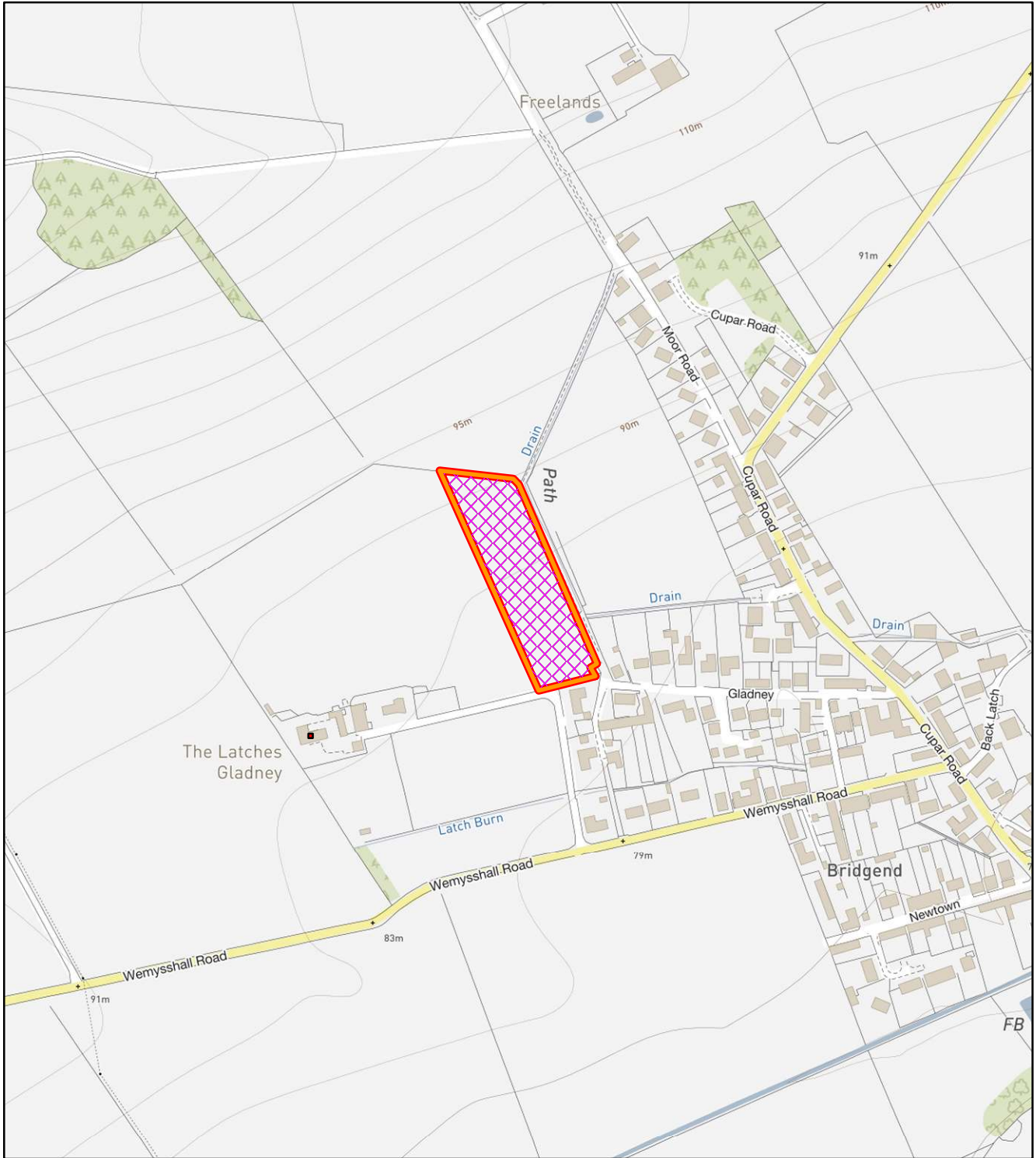


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Legend			
	Application Boundary		

20/02392/FULL

Gladney Farm Wemysshall Road Ceres KY15 5LX



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Legend			
	Application Boundary		

ITEM NO: 5

APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 22/00514/PPP

SITE ADDRESS: 12 BIRKHILL AVENUE WORMIT NEWPORT ON TAY

PROPOSAL: ERECTION OF DWELLINGHOUSE

**APPLICANT: MR TONY TURVEY
12 BIRKHILL AVENUE WORMIT NEWPORT ON TAY**

**WARD NO: W5R17
Tay Bridgehead**

CASE OFFICER: Andy Taylor

DATE REGISTERED: 22/02/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 objections have been received as well as an objection from a Statutory consultee.

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 BACKGROUND

1.1 The application site relates to an area of garden ground associated with 12 Birkhill Avenue, located within the settlement boundary of Wormit in an area which is predominantly residential. The application site sits significantly higher than the host dwelling. The garden has a number of scattered small trees and shrubbery with a single detached garage accessed from Crosshill Terrace. There are unobstructed views across the River Tay towards Dundee from the rear of the garden where the house is proposed. The large residential properties to the south-west of the site across Crosshill Terrace are at a higher level again. The application site is not within a conservation area nor within the curtilage of a listed building.

1.2 This is a planning application in principle for the erection of a dwellinghouse to be located within the rear garden ground of the existing dwellinghouse at 12 Birkhill Avenue.

1.3 There is no previous planning history for the site.

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

1.5. Procedural Issues

1.5.1 Newport, Wormit and Forgan Community Council as a statutory consultee objected to the development for reasons of potential overdevelopment.

2.0 ASSESSMENT

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

- Principle of Development
- Garden Ground
- Transportation
- Design/Visual Impact
- Residential Amenity
- Low Carbon Policy
- Houses in Multiple Occupation

2.2 Principle of 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 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.

2.2.2 As the proposal lies within the settlement boundary of Wormit as defined in the Adopted FIFEplan (2017) there is a general presumption in favour of development subject to satisfactory details. The proposal is for a residential development in an area where residential is the predominant surrounding land use and is therefore acceptable in land use terms. The proposal would therefore comply with the Development Plan in this respect and would be acceptable.

The overall acceptability of such a development must, however, also meet other policy criteria as detailed in 2.1 above and these issues are considered in detail below.

2.3 Design and Visual Impact

2.3.1 Scottish Planning Policy (2014), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017) and the Making Fife's Places Supplementary Guidance Document (2018) apply with regard to this proposal.

2.3.2 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, whilst also setting out that developments are expected to achieve the six qualities of successful places; distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond.

2.3.3 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.

2.3.4 Concerns have been raised in the submitted objections regarding the lack of detailed information submitted with this application in relation to the impact on the surrounding environment and the alleged overbearing impact it would have in the proposed location and lead to overdevelopment of the site. The surrounding area which is predominantly residential in nature comprises of rows large traditional stone built dwellinghouses along Crosshill Terrace and Birkhill Avenue at varying heights with views across the River Tay and Dundee characterised by large gardens to the front and rear. The proposed dwellinghouse would be a one-off development located in between the two streets. As this application seeks planning permission in principle, specific detailed design aspects do not form part of the submission, nor does it form part of the assessment of the application. No indicative plot layout or sketch plans have been submitted to demonstrate how the proposed development could be accommodated within the site. However, in this instance it is considered that the location of the proposed house would set an unacceptable precedent along Crosshill Terrace.

2.3.5 Having considered the prevailing layout of development in the area surrounding the proposal it is considered that the subdivision and development of this plot would set an undesirable precedent for housing along Crosshill Terrace and nearby streets to the detriment of the overall look of the surrounding streetscene and established pattern of development.

2.4 Garden Ground

2.4.1 SPP (2014) FIFEplan (2017) Policies 1 and 10 and Fife Council's Planning Customer Guidelines on Garden Ground (2016) apply. The SPP states that policies and decisions should be guided by a series of principles, including avoiding over-development, and protecting the amenity of new and existing development. Policy 10 of the Local Development Plan 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. Supporting text for policy 10 states that the impact on amenity of development proposals will be judged on a case-by-case basis taking into account the requirements of existing uses and also ensuring future proposed land uses are not compromised. Development types that will always require an assessment of amenity impact include development on garden ground. Fife Council's Planning Customer Guidelines on Garden Ground state that all new detached dwellings should be served by a minimum of 100 square metres of private useable garden space, with a building footprint to garden space ratio of 1:3. Minimum garden ground standards do not include space for garages, parking or manoeuvring vehicles.

2.4.2 The footprint of the proposed curtilage is approximately 200 square metres and sits considerable higher than the host dwellinghouse. Considering the minimum plot requirements, any proposed dwellinghouse would need to have a maximum footprint of no more than 70 square metres, taking into account the required parking and vehicle movement within the curtilage in addition to the recommended 100 square metres of useable garden ground. While no indicative drawings have been submitted, this assessment must take into account that this proposal is to create an acceptable layout on this site within the scope of this planning application. Although the application is for permission in principle only, it is considered that the lack of indicative information fails to demonstrate an acceptable layout in terms of acceptable garden ground provision once the required off-street parking has been taken into account. This assessment takes into account the prevailing surrounding settlement pattern and garden ground provision which generally provides significantly more garden ground than the minimum standard for nearby dwellinghouses, and the significant reduction of amenity for the existing dwellinghouse. On balance it is concluded that the proposal has not demonstrated in principle that the site can accommodate an acceptable layout for the proposed development: it could not comply with terms of the Development Plan and its associated guidance in terms of Residential Amenity (Garden Ground) and also provide the requisite off-street parking spaces. The site comprises an undersized plot in an existing and long-established residential scheme into which the proposed dwelling would be squeezed onto a site that is too small to accommodate the development. As such, it is considered that the proposal represents overdevelopment.

2.4.3 In conclusion, it is considered that the proposal has not demonstrated that the site could accommodate a layout that could comply with the residential amenity (garden ground) terms of the Development Plan and associated guidance. Instead, it is considered that the proposal represents overdevelopment, contrary to the SPP, and Policies 1 and 10 of the Adopted FIFEplan (2017).

2.5 Transportation

2.5.1 Policies 1 Development Principles and 3 Infrastructure and Services collectively require incorporation of safe transport infrastructure in connection with development. Appendix G: Fife Council Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.2 Objections have been raised in relation to road safety. The proposed development is for the erection of a dwellinghouse and must demonstrate that road safety concerns can be addressed. Among other matters, this includes demonstrating that sufficient off-street parking provision for the new development could be accommodated within the site without any other detrimental impacts. Guidelines state that 2-and 3-bedroom dwellinghouses must be provided

with a minimum of 2-off-street parking spaces per property. No indication of how the required parking or access can be achieved has been provided.

