

## 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 7th December, 2022. 3 – 10
4. **18/03578/PPP - PLANNING PERMISSION IN PRINCIPLE, LAND TO THE NORTH OF GRANGE ROAD, EARLSFERRY** 11 – 23  

Application for major residential development with associated car parking, landscaping, drainage and formation of new accesses.
5. **22/01877/FULL - MADRAS COLLEGE, KILRYMONT ROAD, ST. ANDREWS** 24 – 47  

Proposed change of use from site from education to form a residential development of 106 units (private and affordable homes) with associated access, parking, infrastructure and landscaping/open space.
6. **22/01049/FULL - SAUCHOPE CARAVAN PARK, ANSTRUTHER** 48 – 60  

Change of use of vacant land to form extension to holiday park (8 lodge style caravans) including associated ground works and formation of access road, parking areas and decking.
7. **22/01087/FULL - FARMHOUSE, RENNYHILL, KILRENNY** 61 – 73  

Change of use from farm steading to wedding venue (Class 11).
8. **22/01134/LBC - FARMHOUSE, RENNYHILL, KILRENNY** 74 – 79  

Listed Building Consent for internal and external alterations.
9. **22/02070/FULL - AIRDITS COTTAGE, KETTLEHILL, CUPAR** 80 – 87  

Change of use from agricultural land to garden ground.
10. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**  

List of applications dealt with under delegated powers for the period 28th November to 25th December, 2022.

Note - these lists are available to view with the committee papers on the [Fife.gov.uk](http://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

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4th January, 2023

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## 2022 NEPC 20

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

7th December, 2022

1.30 p.m. - 5.20 p.m.

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

**ATTENDING:** Alastair Hamilton, Service Manager, Development Management, Bryan Reid, Lead Professional, Development Management, Declan Semple, Lead Officer, Development Management, Mark Barrett, Lead Officer, Transportation Development Management, Economy, Planning & Employment Services; Steven Paterson, Solicitor and Diane Barnet, Committee Officer, Legal & Democratic Services.

**APOLOGY FOR ABSENCE:** Councillor Margaret Kennedy.

#### 43. DECLARATIONS OF INTEREST

Councillor Lawson declared an interest in Para. No. 48 - '22/01366/FULL - Abbotsford Cottage, Abbotsford Place, St. Andrews' and Para No. 49 - '22/01365/CAC - Abbotsford Cottage, Abbotsford Place, St. Andrews' - as he knew the applicant and the immediate neighbours.

#### 44. MINUTE

The Committee considered the minute of the North East Planning Committee of 9th November, 2022.

##### Decision

The Committee agreed to approve the minute.

#### 45. 21/02819/EIA - LAND AT NORTHBANK FARM, CAMERON, LATHOCKAR

The Committee considered a report by the Head of Planning Services relating to an application for an extension to tourist, commercial and leisure development including 131 lodge style static caravan pitches and associated infrastructure.

##### Motion

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

- (1) Scottish Planning Policy (2014), Policies 1, 3, 7 and 11 of the Adopted FIFEplan Local Development Plan (2017), Fife Council Low Carbon Fife Supplementary/

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Supplementary Guidance (2019) and Making Fife's Places Supplementary Guidance (2018) - on the basis of road safety and sustainable travel in that access routes to local amenities and to sustainable modes of transport from the site of the development would not be readily and safely available;

- (2) Scottish Planning Policy (2014), Policies 1, 7, 8 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on the visual amenity and character of the countryside location due to its form, scale and layout which it was considered would result in overdevelopment and intensification of use of the site, not in keeping with the character of the countryside location; and
- (3) Scottish Planning Policy (2014), Policies 1, 7, 12 and 13 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the development would have a detrimental impact on the natural environment and biodiversity due to its scale, layout, design and proposed use which was not considered sufficiently justified.

### **Amendment**

Councillor Lothian, seconded by Councillor Holt, moved as an amendment to approve the application, subject to:-

- (1) the 26 conditions and for the reasons detailed in the report; and
- (2) an additional condition relating to the maintenance of the proposed reed bed-willow bed soakaway system.

### **Roll Call Vote**

**For the motion** - 10 votes

Councillors Clark, Corps, Dillon, Hayes, Hoggan-Radu, Lawson, Liston, MacDiarmid, Tepp and Verner.

**For the Amendment** - 3 votes

Councillors Holt, Knox and Lothian.