2.5.3 The expected vehicular access to the application site would be from Crosshill Terrace. Fife Council's Transportation Development Management team were consulted regarding this application. TDM have stated that a narrow footway runs along the site boundary on Crosshill Terrace and measures 1.2m in width. The Site is bounded by a 1.5m high stone-built wall which TDM state will require to be removed in order to create a vehicular access. The boundary wall continues to bound the adjacent properties and, in conjunction with the narrow footway, there is insufficient scope to achieve the required visibility splay of 2m x 25m. Visibility would be unacceptably obstructed for vehicles leaving any proposed access onto the Crosshill Terrace public road by permanent features which are outwith the applicant's control. This would be detrimental to the safety and convenience of all road users. In addition, there is a marked level difference between the site and the public road which will make it difficult to achieve a 1:10 gradient required for any parking area as required by the current transportation guidelines. In addition, it is considered that the proposal has not demonstrated that the site could accommodate a layout that could provide the off-street parking provision required by the terms of the Development Plan and associated guidance. In addition, it is considered that the proposal represents overdevelopment, particularly due to the lack of documented evidence being provided to show otherwise, contrary to the SPP, and Policies 1 and 3 of the Adopted FIFEplan (2017).

2.6 Residential Amenity

2.6.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017), Fife Council Customer Guidelines on Daylight and Sunlight (2022) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

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

2.6.3 As per the guidance, sunlight is considered to be the rays of light directly from the sun from a southerly direction, whereas daylight is the diffuse light from the sky that can come from any direction. The guidance considers these two forms of natural light as follows; sunlight received by residential properties' main amenity spaces; and daylight received by neighbouring windows serving habitable rooms. The guidance details the 25 degree and 45-degree assessments to measure the impact of loss daylight as a consequence of a development. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the angle between the windows increases. Fife Council's Planning Customer Guidelines on Garden Ground advises that plain, glazed windows directly opposite each other in different buildings must be at least 18 metres apart to make sure residents have privacy. If there is a road or pavement between the buildings, or a permanent, high barrier that blocks the view, this distance can be less.

2.6.4 Objections were submitted regarding potential overlooking from the proposed dwellinghouse, construction issues and loss of general amenity. Environmental Officers reiterate the construction issues and recommend restricting construction hours of operation. EH officers

have powers under EH legislation to control construction work, however this is not a determining factor in the assessment of this planning application.

2.6.5 The limited information provided with a planning permission in principle application means that it is not possible or appropriate to assess what impact if any a proposal may have on the residential amenity of adjacent properties. While the concerns of the submitted representations are acknowledged it is considered that the proposed dwellinghouse could be designed in such a way to ensure that there would be no significant or additional residential amenity issues raised with regard to loss of privacy and overlooking, daylight and sunlight on neighbouring properties. There is some concern that unacceptable levels of overlooking to the rear of the properties to the north in Birkhill Avenue could occur through any future design, particularly if the house was be designed to take in the views across the River Tay.

2.6.6 It is considered, therefore, that a proposal could be designed to comply with the above guidance on residential amenity. These issues, however, would be assessed as part of a future detailed design proposal. Because this is an application for planning permission in principle this is not therefore the main determining factor in this instance.

2.7 Drainage

2.7.1 Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard 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. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a number of criteria, including that they will not individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. The Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' sets out the Council's requirements for information to be submitted for full planning permission to ensure compliance. Finally, CAR requires that SuDS are installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.7.3 No detailed flooding and surface water drainage information has been submitted as part of this planning permission in principle application, although it is suggested that a soakaway could be supplied if required.

2.7.4 Objections have been received in relation to flooding and drainage issues. As this application is for PPP to establish the principle for the development of a residential plot if the application were considered acceptable a condition would be included to secure an acceptable surface water drainage system.

2.7.5 It is considered, therefore, that a proposal could be designed to comply with the above guidance on flooding and drainage. However, again this is not a determining factor in this instance.

2.8 Low Carbon Policy

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

2.8.2 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning application applicants are expected to submit a completed sustainable building statement (Appendix B of the guidance).

2.8.3 No Low carbon details have been submitted at this principle only stage.

2.9 Houses in Multiple Occupation

2.9.1 Policy 2 of the Adopted FIFEplan advises that the use of a new build house or flat as a house in multiple occupation will not be permitted unless the development is purpose built for that use and that the Council will impose this restriction by applying a condition to planning permissions.

2.9.2 The proposal is not intended for HMO use at this time and a suitable condition could be applied to ensure that the property would not be used as an HMO in the future unless a further application for that use is submitted for consideration. This issue, however, could be assessed as part of a future detailed design proposal. This is not a determining factor in this instance.

CONSULTATIONS

TDM, Planning Services	Transportation Development Management object to the application.
Environmental Health (Public Protection)	Recommend condition regarding construction hours
Scottish Water	No objections with comments

REPRESENTATIONS

Fifty representations have been received in relation to this application, 10 in support and 40 objecting, including one from Newport, Wormit and Forgan Community Council on the following grounds;

- Road Safety

See Section 2.5

- Construction issues regarding work across the other side of Crosshill Terrace

See Section 2.6

- Drainage/flooding Issues

See Section 2.7

- Adverse Visual Impact/ out of character of historical environment

See Section 2.3

- Garden ground (green spaces) should be protected

See Section 2.4

- Overlooking

See Section 2.6

- Overbearing on proposed site

See Section 2.3

- The proposal could set a precedent along Crosshill Terrace

See Section 2.3

- Housing available elsewhere/no need for dwellinghouse

This is not relevant in the assessment of this application

- Loss of Amenity

See Section 2.6

- Overshadowing/Daylight/Sunlight issues

See Section 2.6

- Issues with location of the proposed dwelling in relation to neighbouring properties/curtilages

- Lack of details

There is no requirement for detailed drawings to be submitted with this planning permission in principle application though discussed further in Section 2.3

- Overdevelopment

See Section 2.6

- Causing Neighbourhood disputes

This is not a material planning consideration

- Height issues

There is no requirement for detailed drawings to be submitted with this planning permission in principle application

- Impact on electricity Supply

This is not a material planning consideration

- Block Plan incorrect

This has been looked at and not a determining factor in the recommendation of this application

- Possible issue with bin storage and collection

Principle stage only, not a determining factor

- Only interested in selling and making a profit

This is not a material planning consideration

- No mention of postal address

This is not a material planning consideration

- Photos too old and from before 2020

Not material as other photographic information was available

CONCLUSIONS

This planning permission in principle application has been considered in terms of its compliance with the development plan and associated guidance with respect to the principle of development, the impact on road safety, residential amenity, design, and low carbon policy. It is considered that, by virtue of the location of the site within the garden of 12 Birkhill Avenue, the development would be an incongruous addition to public streetscape that would compromise the relationship of the house to the existing building line, contrary to Policies 1C and Policy 14 of the Adopted FIFEPlan (2017) and the Making Fife's Places Supplementary Guidance (2018). Furthermore, by virtue of its under-provision of garden ground, it is considered that the development would not provide an acceptable standard of garden ground for a new dwellinghouse, contrary to the SPP (2014), Policies 1 and 10 of the Adopted FIFEPlan (2017) and Fife Council's Planning Customer Guidelines on Garden Ground (2016). Lastly, by virtue of the proposed parking layout representing a triple width or more, and the fact that the proposed car-parking fails to provide sufficient visibility splays to the south of the proposed access onto Ogilvy Place, it has been found that the development would compromise pedestrian and vehicular safety, contrary to Policies 1, 3 and 10 of the Adopted FIFEPlan (2017) and the Making Fife's Places Transportation Guidelines (2018).

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of preserving the character of the public streetscape of Birkhill Avenue and Crosshill Terrace, Wormit; by virtue of its location and topography, the development would be an incongruous addition to the public streetscape that would compromise the building line established by existing properties, contrary to Policies 1C and Policy 14 of the Adopted FIFEPlan (2017) and the Making Fife's Places Supplementary Guidance (2018).
2. In the interests of road safety; A narrow footway runs along the site boundary on Crosshill Terrace and measures 1.2m in width. The Site is bounded by a 1.5m high stone-built wall which will require to be removed in order to create a vehicular access. The boundary wall continues to bound the adjacent properties and, in conjunction with the narrow footway, there is insufficient scope to achieve the required visibility splay of 2m x 25m; in addition, there is a marked level difference between the site and the public road which will make it difficult to achieve a 1:10 gradient required for any parking area. Therefore, the development would compromise pedestrian and vehicular safety, contrary to Policies 1, 3 and 10 of the Adopted FIFEPlan (2017) and the Making Fife's Places Transportation Guidelines (2018).
3. In the interests of residential amenity; by virtue of its under-provision of garden ground, the development would not provide an acceptable standard of garden ground for a new dwellinghouse, thereby constituting over-development, contrary to the SPP, Policies 1 and 10 of the Adopted FIFEPlan (2017) and Fife Council's Planning Customer Guidelines on Garden Ground (2016).

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

PAN 1/2011: Planning and Noise

PAN 2/2010: Affordable Housing and Housing Land Audits

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Scottish Government Designing Streets (2010)

Historic Environment Scotland Historic Environment Policy for Scotland (May 2019)

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

Historic Environment Scotland New Design in Historic Settings (2010)

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Affordable Housing Supplementary Guidance (2018)
Planning Obligations Supplementary Guidance (2017)

Other Guidance:

Fife Council Transportation Development Guidelines

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

Fife Council Planning Customer Guidelines on Garden Ground (2016)

Fife Council Planning Customer Guidelines on Daylight and Sunlight (2022)

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

Fife Council Newport on Tay Conservation Area Appraisal and Management Plan (2018)

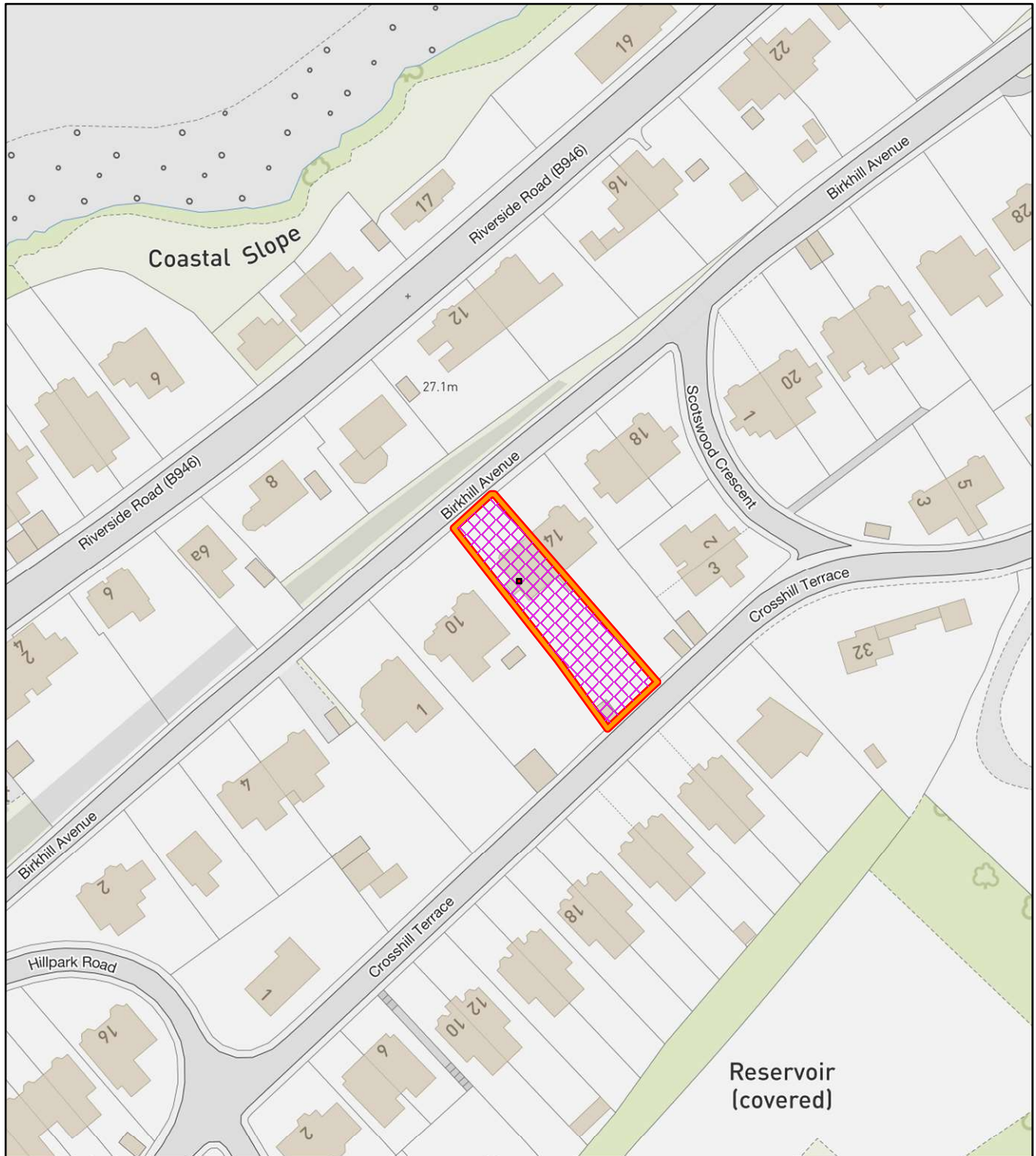
Report prepared by Andy Taylor, Case Officer and Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 31/10/22

Date Printed 14/10/2022

22/00514/PPP

12 Birkhill Avenue Wormit Newport On Tay DD6 8PX



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 6

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01734/FULL

SITE ADDRESS: 29 CASH FEUS STRATHMIGLO CUPAR

PROPOSAL: ERECTION OF DWELLINGHOUSE

**APPLICANT: MR RANALD MACDONALD
29 CASH FEUS STRATHMIGLO CUPAR**

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

CASE OFFICER: Andy Taylor

DATE REGISTERED: 16/06/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than five objections have been received.

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 is located within garden ground to the rear of 29 Cash Feus within the settlement boundary of Strathmiglo. Access to the site is from the eastern side of the shared access with No 29. The surrounding area is predominantly residential within an eclectic mix of housing of various heights, styles and sizes. The site within existing garden ground can be classed as “backland” and would sit adjacent Drunhannan Cottage on the eastern side. The application site is not within any conservation area. The proposed dwelling would have views of open fields to the south.

1.2 This application is for planning permission for the erection of a one and a half storey dwellinghouse with associated access, integral garage and curtilage. The proposed dwelling would have 3 bedrooms and would share the existing access with 29 Cash Feus. Covered decking is proposed to the rear.

1.3 There is no relevant planning history on this site.

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

2.0 Planning Assessment

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity
- Garden Ground
- Road Safety
- Potentially Contaminated Land
- Low Carbon Policy
- Houses in Multiple Occupation

2.2 Principle of Residential 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 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.

2.2.2 The proposal lies within the settlement boundary of Strathmiglo as defined in the Adopted FIFEplan (2017) therefore there is a presumption in favour of development subject to satisfactory details. The proposal is for a residential development in an area where residential is the predominant surrounding land use and is therefore acceptable in land use terms. The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

2.3 Design and Visual Impact

2.3.1 Scottish Planning Policy advises that planning should take every opportunity to create high quality places by taking a design-led approach and planning should support development that is designed to a high-quality, which demonstrates the six qualities of successful place. These six qualities are distinctive; safe and pleasant; welcoming; adaptable; resource efficient and easy to move around and beyond. Emphasis should be placed on design that provides a sense of place and which takes the context of the surrounding area into account. This advice is mirrored within FIFEPlan Policy 14 and Making Fife's Places which require a high quality of design in order to create successful places. FIFEPlan Policy 10: Amenity states that development proposals must demonstrate that they will not have a significant detrimental impact on amenity in relation to the visual impact on the surrounding area.

2.3.2 Objections have been raised in relation to the inappropriate character and design of the proposed dwelling. The proposed one and a half storey dwellinghouse is of a modern design, but would sit sympathetically within the surrounding context given the design of surrounding properties because its massing, pitched-roof design, and the materials and finishing proposed are compatible with the existing context. In terms of design and impact on the streetscape, it is considered that the proposed dwellinghouse is appropriately scaled and would have no significant detrimental impact on the public streetscene or on surrounding properties. It is therefore considered that in terms of design, form, scale, materials and finishing the proposal is acceptable, and would have no significant detrimental effect on the appearance of the surrounding area.

2.3.3 In light of the above, the development is considered acceptable, complying with the design and visual amenity terms of the relevant policies and guidelines noted in paragraph 2.3.1 above.

2.4 Residential Amenity

2.4.1 Policy 1 and 10 of the FIFEplan, and Fife Council's Planning Customer Guidelines on Daylight and Sunlight, Minimum Distance between Window Openings (2011), and Garden Ground apply. Policy 10 states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.4.2 Fife Council Customer Guidelines on Daylight and Sunlight (2022), advises that new development should not lead to the loss of privacy or sunlight and daylight. Sunlight is considered to be the rays of light directly from the sun from a southerly direction, whereas daylight is the diffuse light from the sky that can come from any direction. The guidance considers these two forms of natural light as follows; sunlight received by residential properties' main amenity spaces; and daylight received by neighbouring windows serving habitable rooms. The guidance details the 25-degree and 45-degree assessments required to measure the impact of loss daylight as a consequence of a development. Fife Council's Minimum Distance between Window Openings (2011) guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the angle between the windows increases. 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 generally have a minimum of 100 square metres of useable private garden ground and to provide a plot ratio of 1:3.

2.4.3 Objections have been received regarding various amenity issues which could potentially occur with the erection of a single dwelling on this site. Issues raised include, loss of privacy, bin storage issues, impact on elderly neighbour, and overshadowing particularly on the properties Drumhannan Cottage and Cleadale. The rear of the garden of 29 Cash Feus has high boundary treatments of both walls and timber fencing on either side. The proposed dwelling would site level to the side of Drumhannan Cottage on the eastern side and would sit 10m to the north-east of Cleadale. The proposed dwellinghouse itself would be one and a half storey with pitched roof and extension to the rear. The rear extension would have sliding doors facing eastwards towards the more northerly garden area of Cleadale. All objections have been considered. In this particular case, it is considered that the house has been designed, scaled and positioned to ensure no third-party neighbouring property is adversely affected in terms of privacy and overshadowing. The dwellinghouse, through its orientation, distance and fenestration details would not overlook any of the existing neighbouring dwellinghouses. The proposed development would secure an acceptable relationship for occupiers of the proposed house and the adjacent residential dwellinghouses which neighbour the wider development site. With regards to bin storage issues raised, it is unlikely that any material problems would arise given the size of the proposed garden and access to and from it is sufficient. The proposal therefore complies with the Development Plan and supplementary guidance in relation to the protection of residential amenity.

2.4.4 Fife Council Environmental Health Officers have been consulted and have stated that they have no objections to the proposals however all mechanical plant, machinery and equipment shall comply with NR25 in bedrooms (during the night) and NR 30 in all habitable rooms (during the day), when measured within any relevant noise sensitive property, with windows open for ventilation. This relates to the proposed air source heat pump. This will be subject to an appropriate condition being imposed. In addition, they have recommended that restricted hours of construction be considered. However, Environmental Health (Protective Services) can control noise from construction sites by serving a notice under the Control of Pollution Act 1974, Section 60. This notice can specify the hours during which work may be carried out should issues arise.

2.4.5 In light of the above, the proposal does not raise any significant issues regarding loss of privacy, overlooking, daylight or sunlight and therefore complies with the development plan and guidelines relating to residential amenity.

2.5 Garden Ground

2.5.1 Fife Council's Planning Customer Guidelines on Garden Ground (2016) apply in this instance.

2.5.2 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.

2.5.3 In this case, the proposed dwellinghouses would provide sufficient private garden ground and meet the 1:3 plot ratio criteria as outlined above. The proposal is therefore acceptable and complies with the supplementary guidance in this regard.

2.6 Road Safety

2.6.1 FIFEplan policies 1, 3 and 10 apply. These policies indicate that new developments must demonstrate how they address any resultant impacts on road safety, including the provision of additional infrastructure if necessary. Policy 3 of the Adopted FIFEplan advise that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Planning Supplementary Guidance (2018).