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

### **Decision**

The Committee agreed:-

- (1) to refuse the application on the grounds that the proposed development did not comply with:-
  - (a) Scottish Planning Policy (2014), Policies 1, 3, 7 and 11 of the Adopted FIFEplan Local Development Plan (2017), Fife Council Low/

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Low Carbon Fife Supplementary Guidance (2019) and Making Fife's Places Supplementary Guidance (2018) - on the basis of road safety and sustainable travel in that access routes to local amenities and to sustainable modes of transport from the site of the development would not be readily and safely available;

- (b) Scottish Planning Policy (2014), Policies 1, 7, 8 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on the visual amenity and character of the countryside location due to its form, scale and layout which it was considered would result in overdevelopment and intensification of use of the site, not in keeping with the character of the countryside location; and
- (c) Scottish Planning Policy (2014), Policies 1, 7, 12 and 13 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the development would have a detrimental impact on the natural environment and biodiversity due to its scale, layout, design and proposed use which was not considered sufficiently justified; and

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

### 46. 22/00332/FULL - GARDEN 1, GREYFRIARS GARDEN, ST. ANDREWS

The Committee considered a report by the Head of Planning Services relating to an application for the change of use from private garden to outdoor seating area including siting of 2 no. food shacks.

#### **Motion**

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

- (1) Section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014), Historic Environment Scotland's Historic Environment Policy for Scotland (2019), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), the St. Andrews Conservation Area Appraisal and Management Plan (2010) and guidelines 17 and 18 of the St. Andrews Design Guidelines (2011) - on the basis that the proposed development, due to its proposed form, layout and use, would have a detrimental impact on the character and appearance of the Conservation Area and historic environment; and
- (2) Scottish Planning Policy (2014), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development/

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development, due to its prominent location, design, form, layout and proposed use, would have a detrimental visual impact on the character and appearance of the surrounding area, streetscape, immediate environment and built environmental quality.

### **Amendment**

Councillor Lothian, seconded by Councillor Knox, moved as an amendment to approve the application subject to the 4 conditions and for the reasons detailed in the report.

### **Roll Call Vote**

**For the motion** - 9 votes

Councillors Clark, Corps, Hayes, Hoggan-Radu, Lawson, Liston, MacDiarmid, Tepp and Verner.

**For the amendment** - 4 votes

Councillors Dillon, Holt, Knox and Lothian.

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

### **Decision**

The Committee agreed:-

- (1) to refuse the application on the grounds that the proposed development did not comply with:
  - (a) Section 64 (1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014), Historic Environment Scotland's Historic Environment Policy for Scotland (2019), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), the St. Andrews Conservation Area Appraisal and Management Plan (2010) and guidelines 17 and 18 of the St. Andrews Design Guidelines (2011) - on the basis that the proposed development, due to its proposed form, layout and use, would have a detrimental impact on the character and appearance of the Conservation Area and historic environment; and
  - (b) Scottish Planning Policy (2014), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development, due to its prominent location, design, form, layout and proposed use, would have a detrimental visual impact on the character and appearance of the surrounding area, streetscape, immediate environment and built environmental quality; and
- (2) to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

*The Committee adjourned at 3.35 p.m. and re-convened at 3.45 p.m..*

*Councillor Kennedy-Dalby joined the meeting partway through the Planning Officer's detailed presentation of the following planning application and, having not had the benefit of the full presentation, was not entitled to participate in the debate or vote on the item.*

**47. 22/000990/PPP - MADRAS COLLEGE, KILRYMONT ROAD, ST. ANDREWS**

The Committee considered a report by the Head of Planning Services relating to an application for planning permission in principle for: a mixed use development comprising residential (Class 9 and Sui Generis); student accommodation (Class 8); delicatessen and restaurant (Class 3); local convenience (Class 1); assembly and leisure (Class 11); urban park; landscaping; and all associated infrastructure including SUDS basin, roads, accesses and footways.

**Decision**

The Committee agreed:-

- (1) to approve the application subject to the 21 conditions and for the reasons detailed in the report and following the conclusion of an agreement to secure the necessary planning obligations, namely:
  - (a) the provision of affordable housing comprising 30% of all residential units approved on the site; and
  - (b) a contribution towards education infrastructure at Madras College in accordance with the Adopted FIFEplan Local Development Plan (2017) and draft Planning Obligations Supplementary Guidance; and
- (2) to delegate 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 Hayes left the meeting during consideration of the above item.*

*Prior to consideration of the following 2 items, Councillor Lawson, having declared an interest, left the meeting.*

**48. 22/01366/FULL - ABBOTSFORD COTTAGE, ABBOTSFORD PLACE, ST. ANDREWS**

The Committee considered a report by the Head of Planning Services relating to an application for the erection of a dwellinghouse and associated works (including demolition of an existing dwellinghouse).