2.6.2 Fife Council's Transport Development Management Team (TDM) was consulted and stated that they have no objections to the proposal, subject to certain standard road safety conditions which have been appended to this consent.

2.6.3 In light of the above, the proposal is considered to comply with relevant FIFEPlan policies and associated guidelines in this regard, subject to conditions.

2.7 Low Carbon Policy

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

2.7.2 Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning applicants are expected to submit a completed low carbon statement.

2.7.3 The applicant has submitted a low carbon statement which is considered to be acceptable. The building will be heated using an air source heat pump and photo voltaic panels complying with the policy requirements for renewable energy generation. The proposal would therefore comply with Development Plan Policy in this respect.

2.8 Houses in Multiple Occupation

2.8.1 Policy 2 of the Adopted FIFEplan advises that the use of a new build house or flat as a house in multiple occupation will not be permitted unless the development is purpose built for that use and that the Council will impose this restriction by applying a condition to planning permissions.

2.8.2 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
Land And Air Quality, Protective Services

No objections
Potential for contamination, condition recommended

Environmental Health (Public Protection)

Concerns regarding construction work and potential noise from air source heat pump

TDM, Planning Services

Approve with conditions

REPRESENTATIONS

Twenty-two representations have been received objecting on the following grounds;

- Road Safety Issues

See Section 2.6

- Privacy issues

See Section 2.4

- Traffic noise and emissions

The proposed property is a single dwellinghouse in a residential area and not considered to be a material consideration in this case.

- House too large/high

See Section 2.3

- Bin storage issues

See Section 2.3

- Overshadowing

See Section 2.4

- Land ownership private legal discrepancy

Private legal matters are not material planning considerations

- Back land development

The council no longer has any policies on backland development, the proposed dwelling sits adjacent Drunhannan Cottage which is similar and sits well in the immediate area.

- Impact on elderly neighbour

This is not a material planning consideration

- Inappropriate design/out of character

See Section 2.3

- Various issues on land to the rear of the application site (Impact on Wildlife)

The area is garden ground with no natural heritage implications and as such not considered material.

- Impact on neighbouring property Cleadale

See Section 2.4

CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the Development Plan, relevant National Guidance and relevant Fife Council Customer Guidelines. The proposal is compatible with the area in terms of land use, whilst it has been designed in such a way to not cause any detrimental impact to the amenity of the surrounding area, create any adverse road safety concerns, is of a design and scale appropriate to the area and meets the council's garden ground and plot ratio requirements and is therefore considered acceptable.

RECOMMENDATION

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

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

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

2. Houses in Multiple Occupation: The dwellinghouse proposed 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 the residential unit hereby approved shall not 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)

3. Prior to the occupation of the proposed dwellinghouse, there shall be 2 No. off street parking spaces provided for that dwellinghouse as shown on Drawing No. 21-02516 (2-) 01 Rev A 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.

4. Prior to the occupation of the proposed dwellinghouse, there shall be provided within the curtilage of the site, a turning area for a car to allow all cars making use of the access driveway to enter and exit the driveway in a forward gear. The turning area shall be formed outwith the parking area 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.

5. 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.

Reason: In the interests of protecting local amenity.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance:

Scottish Planning Policy (2014)

Development Plan:

Adopted FIFEplan Fife Local Development (2017)

Making Fife's Places (2018)

Making Fife's Places Transportation Development Guidelines

Other Guidance:

Fife Council's Planning Customer Guidelines on Garden Ground (2007)

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2022)

Fife Council's Minimum Window Distance Guidelines

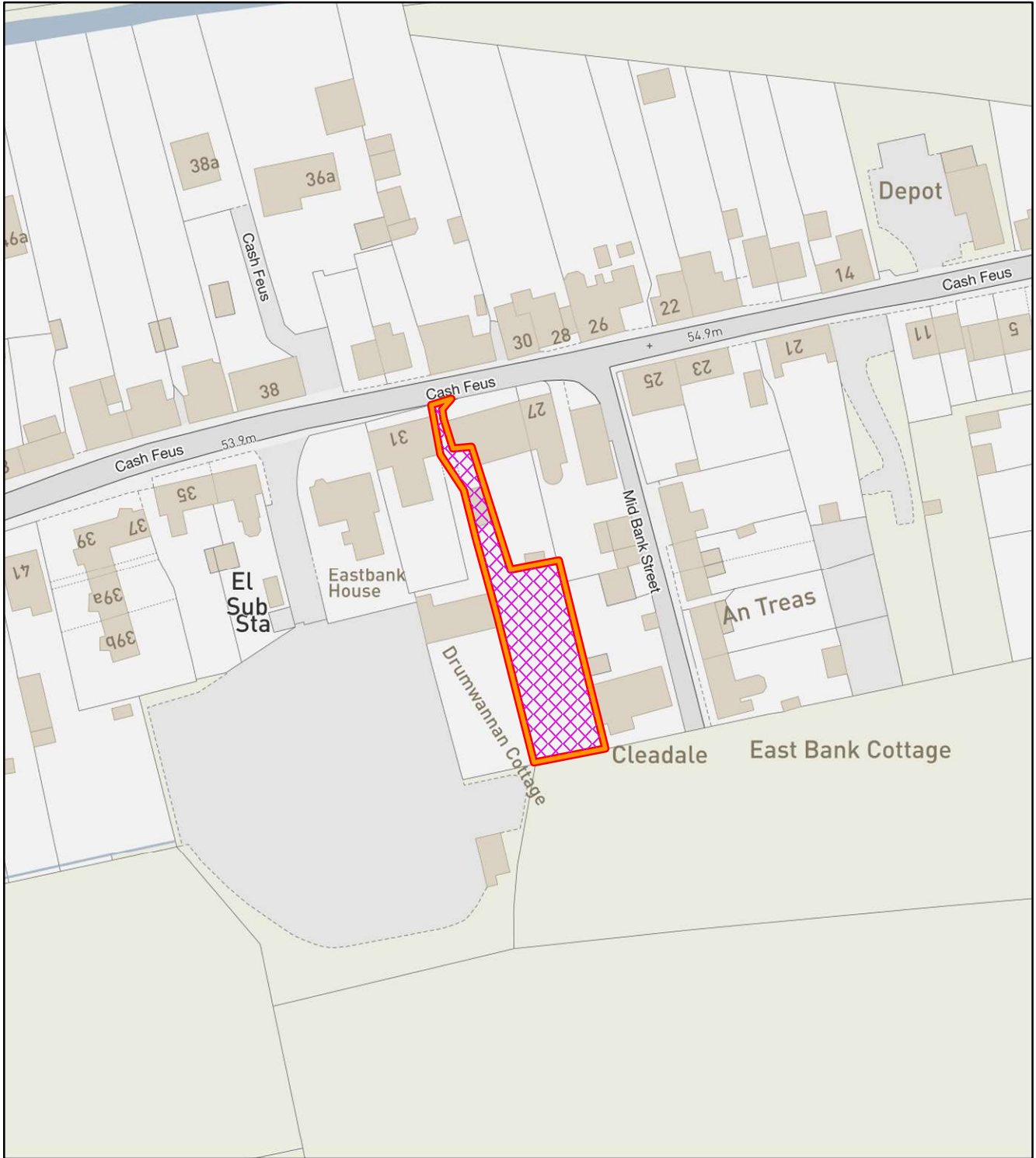
Report prepared by Andy Taylor, Case Officer and Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead)
31/10/22.

Date Printed 14/10/2022

22/01734/FULL

29 Cash Feus Strathmiglo Cupar KY14 7QT



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO:	7
APPLICATION FOR FULL PLANNING PERMISSION REF:	22/01263/FULL
SITE ADDRESS:	LAND EAST OF PITLETHIE ROAD AND NORTH OF FETTERDALE FIELDS LEUCHARS
PROPOSAL :	ERECTION OF 49 AFFORDABLE DWELLINGS, FORMATION OF VEHICULAR ACCESSES, OPEN SPACE AND DRAINAGE INFRASTRUCTURE
APPLICANT:	KINGDOM HOUSING ASSOC. & CAMPION HOMES LTD SALTIRE CENTRE PENTLAND COURT GLENROTHES
WARD NO:	W5R17 Tay Bridgehead
CASE OFFICER:	Jamie Penman
DATE REGISTERED:	04/05/2022

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

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

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.1 Background

1.1.1 This application proposal relates to an area of land which measures approximately 1.95Ha and is located out with, but immediately to the north of the defined settlement boundary of Leuchars. The application site is defined as prime agricultural land (with minor climate limitations). There are no notable areas of mature vegetation present. There is no formal vehicular access into the site, however, there is a point of access onto Pitlethie Road which has been used for agricultural purposes. The application site is generally flat and agricultural fields bound the site to the north and east, there are existing residential properties which are within the Leuchars settlement boundary to the south and Pitlethie Road and residential properties are located to the west. The application site is located within the Leuchars & Wormit Area Archaeological Regional Importance

1.1.2 The application proposal is for the erection of 49 affordable dwellings, formation of two points of access and associated infrastructure and landscaping works. The proposal includes a mix of property types including both single-storey bungalows (5) and two-storey houses (44). The properties would present in either a detached, semi-detached or terraced arrangement. The principal point of access would be from Pitlethie Road, which would provide a loop within the application site with a secondary point of access being provided into the Castle Knowe development which is located immediately to the south. The proposed dwellinghouses would all largely have a frontage onto the internal loop road, with parking being provided within parking courts, or in-curtilage to the side of dwellings. All properties would have a small front garden with a larger private rear garden. A consistent mix of finishing materials would be used across the site which would include a smooth white render, areas of grey weatherboard cladding and grey concrete roof tiles. Each property would also be equipped with solar panels. A mix of boundary treatments are proposed throughout the site which includes low level stone walls, timber fencing and hedge planting. Landscaping is being proposed throughout the site with areas of grass, hedge and tree planting being provided. An area of open space is shown on the proposed site plan along with a suds basin towards the north east boundary of the site.

1.1.3 There is no planning history associated with this site.

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

- Google imagery (including Google satellite imagery); and
- GIS mapping software

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

1.2 Procedural Issues

1.2.1 With regard to The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the proposal is a Local Application given the site area is less than 2Ha and less than 50 houses are being proposed. As such, no formal pre-application consultation was required. However, it is understood that the applicant carried out voluntary public engagement event with members of the public the statutory neighbour notification procedure was undertaken by the Planning Authority with the proposal also being advertised in the local newspaper.