**Motion**

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

- (1) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment)/

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Environment, Historic Environment Scotland (HES) Policy Statement (2016), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) and the St. Andrews Conservation Area Appraisal and Management Plan (2010) - on the basis that the proposed development would have a detrimental visual impact on the Conservation Area and surrounding historic environment due to its location, design, form and layout; and

- (2) Scottish Planning Policy (2014), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on the visual amenity of the Conservation Area, surrounding townscape, immediate environment and built environmental quality due to its location, design, form and layout.

### **Amendment**

Councillor Knox, seconded by Councillor Lothian, moved as an amendment to approve the application subject to the 5 conditions and for the reasons detailed in the report.

### **Roll Call Vote**

**For the motion** - 7 votes

Councillors Clark, Corps, Hoggan-Radu, Liston, MacDiarmid, Tepp and Verner.

**For the amendment** - 4 votes

Councillors Dillon, Holt, Knox and Lothian.

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

### **Decision**

The Committee agreed:-

- (1) to refuse the application on the grounds that the proposed development did not comply with:-
  - (a) Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland (HES) Policy Statement (2016), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) and the St. Andrews Conservation Area Appraisal and Management Plan (2010) - on the basis that the proposed development would have a detrimental visual impact on the Conservation Area and surrounding historic environment due to its location, design, form and layout; and
  - (b) Scottish Planning Policy (2014), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) and Making Fife's/



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Fife's Places Supplementary Guidance (2018) - on the basis that the proposed development would have a detrimental impact on the visual amenity of the Conservation Area, surrounding townscape, immediate environment and built environmental quality due to its location, design, form and layout; and

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

*Councillor Kennedy-Dalby left the meeting during consideration of the above item, prior to the roll call vote.*

### **49. 22/01365/CAC - ABBOTSFORD COTTAGE, ABBOTSFORD PLACE, ST. ANDREWS**

The Committee considered a report by the Head of Planning Services relating to an application for Conservation Area Consent for the complete demolition of a dwellinghouse.

#### **Decision**

The Committee, having refused the associated planning application - '22/01366/FULL' at Para. No. 48 above - agreed:-

- (1) to refuse the application on the grounds that as an appropriate replacement development had not been agreed, demolition was no longer justified;
- (2) approval of this application for Conservation Area Consent would be contrary to Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Historic Environment Policy for Scotland and the Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019); and
- (3) to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

*Following consideration of the above 2 items, Councillor Lawson re-joined the meeting.*

*Councillor Corps left the meeting during consideration of the following item.*

### **50. 22/01675/FULL - RUSSELL HOTEL, 26 THE SCORES, ST. ANDREWS**

The Committee considered a report by the Head of Planning Services relating to an application for alterations and extension to allow for the change of use from hotel (Class 7) to 6 flatted dwellings and associated works (including partial demolition of an existing building).

#### **Decision/**

**Decision**

The Committee agreed to approve the application subject to the 4 conditions and for the reasons detailed in the report.

**51. 22/01674/CAC - RUSSELL HOTEL, 26 THE SCORES, ST. ANDREWS**

The Committee considered a report by the Head of Planning Services relating to an application for the substantial demolition of a building in a conservation area.

**Decision**

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

**52. 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 31st October to 27th November, 2022.

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11<sup>th</sup> January 2023

Agenda Item No. 4

**18/03578/PPP - Planning permission in principle for major residential development with associated car parking, landscaping, drainage and formation of new accesses  
at Land To The North Of, Grange Road, Earlsferry Fife**

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Report by: Pam Ewen, Head of Planning Services

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Wards Affected: East Neuk And Landward

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**Purpose**

This application was previously considered by Members at the meeting of the North East Fife Planning Committee on 10<sup>th</sup> February 2021. Members determined they were minded to approve the application subject to 32 planning conditions, following the conclusion of a Planning Obligation (i.e. a legal agreement under Section 75 of the Planning Act).