1.2.2 It is understood that Fife Council will purchase all of the units for the purposes of providing social rented housing. Circular 3/2009: Notification of Planning Applications advises that in certain circumstances where an authority has a financial interest in the development, notification to Scottish Ministers must be made prior to the grant of planning permission. As this proposed development is not significantly contrary to the Local Development Plan, in that an approval would not undermine the land use strategy of the plan, there is no requirement for notification of the application to Scottish Ministers. PAN82: Local Authority Interest Developments also applies. The PAN advises that notwithstanding the Council's interest in the development, the Planning Authority must still carry out its statutory planning functions without interference. Furthermore, the Committee must carry out a thorough planning assessment, following all necessary procedures, and reach a decision in accordance with the development plan, unless material considerations indicate otherwise. It must be noted that the Council's support for the development must not take precedence over the need for a proper and fair planning assessment.

2.1 Planning Assessment

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

- Principle of Development (2.2)
- Design and Visual Impact (2.3)
- Residential Amenity (2.4)
- Sustainable Travel and Road/Pedestrian Safety (2.5)
- Land and Air Quality (2.6)
- Flooding/Drainage (2.7)
- Natural Heritage (2.8)
- Planning Obligations (2.9)
- Low Carbon Fife (2.10)
- Archaeology Impact (2.11)
- MOD Comments (2.12)

2.2 Principle of Development

2.2.1 FIFEplan (2017) Policy 1 Development Principles applies and states that development proposals will be supported if they conform to relevant development plan policies and proposals and address their individual and cumulative impacts. Part A of Policy 1 states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan. As the application site is located out with the settlement boundary of Leuchars, it is located within the countryside. As such, FIFEplan Policy 7 (Development in the Countryside) applies and states that development in the countryside will only be supported where it is for housing in line with Policy 8 (Houses in the Countryside). Policy 8 states that development of houses in the countryside will only be supported where it is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes). Policy 2 states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply on sites allocated for housing in the Local Development Plan or on other sites provided the proposal is compliant with the policies for the location. Policy 2 further states that the development of sites adjacent to settlement boundaries, excluding green belt areas, solely for the provision of small-scale affordable housing, may be

supported where there is established and unmet local need and if no alternative site is available within a settlement boundary. Policy 2 continues to note that in such instances, priority will be given to the redevelopment of brownfield sites. Policy 2 also advises on an acceptable scale of affordable housing developments which are adjacent to a settlement boundary. It states that development will reflect the character of the settlement - a maximum of 20 units for settlements with fewer than 200 households; a maximum of 30 units for settlements of between 200 and 1,000 households; and a maximum of 49 units for settlements of greater than 1,000 households. FIFEplan Policy 7 (Development in the Countryside) also applies and states that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need.

2.2.2 Submitted objection comments raise concerns with the proposal given it consists of a non-allocated, greenfield site. Comments also note that there is no need for affordable housing in Leuchars. Some comments also raise issue with the application site being prime agricultural land and that if developed, the site would no longer be available for agriculture or recreation.

2.2.3 The application site is adjacent to, but out with the settlement boundary of Leuchars and as such, is located within the countryside as defined by FIFEplan (2017). The principle of development cannot therefore be automatically accepted and must comply with FIFEplan Policies 1, 2 and 7 as noted above. The applicant has submitted a supporting statement with the application which considers alternative sites within the settlement boundary, as required by FIFEplan Policy 2. The supporting statement notes that a review of vacant sites within the settlement boundary was undertaken with only 1 LDP allocated site being identified (LEU001). This site covers an area of 16Ha on the western boundary of Leuchars and has an approximate capacity of 200 units. The supporting statements gives an overview of the planning history of the site and whilst applications have been made, there has been no further progress on the site. Notwithstanding, the site is significantly larger than that required from the proposed development. Piecemeal development on the allocated site would not be supported and as such, this site can be discounted from the site selection appraisal. The supporting statement also notes that a review of Vacant & Derelict Land sites with none being identified. In light of the foregoing, it has been demonstrated that there is no alternative site within, or brownfield site adjacent to, the settlement boundary. With this being the case, the development must also demonstrate that there is a proven need for such a development in the area.

2.2.4 Fife Council's Affordable Housing Team was consulted on this application and has advised that there is a need for more affordable housing in the settlement of Leuchars and that this can be demonstrated by considering data extracted from the Fife Housing Register. The consultation response continues by noting that there are 319 applicants who specified Leuchars as an area of choice and that there is a shortfall of 216 units within the local housing strategy area. The Affordable Housing Team also note that the housing mix presented reflects the needs for affordable housing identified in the Local Housing Strategy Area (LHSA). In light of the foregoing, it has been confirmed that there is a proven local need for more affordable housing in the area. No significant concerns would therefore be raised with regard to objection comments which cite that no more affordable housing is required within Leuchars. With this being the case, the development must also demonstrate that it is of an acceptable scale, given it is located out with the settlement boundary.

2.2.5 The application proposal is for 49 units. FIFEplan Policy 2 notes that for settlements which contain over 1,000 households, a development of a maximum of 49 units would be acceptable. Leuchars has over 1,000 households, therefore the scale of development presented in this application would be acceptable.

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

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

2.3 Design and Visual Impact

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

2.3.2 Submitted objections raised concerns in terms of the visual impact of the development. These concerns apply to the impact on the adjacent settlement boundary and the wider countryside environment. Concerns are also raised with regard to the impact on a listed building and a scheduled monument.

2.3.3 This application proposal is for the erection of 49 affordable dwellings, formation of two points of access and associated infrastructure and landscaping works. The proposal includes a mix of property types including both single-storey bungalows (5) and two-storey houses (44). The properties would present in either a detached, semi-detached or terraced arrangement. The principal point of access would be from Pitlathie Road, which would continue on to provide a loop within the application site, with a secondary point of access being provided into the Castle Knowe development which is located immediately to the south. The proposed dwellinghouse would all largely have a frontage onto the internal loop road, with parking being provided within parking courts, or in-curtilage to the side of dwellings. All properties would have a small front garden with a larger private rear garden. A consistent mix of finishing materials would be used across the site which would include a smooth white render, areas of grey weatherboard cladding and grey concrete roof tiles. Each property would also be equipped with solar panels. A mix of boundary treatments are proposed throughout the site which includes low level stone walls, timber fencing and hedge planting. Landscaping is being proposed throughout the site with areas of grass, hedge and tree planting being provided. An area of open space is shown on the proposed site plan along with a suds basin towards the north east boundary of the site.

2.3.4 The site would represent a modern design in terms of its layout and finishing materials and would largely reflect the existing settlement pattern in the surrounding area. The site layout shows good levels of permeability through the site and includes provision of links for potential further expansion, which demonstrates good sustainable design. The properties themselves are

similar in scale and massing to those already found in the surrounding area and together with the proposed spacing and an effective parking strategy, would ensure that the site does not appear overdeveloped. A significant amount of landscaping has also been proposed throughout the site which would not only provide a biodiversity benefit, but also help ground the development in its place. Whilst the development would be adjacent to existing houses along the southern and western boundaries, given the separation distances which are proposed (15m between Pitlethie Lodge and 18m with houses on Fetterdale Fields/Cowbackie Crescent), no significant concerns would be raised with regard to the proposed dwellings being overbearing.

2.3.5 Given the application site's edge of settlement location, its visual impact on the wider countryside environment is an important consideration. The site is fully visible from within the countryside from the north and east. The site has however been designed appropriately and includes a semi-rural massing and spacing between properties which helps soften its visual impact on the wider area. This is also helped through a robust landscaping strip along the northern and eastern boundaries. The proposal would represent an extension to the existing settlement and raise no significant visual concerns in terms of its impact on the countryside. Similarly, when viewed from within the settlement boundary to the south and west, it would raise no significant visual impact concerns.

2.3.6 There is a listed building (Category B Pitlethie House) located approximately 50m to the west of the site. Given the distance that separates the listed building from the site and that it is separated by an intervening road, no significant concerns would be raised with regard to a visual impact on its setting.

2.3.7 The application site is also located close to a Scheduled Monument (Prehistoric domestic and defensive: enclosure) which covers a large area approximately 100m to the east of the site. Given the distance that separates the site from the designation, no significant concerns would be raised in this regard.

2.3.8 In light of the above, whilst the application site is located within the countryside, it is adjacent to the existing settlement boundary line. Through effective design, the proposal would represent a minor expansion to the existing settlement boundary and would raise no significant visual impact concerns with regard to the existing settlement, the surrounding countryside or heritage assets within the vicinity of the site. Internally, the development will create a pleasant living environment and would be comparable to many other existing housing estates within Leuchars. The proposal would therefore comply with FIFEplan Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance.

2.4 Residential Amenity

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

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

2.4.3 The application site has been designed in such a way which would negate any significant overlooking or overshadowing conflicts. This applies to both properties located along the site boundary and to the location of the proposed properties within the site. With regard to Pitlithie Lodge on the western boundary, the proposed bungalows would be located 15m away from the eastern boundary of the property. Given this separation distance combined with the single storey nature of the property, no significant overshadowing or privacy impacts would arise. With regard to the southern boundary, given the proposed development would be located to the north of the existing houses, no overshadowing concerns would be raised. Furthermore, with regard to privacy, where potential conflicts do arise, these would be negated by a separation distance of more than 18m. Plots 31 and 34 would be situated gable-on to the nearest neighbouring houses and Plot 44, whilst it would contain a window on its gable, this would serve a bathroom and be obscurely glazed, therefore no significant privacy concerns would be raised.

2.4.4 A range of rear private garden ground sizes have been provided. These range from around 70sqm to over 100sqm. Whilst some of the proposed garden ground do not meet Fife Council's Customer Planning Guidelines on Garden Ground Sizes, smaller gardens have largely been assigned to smaller properties. The difficulty in providing 100sqm of garden ground for terraced properties must also be recognised given these would need to be excessively long for guideline to be achieved. Notwithstanding, the development includes a range of garden sizes which would not only enable choice, but also provide sufficient amenity space to carry out day to day domestic activities.