Drafting of the Planning Obligation is nearing conclusion. At the same time, there has been a further review of the schedule of planning conditions with regard to some of the terminology and their impact on the delivery of the development. This has resulted in a request to add one further condition to the consent regarding the timings of the upgrading of the sewer system and water and drainage connection for the associated site at Wadeslea, Elie (18/03579/PPP), which includes the affordable housing requirement for this site. The purpose of this report is to seek Committee approval to add the draft condition as set out within this report.

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**Recommendation(s)**

To agree to conditional approval requiring a legal agreement, subject to the proposed additional condition within the draft schedule of conditions as set out within the **boldface** text below and at Appendix 1.

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**Legal & Risk Implications**

There are no known direct or indirect legal implications affecting Fife Council as Planning Authority. In the event the recommendation is not accepted, the initial decision will remain unaffected and will retain the original conditions as worded within the report presented to Committee on 10<sup>th</sup> February 2021.

As in all circumstances when a refusal of planning permission is agreed or conditions imposed on an approval, the applicant has a right of appeal within 3 months of the date of decision, to the Scottish Government Planning and Environmental Appeals Division.

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**Consultation**

No consultations were undertaken.

## Conclusions

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The proposed changes can be agreed at this stage prior to the issue of the Decision Notice itself. Accordingly, Committee is being asked to approve these amendments instead of having to consider a fresh planning application under Section 42 of the Planning Act. These amendments do not alter the purpose of the agreed conditions but, instead, provide sufficient control to ensure the provision of the required infrastructure at the relevant time.

## Proposed Amendments

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This application was previously considered by Members at the meeting of the North East Fife Planning Committee on 10<sup>th</sup> February 2021. The Officers' report recommended that application reference 18/03578/PPP be approved following the conclusion of a legal agreement to secure contributions for required infrastructure improvements. Members adopted the position that the application should be approved following the conclusion of the aforementioned legal agreement.

A series of planning conditions were agreed relating to the detailed design and timings for implementation of transportation upgrades, drainage, sewer system upgrades, landscape planting, archaeological works, site investigation works, and the delivery of future roads, footpath and cycleway infrastructure.

Since the Committee's decision, discussions have taken place between the applicant, Fife Council's Legal and Planning Teams with regard to the upgrading of the sewer system.

As these draft conditions were agreed by the North East Fife Planning Committee, this report is before members to request approval of the addition of a condition prior to the decision notice being issued.

A summary of the changes proposed are outlined below with the proposed additional condition in **bold**:

The application site is linked to application reference 18/03579/PPP, Land to East of Wadeslea, Elie as per FIFEplan (2017) allocation EAE001. The application at Wadeslea includes the 30% affordable housing contribution requirement for this site. As such, Planning Condition 32 sets out that:

*32. In the event that this application site (The Grange) is developed, but associated planning application 18/03579/PPP (Wadeslea) is not, in order to ensure that the affordable housing required for this application site (The Grange) still goes ahead, the relevant sized area of portion of land at application site 18/03579/PPP (Wadeslea) corresponding to this application site's (The Grange's) share of affordable provision shall be given over to affordable housing at a value determined by Fife Council Housing Services. No more than 50% of the residential units shall be constructed at application site: 18/03579/PPP (Wadeslea) before any of the agreed affordable housing units are constructed.*

There is currently no capacity within the Scottish Water combined sewer. Scottish Water confirmed that they have instigated a Growth Project to address the wastewater capacity issues and early indications are that these upgrade works are on the list of potential projects, with a likely minimum timescale of 5-7 years for delivery. They have confirmed

that the growth project would progress on the grant of the PPP, and that the budget is within their current investment programme. To address this, a planning condition was agreed, which requires the confirmation of the capacity prior to the commencement of development. Additionally, a condition was also agreed to extend the usual timescale for the submission of ARC applications and commencement of development to beyond the normal timescales for PPP applications set out in legislation.

Since the approval of this PPP application, it has transpired that it may be some time before a public sewerage connection is provided to the Wadeslea site, which would contain the affordable housing contribution for this site and there is a risk that the Wadeslea site will not be able to provide the serviced land required for the affordable housing in time, for this reason.