2.4.5 Given the domestic nature of the proposal, no significant concerns would be raised with regard to light pollution or noise impacts on neighbouring properties. Furthermore, as with any development, some impacts are likely to arise during the construction period, however, these will only be temporary. If any significant impacts arise during the construction period, Environmental Health can take action in line with legislation relevant to their department. A construction management plan has been submitted by the applicant which considers how any impacts that may occur will be minimised. Also, no significant concerns would be raised with regard to increased traffic levels from the development impacting on existing levels of residential amenity.

2.4.6 Fife Council's Environmental Health Team have been consulted on the application and have raised no immediate concerns. They do note that the underground foul water pumping station may have adverse noise impacts, however, this can be controlled by condition which has been added to this consent.

2.4.7 In light of the above, the proposal would raise no significant residential amenity concerns. The proposal would therefore comply with FIFEplan Policies 1, 10 and Making Fife's Places Supplementary Planning Guidance.

2.5 Sustainable Travel and Road/Pedestrian Safety

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

2.5.2 Concerns have been raised in submitted objection comments with regard to road safety impacts that may be associated with the development. Concerns have been raised with regard to additional traffic that would be generated by the development the impact this may have on Pitlethie Road (particularly around the Primary School) and within the neighbouring Castle Knowe Estate. Objections also note concerns regarding the narrow width of the proposed road layout within the development and also Pitlethie Road. Some concerns have also been raised regarding access to sustainable transport links with objections noting that footpath provision in the surrounding area is poor and that the nearest bus stop is located too far away from the site.

2.5.3 The principal point of access would be provided onto Pitlethie Road. A secondary point of access would be provided directly into the Castle Knowe development to the south. Footpath links will be provided throughout the site and out on to Pitlethie Road to join the existing footpath, which can be used to gain access to the centre of Leuchars. The centre of Leuchars is located approximately 800m to the south of the site along Pitlethie Road. This is largely where local amenities are found and is where the nearest bus stop is located. Within the site itself, a road network has been provided and a mixed parking strategy has been adopted through the use of in-curtilage parking and parking courts. The section on Pitlethie Road to the west of Pitlethie Lodge narrows from approximately 5m to 3.7m for a length of approximately 80m. No electric vehicle charging points are being provided within the development however this is in line with current guidance.

2.5.4 Fife Council's Transportation Development Management Team (TDM) has been consulted on this application and have advised that they have reviewed the submitted plans and the submitted Transport Statement. TDM note that there is an existing field access from Pitlethie Road at the northern boundary of the site and that Pitlethie Road fronting the site is subject to a 30mph speed limit. They state that the Castle Knowe development is adopted up to the southern boundary of the site and was clearly designed and constructed to secure a potential vehicular/pedestrian access to the application site and that the estate is subject to a 20mph speed limit. TDM note that the scope of the submitted Transport Statement does not appear to have been agreed with Transportation Development prior to its preparation and that it does not describe how the site is being developed to encourage the use of sustainable modes of transport. They also state that the total trips that the development is likely to generate appears to be underestimated in the submitted Transport Statement, however, they continue to state that even if this total was doubled, it would raise no significant concerns. The submitted Transport Statement estimates that the development would generate approximately 25 two-way vehicle trips during the AM peak hour and around 17 two-way vehicle trips during the PM peak hour. The Transport Statement concludes that this would not have a significant impact on the

surrounding road network. No concerns have been raised by TDM with regard to the access points into the development. Some concerns have also been noted regarding the car parking distribution within the site, however, it is conceded that more than the required level is being provided. Ultimately Transportation do not object to the application and have recommended that a series of conditions are added to any future consent.

2.5.5 Whilst some concerns have been raised by Transportation as detailed above, given that the site layout is generally acceptable and in accordance with Making Fife's Places (2018), that improvements are proposed to Pitlithie Road to help facilitate increase traffic to/from the development, that a safe walking route to school is available, that access to public transport is available within Leuchars, that an appropriate level of off-street parking is being provided and that the development would raise no other significant road safety concerns in terms of the capacity of the surrounding road network, it is therefore acceptable and in compliance with FIFEplan (2017) Policies 1 and 3.

2.6 Land and Air Quality/Land Stability

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

2.6.2 The application site is not within a coal authority area of risk therefore no significant concerns would be raised with regard to land stability. Fife Council's Land & Air Quality Team has reviewed the application and has requested that a condition be added requiring the reporting of any unforeseen contamination. They do not raise any concerns with regard to air quality.

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

2.7 Flooding and Drainage

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

2.7.2 Concerns have been raised in submitted objection comments highlight concerns regarding the drainage impact from the development and the impact this may have on flooding in the surrounding area.

2.7.3 It is proposed that foul drainage would discharge to an existing sewer located with the Castle Knowe development. This would be assisted by a foul water pumping station which would be located towards the northern boundary of the site and contained below ground. This pumping station would be adopted by Scottish Water. In terms of surface water drainage, this would be collected and discharged into a suds basin where it would be retained and discharged to the Lundin Burn, which is located approximately 200m to the north of the site. Fife Council's Structural Services Team has been consulted on the application to review the proposed drainage details and after some initial queries, have raised no significant concerns. Scottish Water has also been consulted on the proposal and have offered no objections. The proposal would therefore comply with FIFEplan Policies 1, 3, 12 and Making Fife's Places Supplementary Planning Guidance.

2.8 Natural Heritage

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

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

2.8.3 The site is currently in agricultural use and as such, it would be considered to have low potential to support any significant ecological value. It is noted that there are some trees along the western boundary of the site which would have to be removed to facilitate the proposed development.

2.8.4 An ecology appraisal has been submitted with this application which concluded that no evidence of protected species within the site was identified within the site nor would there be any significant impact on protected species within the vicinity of the site. The report recommends that any site clearance works should be undertaken out with the bird nesting season. The report recommends a series of ecological enhancements which include the installation bat/bird/bee boxes/bricks, along with the use of hedge planting. No details of the ecological enhancement measures have been provided, however, this can be secured by condition.

2.8.5 With regard to the tree removal which will be required along the western boundary of the site, given the sporadic nature and likely low quality of these trees, no significant concerns would be raised. It is also considered that given the level of tree planting proposed as part of the application, there will be a significant net gain of trees within the site, which is welcomed.

2.8.6 The MOD has been consulted and note that within the zone the development is located, the primary concern is the creation of new habitats which would attract large/flocking birds. They have therefore requested that a Bird Hazard Management Plan is provided. They have also specified that landscaping should not include dense canopy forming trees and <50% of fruit/berry bearing tree species within the site. Conditions have been added in this regard.

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

2.9 Planning Obligations

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

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

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

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

2.9.5 In terms of open space, if no other existing areas of open space are available in the surrounding area, developments are expected to provide 60sqm of open space per dwelling. In terms of this application site, a small area of open space (600sqm) is being provided. However, an accessible link is being provided to an existing equipped play park located to the east of Cowbackie Crescent. There is also a large linear area of open space around the eastern and southern boundaries of the Castle Knowe Development which can be utilised. Whilst the site does not meet the 60sqm guideline, given there is alternative existing open space in the surrounding area, the development would meet the requirements for a reduction in this instance. The proposed area of open space is not required to provide an equipped play area given it is an affordable housing development, which is in line with current guidance, however, it will include landscaping and seating areas making it an attractive amenity space.

2.10 Low Carbon Fife

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

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

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

2.11 Archaeology

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

2.11.2 The application site is located within the Leuchars & Wormit Area Archaeological Regional Importance. Fife Council's Archaeologist has been consulted on this application and has advised that archaeological features spanning prehistoric periods are likely to be contained within the site. The consultation response concluded by noting that a scheme of archaeological works should be secured by condition. This was submitted by the applicant and reviewed by Fife Council's Archaeologist who noted that it was to a good standard and that the recommendations made within it should be carried out on site, prior to any works commencing. This can be captured by condition.

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

2.12 Comments from the MOD

2.12.1 With regard to the site being located within an Aerodrome Heights Safeguarding Zone, the MOD have been consulted and have advised that they have no safeguarding concerns.

CONSULTATIONS

TDM, Planning Services	No objections, subject to conditions.
Environmental Health (Public Protection)	No significant concerns. Conditions have been recommended.
Housing And Neighbourhood Services	Need for more affordable housing within Leuchars.
Education (Directorate)	No critical capacity concerns raised.
Parks Development And Countryside	No response.
Archaeology Team, Planning Services	Condition recommended.
Community Council	Originally submitted a neutral response however this was subsequently revised to an objection.
Land And Air Quality, Protective Services	Condition recommended.
Ministry Of Defence (Statutory)	Conditions Recommended.
TDM, Planning Services	No objections, subject to conditions.

Structural Services - Flooding, Shoreline And Harbours	No further comments after some initial queries.
Scottish Water	No objections.

REPRESENTATIONS

14 objections, 1 general comment and 1 support comment.

Concerns raised which are material to the assessment of this proposal include:

- Increase in traffic through Leuchars and associated impact on road safety - Addressed in Section 2.5
- Concerns regarding junction safety onto Pitlethie Road - Addressed in Section 2.5
- Other sites available - Addressed in Section 2.2
- Concerns regarding the development of greenfield land and prime agricultural land - Addressed in Section 2.2
- Concerns regarding the second access into the Castle Knowe Estate and increased traffic - Addressed in Section 2.5
- Residential amenity impact on existing houses within Fetterdale Fields, Rires Road, Cowbackie Crescent and Pitlethie Lodge (Overshadowing, Privacy, Noise and Light) - Addressed in Section 2.4
- No requirement for additional housing in Leuchars - Addressed in Section 2.2
- Impact on Scheduled Ancient Monument - Addressed in Section 2.3 & 2.11
- Impact on archaeology - Addressed in Section 2.11
- Impact on capacity of local schools - Addressed in Section 2.9
- No public transport stops nearby - Addressed in Section 2.5
- Inappropriate boundary treatments (Pitlethie Lodge) and along northern boundary - Addressed in Section 2.3 & 2.8
- Road improvements unclear - Addressed in Section 2.5 and condition added
- Lack of safe pedestrian routes into Leuchars - Addressed in Section 2.5
- Narrow street layout within development - Addressed in Section 2.5
- Loss of trees - Addressed in Section 2.8
- Impact on ecology - Addressed in Section 2.8
- Residential amenity impacts during the construction period - Addressed in Section 2.4
- No electric vehicle charging points - Addressed in Section 2.5
- No provision or enhancement of local open space - Addressed in Section 2.9
- High density housing in a rural area - Addressed in Section 2.3
- Layout shows points for further expansion - Addressed in Section 2.3
- Poor design and finishing materials - Addressed in Section 2.3
- Lack of consultation - Addressed in Section 1.2
- No need for more affordable housing - Addressed in Section 2.2
- Traffic impacts on amenity - Addressed in Section 2.4
- Surface water drainage/flooding concerns - Addressed in Section 2.7
- Impact on local amenities e.g. doctors/pharmacies - This is not an issue that can be considered through the planning assessment process.