Policy 2 of FIFEplan sets out that the Council's preferred approach for Affordable Housing is for on-site provision in the form of buildings or serviced land, failing which the off-site provision of serviced land and, as a last resort, financial contributions. Fife Council's Affordable Housing Supplementary Guidance contains the definition of 'serviced land' as below:

*“Land which has to the boundary of one part of the site access to electricity, telecommunications, gas, water, drainage (sewer and surface water) and frontage to an adopted public road(s) (including any interim means of pedestrian and vehicular access over other constructed roadways, of the standard required by the roads authority for a residential development, connected to the adopted public road network)”*

As with Policy 2 of FIFEplan, the Supplementary Guidance sets out that Fife Council's preference is for fully serviced on-site land, although in certain circumstances serviced land or built units off-site, or a financial contribution can be accepted. In terms of off-site land provision, the Supplementary Guidance states that Fife Council's preference will be for the transfer of fully serviced land to the Council or an RSL, so that we/they can carry out the development of the affordable units themselves. Whilst this is described as a preference and is noted as being dependent “on local circumstances”, the Supplementary Guidance does not contain any circumstances in which we would accept off-site provision of land which fails to meet the criteria set out above, or what would be expected of a developer in such circumstances.

Whilst the lack of a sewerage connection at Wadeslea may affect the likelihood of its consent (18/03579/PPP) being implemented, it also increases the risk that the Affordable Housing required in terms of the Grange Road application (18/03578/PPP) fails to be brought forward. The site would likely be less attractive to an RSL for the development of Affordable Housing and, although the applicant's solicitors have provided that any conveyance of land to the Council would include servitude rights for access and services, were Fife Council to step in and exercise our ability to require a land transfer, Fife Council would need to address the sewerage issue before the land could be used for Affordable Housing.

There are negative suspensive conditions attached to each application, preventing works until confirmation that the upgrading of the sewer system required for each is going ahead, however, these would not 'cross-refer' – i.e. the condition for Grange Road could be satisfied even where the Wadeslea drainage issues remain.

It is therefore recommended that an additional condition is added to this consent, requiring confirmation that suitable arrangements have been put in place and the timescale for these submitted for the Planning Authorities approval.

**NO MORE THAN 9 RESIDENTIAL UNITS SHALL BE OCCUPIED until confirmation (i) that the requisite upgrading of the sewer system in so far as is required for the Affordable Housing, in respect of the Wadeslea site, is going ahead and (ii) that a public water and drainage connection shall be provided to the Wadeslea site, and the timetable for each is submitted for the written approval of the planning authority. This shall sit alongside a requirement from Scottish Water for a drainage impact assessment to fully understand the mitigation required at the Wadeslea site.**

**Reason: To ensure that the required infrastructure for provision of off-site affordable housing on the Wadeslea site is in place, prior to works commencing on site.**

The proposed additional condition is required so that the necessary infrastructure for off-site affordable housing at Wadeslea is put in place. Without this condition there is no control mechanism to ensure that the Wadeslea site meets the requirements of serviced land for the purposes of FIFEplan and the Affordable Housing Supplementary Guidance and that the affordable housing provision for Grange Road can be provided on the Wadeslea site.

## **Background Papers**

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

Scottish Planning Policy (2020)  
Designing Streets (2010)  
Creating Places (2013)  
Circular 3/2012 planning obligations and good neighbour agreements (2012)  
PAN 65 Planning and Open Space (2008)  
PAN 33 Development of Contaminated Land (2000)  
PAN 1/2011 Planning and Noise (2011)  
PAN 68 Design Statements  
PAN 77 Designing Safer Places  
PAN 78 Inclusive Design (2006)  
Landscape Institute and Institute for Environmental Management and Assessment document Guidelines for Landscape and Visual Impact Assessment (2nd Edition, 2009)  
Development Management Procedure (Scotland) Regulations (2015)  
Air Quality and Land Use Planning (2004)  
PAN 51 (Planning and Environmental Protection)  
Land-Use Planning and Development Control: Planning for Air Quality (2015)

Development Plan:  
Approved TAYplan Strategic Development Plan 2016-2036 (2017)  
Adopted FIFEplan (Fife Local Development Plan) (2017)  
Making Fife's Places Supplementary Guidance (2018)  
Low Carbon Fife Supplementary Guidance (2019)

## Appendix 1

The application shall be approved subject to the conclusion of the Planning Obligation and the amended planning conditions and reasons (changes highlighted in bold) as set out below:

1. A further application(s) for the following matters shall be submitted for the approval of the Planning Authority:

- (a) The construction of residential units and associated infrastructure;
- (b) Details of the intended methodology and delivery of the onsite affordable housing, including a tenure and timetable for delivery, if the affordable housing is not delivered on the Wadeslea site;
- (c) Sustainable Drainage System (SuDS) and drainage infrastructure;
- (d) A Design Code covering the entire site;
- (e) Roads, access, footpath and cycle path provision; and,
- (d) Landscaping

No work shall be started on the development until the written permission of the Planning Authority has been granted for the proposals. The details thereby permitted shall be implemented as part of the development.