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

- Some houses may be release by the MOD
- Loss of view
- Developer applied for 49 houses to avoid major application

- New development will not contribute to maintenance fees of open space in the Castle Knowe Estate
- Proposal does not meet United Nations Sustainable Development Goals
- Public safety concerns with regard to drainage infrastructure

One support comment was submitted. Points raised in favour of the development include:

- There is need for a good standard of housing in Leuchars

CONCLUSIONS

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

RECOMMENDATION

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

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

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

2. All roads and associated works serving the proposed development as shown on documents 02A, 21A and 22A shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption.

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

3. The additional footpath links which link the application site to the park on Cowbackie Crescent and the application site with Pitlethie Road shall be fully constructed and accessible, prior to the 30th unit being occupied.

Reason: To ensure the footpath links are delivered prior to the development being fully occupied.

4. Prior to occupation of the first house, visibility splays 2.4 metres x 43 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the site access with Pitlethie Road in accordance with the current Fife Council Transportation Development Guidelines. The visibility splay shall be retained through the lifetime of the development.

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

5. Prior to the occupation of each house, the off-street parking provision as shown on document 02A shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces within the parking courtyards shall be for communal use only. The parking spaces shall be retained through the lifetime of the development.

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

6. The total noise from the below ground pumping station 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.

Reason: In the interest of protecting residential amenity; to ensure any noise from the below ground pumping station is within acceptable limits.

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

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

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

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

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

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

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

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

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

11. Before any development commences on site, a Bird Hazard Management Plan shall be submitted to Fife Council as Planning Authority for prior written approval (in consultation with the MOD) and shall detail the mitigation measures which shall be put in place during to deter large/nesting birds during the earthworks stage of development. The mitigation measures shall be complied with in full.

Reason: In order to minimise any impacts on the Birdstrike Statutory Safeguarding Zone.

12. Before the approved landscaping scheme is planted on site, confirmation from suitably qualified professional shall be submitted to Fife Council as Planning Authority detailing that there will be minimal use of dense canopy forming trees and that there will be <50% fruit/berry bearing species on the development. Unless otherwise revised, the approved landscaping plan shall then be planted on site, during the first planting season after the development is occupied.

Reason: In the interest of biodiversity enhancement, visual enhancement and to minimise any impacts on the Birdstrike Statutory Safeguarding Zone.

13. Prior to any development commencing on site, full details of the suds pond drain down time and details of mitigation measures to deter breeding geese from the site, shall be submitted to Fife Council as Planning Authority for prior written approval (in association with the MOD). The mitigation measures shall be adhered to in full for the lifetime of the development.

Reason: In order to minimise any impacts on the Birdstrike Statutory Safeguarding Zone.

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

Reason: In order to avoid disturbance during bird breeding seasons.

15. Before any works start on site, a full programme of archaeological works shall be undertaken in accordance with the approved Written Scheme of Investigation (Archaeological Condition Services - 19/04/2022). Thereafter, a report detailing the findings of the works and any mitigation measures/further investigations which may be required, shall be submitted to Fife Council as Planning Authority for prior written approval.

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

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

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

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

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

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Policy and Guidance

PAN 1/2011 Planning and Noise

PAN 33 Development of Contaminated Land

Circular 3/2009: Notification of Planning Applications

PAN82: Local Authority Interest Developments

Development Plan

Adopted FIFEplan (2017)

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

Making Fife's Places Planning Supplementary Guidance (2018)

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

Other Guidance

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2022)

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

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

Fife Council's draft Planning Obligations Framework Guidance (2017)

Fife Council's Planning Policy for Development and Noise (2021)

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

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

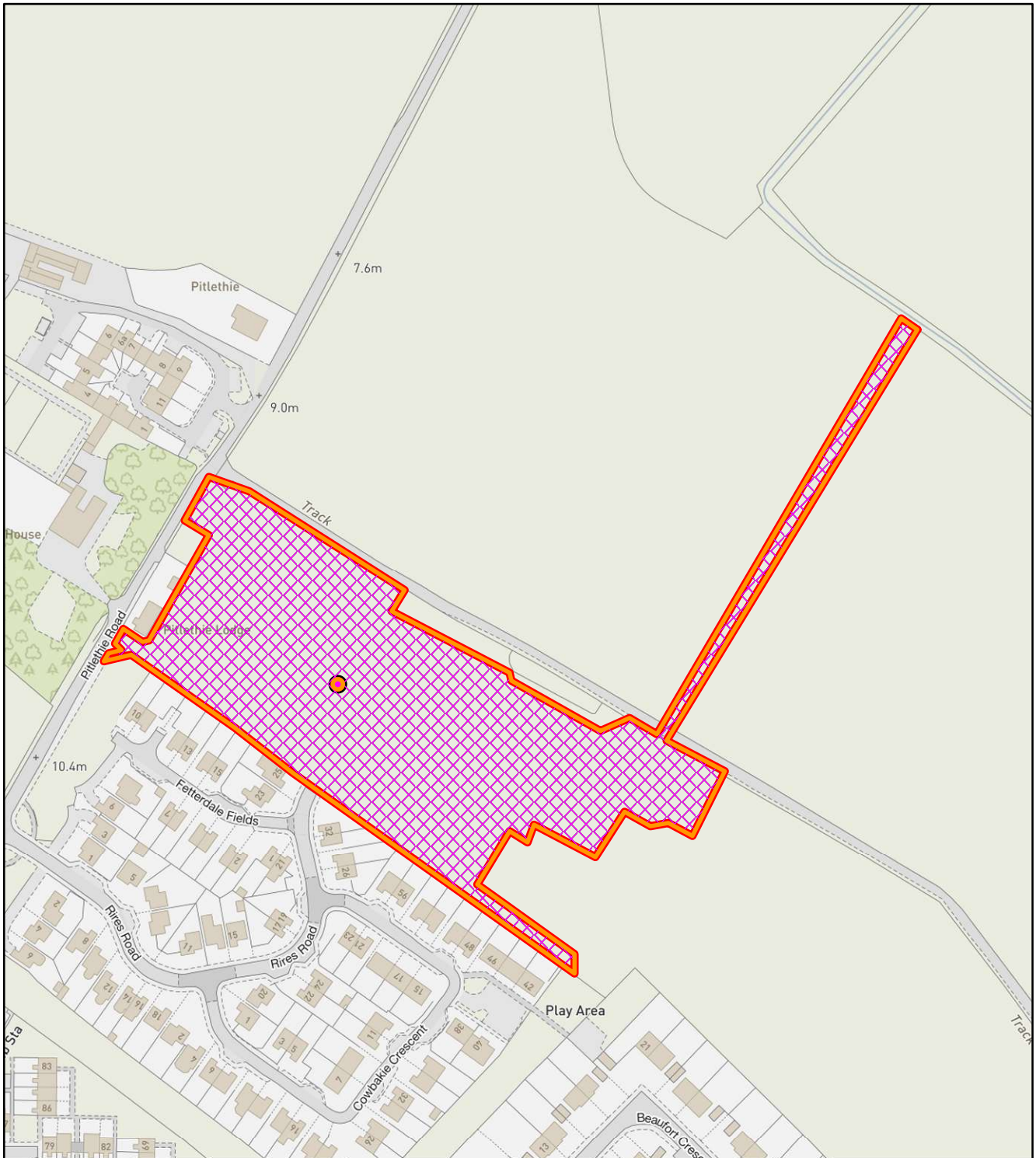
Report prepared by Jamie Penman (Planner)

Report agreed and signed off by Alastair Hamilton, Service Manager, (Committee Lead) 31/10/22.

Date Printed 13/10/2022

22/01263/FULL

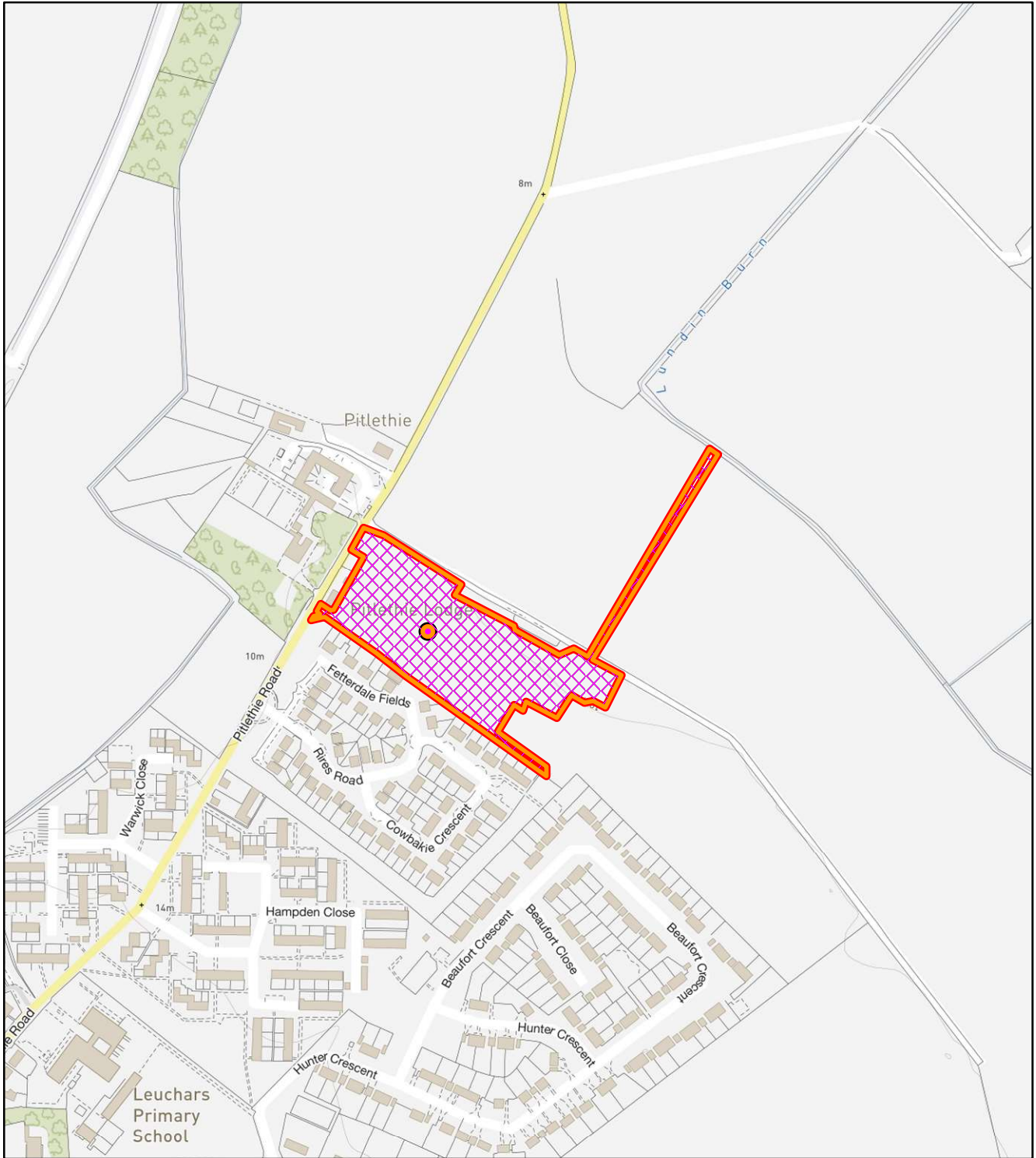
Land East Of Pitlethie Road And North Of Fetterdale Fields Leuchars



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Legend			
	Application Boundary		

Land East Of Pitlethie Road And North Of Fetterdale Fields Leuchars



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 8

APPLICATION FOR FULL PLANNING PERMISSION REF: 22/00905/FULL

SITE ADDRESS: 1 LINDSAY BERWICK PLACE ANSTRUTHER FIFE

**PROPOSAL: CHANGE OF USE FROM PUBLIC OPEN SPACE TO GARDEN
GROUND AND PARKING AREA**

**APPLICANT: MR & MRS GORDON NICOLL
3 LINDSAY BERWICK PLACE ANSTRUTHER FIFE**

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

CASE OFFICER: Scott McInroy

DATE REGISTERED: 25/04/2022

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 two areas of open space (which are owned by the applicant) that are located within the settlement boundary of Anstruther as designated in the adopted FIFEplan (2017). Site 1 is irregular in shape and is 130m² and sits to the east of the applicants dwelling. Site 2 is 668m² and sits opposite the applicants dwelling and is part of a wider area of open space that was provided as part of the surrounding residential area. The open space was created as part of the layout of the residential development which dates from the 2000s.

1.2 This application is for planning permission for change of use of two parcels of public open space to garden ground and parking area. Site one is to be enclosed by a low-level fence, while site two is to be enclosed by a 900mm high hedge. Both parcels of land are now in private ownership the applicant having purchased them from the factor of the open space.

1.3 There previous planning history for this site is as follows:

- 19/00337/ENF – An enforcement case was opened due to a complaint regarding cars being parked on the grassed area. The case was investigated and then closed after the submission of this application to formalise the use.

2.0 Assessment

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

- Principle of Development
- Design/Visual Amenity
- Residential Amenity
- Road Safety

2.2 Principle of Development

2.2.1 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 3 Infrastructure and Services of the Adopted Local Plan states that development proposals will not be supported where they would result in the loss of existing or proposed open space, including allotments unless: equivalent or better alternative provision will be provided in a location that is convenient for users or the Council accepts there is local overprovision in the surrounding area. Policy 10 Amenity of the Adopted Local Plan continues that development will only be supported if it does not have a significant detrimental impact of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other criteria, the loss of outdoor sports facilities, open space, green networks, protected trees, and woodland.

2.2.3 Concerns have been raised by objectors regarding the principle of development. Regarding Site 1, (which sits to the east of No.1 Lindsay Berwick Place). however, this site has no particular amenity value of its own and is not seen as a valuable amenity or recreational space due to its location, shape, and size. Given the small-scale nature of the parcel of land involved, it is not considered that the loss of this area would have any significant detrimental impact on the character and amenity of the surrounding area or the provision of open space in within the wider residential development.

2.2.4 Site 2, which sits on the opposite side (north) of the road from No.1 Lindsay Berwick Place is part of the main are of open space area, which was provided as part of the residential development that took place in 2005. The area of this open space is 3720m² and has play facilities in the southeast portion. The application site is located in the southwest corner of that wider open space area and is 668m² in area. That section of the wider open space area has no play facilities or formal recreation amenity value on site either. It is therefore considered that the loss of land here would not have a significant detrimental impact on the character and amenity of the surrounding area or the provision of open space in this location. Concerns have been raised regarding cars accessing the wider open space from site 2. Site 2, in this instance would have a 900mm hedge boundary, this will separate the application site from the wider open space which in turn will provide a barrier stopping any cars from accessing the wider open space. The area of land within the applicant's ownership is currently maintained by the applicant himself. The proposal would not create any maintenance issues in relation to the remaining areas of public space at this locale. The proposal is therefore considered to comply with FIFEplan Policies 1 and 10.

2.2.5 Overall, given that site 1 is small scale in nature and that site 2 would only take up 18% of the wider area of open space, it is considered that the proposed development would comply with the above policy requirements. Both sites would be suitably enclosed and would be for appropriate and compatible alternative land uses without the significant loss of valuable open space/recreational space or any designated play areas. Overall, the loss of open space at site 2 would not undermine the vitality and viability of the larger designated Open Space / Amenity area given that the remaining area of open space is more than sufficient for the amenity benefit of the community. Bankie Park which is the main recreational area in Anstruther sits 155m to the south of the application site, which is within walking distance of the residential scheme, therefore there is sufficient open space and play facilities within walking distance. 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 Amenity

2.3.1 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.

2.3.2 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. The document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.3 Concerns have been raised regarding the visual impact of the proposal. The principle of the change of use from open space to garden ground is acceptable. Given that the boundary treatments of surrounding properties on Lindsay Berwick Place are a mixture of stone walls, wooden fencing, the boundary treatment of the application sites is proposed to be of similar material and style while also taking into account transportation conditions regarding height and visibility splays. The use of similar style garden boundary treatment (small scale fence for site 1 and hedge for site 2), would be in keeping would be compatible with the surrounding streetscene and would respect the character and appearance of the townscape.

2.4 Residential Amenity

2.4.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017) apply in terms of residential amenity.

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

2.4.3 Given the location of the proposed development within an established residential area, the proposed boundary treatments for both sites which are in keeping with residential areas and the proximity of the application site to neighbouring properties (over 20m away), it is therefore considered that the proposed development would be acceptable with regard to the above noted FIFEplan policies concerning residential amenity.

2.5 Road Safety

2.5.1 Adopted FIFEplan (2017) Polices 3 and 10 and Making Fife's Places Supplementary Guidance (2018) apply in this instance.

2.5.2 Transportation Development Management (TDM) have been consulted on this application. TDM raised concerns regarding the proposed parking area adjacent number 1 Lindsay Berwick Place regarding potential for vehicle movements over the public footpath. However, the applicant has shown a low fence along the pavement to avoid any such issues occurring. As a consequence, a suitably worded condition securing the installation of the essential fence has been attached to this application for Member's consideration. Concerns have also been raised regarding the proximity of cars close to where children would be playing. In this instance this valid concern would be addressed through the parking area also being separated from the wider open space by a 900mmhedge boundary. Concerns have also been raised regarding the site 2 impacting on routes into the wider open space area. The existing pavement and path that runs to the west of this site will remain publicly available. Further to the above, TDM have no objections to this application subject to conditions regarding wheel cleaning, parking standards, boundary treatment, visibility splays, driveway material and works being carried out in accordance with Transportation Development Guidelines.

CONSULTATIONS

Parks Development And Countryside Community Council	No comment Object
Transportation, Planning Services	No objection subject to conditions

REPRESENTATIONS

15 objections including 1 from the Community Council have been received.

Comments regarding the sale of the land, the existing use of the addresses associated with this development, loss of views and the number of cars households own are not a material planning consideration in the assessment of this planning application.

1 supporting comment has also been received.

CONCLUSIONS

Given the small-scale nature of site 1 and that site 2 would only take up 18% of the wider open space area leaving sufficient amenity space and play facilities for the local residents, it is considered that the loss of this area would not have any significant detrimental impact on the character and amenity of the surrounding area or the provision of open space at this locale. The proposal is therefore considered to comply with the terms of the Development Plan.

RECOMMENDATION

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

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

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

2. Before any works commence on site; full details of adequate wheel cleaning facilities shall be submitted to and approved in writing by Fife Council as Planning Authority. Any subsequent approved details shall, thereafter, be provided and maintained in an operational manner throughout the construction works so that no mud, debris or other deleterious material is carried by vehicles on to the public roads".

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

2. Prior to the first use of the proposed parking area to the North of No's 1 and 3 Lindsay Berwick Place, each of the proposed parking spaces shall conform with the dimension standards as outlined within the current Appendix G (Transportation Development Guidelines) of Making Fife's Places. Parking bays shall have minimum dimensions of 2.5m x 5.0m. With an aisle width of 6.0m.

Reason: In the interest of road safety; to ensure that parking and turning manoeuvres can be made safely.

3. Prior to the first use of the proposed parking area to the East and South East of No. 1 Lindsay Berwick Place, a fence or barrier shall be erected along the full length of the proposed parking area as shown on Drawing No.03. The fence or barrier shall be retained in place throughout the lifetime of the development.

Reason: In the interest of road and pedestrian safety; to ensure that all vehicles using the proposed parking area, take access to the public road over the proposed single approved dropped access and to prevent multiple vehicle manoeuvres taking place over other parts of the public footway.

4. Prior to the first use of each of the proposed accesses onto the public road, visibility splays of 2m x 25m shall be provided to the left and to the right at each of the junctions of the vehicular crossings and the public road and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level, in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places.

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

5. Prior to the first use of each of the proposed accesses onto the public road, the first two metre length of the access driveway 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.

6. Prior to the first use of each of the proposed accesses onto the public road, 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.

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)

Report prepared by Scott McInroy, Planner Development Management (11/10/2022)
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead)
31/10/22.

Date Printed 11/08/2022

1 Lindsay Berwick Place Anstruther



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	