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

2. Every application for approval of matters specified by Condition 1 shall be submitted for the written approval of the Planning Authority with the following information, where relevant:-

- (a) a location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
- (b) a detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape and public realm treatment (including materials);
- (c) detailed plans, sections and elevations of all buildings proposed to be erected on the site, together with details of the proposed method of drainage and the colour and type of materials to be used externally on walls and roofs;
- (d) the contractors' site facilities including storage, parking provision and areas for the storage of top soil and sub soil;
- (e) a Design and Access Statement including a site appraisal, 3D visualisations, a landscape impact appraisal, a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2017) or any document which amends this;
- (f) a statement on the compliance of the development with the terms of the Fife Council's Sustainability Checklist 2010 (or as amended);
- (g) full details of the method for the delivery of any affordable housing incorporated within that application;
- (h) a statement explaining in full how the details of the application comply with the Design Code, the affordable housing requirement, the Flood/SUDS facilities, and the road and footway/cycleway network as approved under the terms of condition 1;

- (i) Public Art Strategy for the site in accordance with Making Fife's Places Supplementary Guidance, or as superseded;
- (j) Development Framework Plan showing the whole site, including a phasing plan.
- (k) a Phase II Intrusive Site Investigation Report and any Remediation Strategy arising from the Phase II Report and the details of all mitigation measures necessary to address contaminated land issues for each phase or combined phases of development;
- (l) Details of tree protection measures and a tree survey for any trees on or bordering the site, where appropriate;
- (m) a Traffic Management Plan;
- (n) Construction Method Statement and Management Plan, including an Environmental Protection Plan, Scheme of Works relating to construction activities on site, details of the proposed construction traffic routes and wheel cleaning facilities;
- (o) Landscape Strategy for the whole site;
- (p) An updated Preliminary Ecological Appraisal Report and Extended Phase 1 habitat and protected species survey;
- (q) Details of biodiversity enhancement;
- (r) a programme of archaeological work in accordance with a detailed written scheme of investigation
- (s) Air Quality Impact Assessment
- (t) A programme for the provision of high speed broadband
- (u) A further scheme of intrusive site investigations for the mine entries; the undertaking of the scheme of further intrusive site investigations; the submission of a report of findings arising from the additional intrusive site investigations; and the submission of a layout plan which identifies the exact location of the mine entries; their calculated zones of influence, including the definition of suitable 'no-build' zones; and the submission of a scheme of treatment for the mine entries on site for the entire site

Reason: To be in compliance with Section 59 of The Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006.

3. NO WORKS SHALL COMMENCE ON SITE until confirmation that the requisite upgrading of the sewer system is going ahead and the timetable for this is submitted for the written approval of the planning authority. This shall sit alongside a requirement from Scottish Water for a drainage impact assessment to fully understand the mitigation required. Unless otherwise agreed in writing with Fife Council as planning authority, no unit shall be occupied on site until the upgrading of the sewer system is complete.

Reason: To ensure that the required infrastructure is in place, prior to works commencing on site.

4. An application for any of the matters referred to in Conditions 1, 2 and 5 shall be made before the expiration of 6 years from the date of the grant of this planning permission in principle.

Reason: It is considered that the timescale for the submission of the ARC applications can be extended beyond that set out in legislation in this instance, due to the timescales involved in the required sewer upgrades.

5. BEFORE THE FIRST APPLICATION IS SUBMITTED FOR ANY BUILDINGS IN ANY PHASE UNDER THE TERMS OF CONDITION 1 AND 2 above the following matters shall have been submitted to and approved under the terms of conditions 1 and 2:

- the Design Code which must cover the whole PPP site area;



- Intrusive Site Investigation (Phase 2 Investigation Report) for the entire site; a Phase II Intrusive Site Investigation Report and any Remediation Strategy arising from the Phase II Report and the details of all mitigation measures necessary to address contaminated land issues for each phase or combined phases of development; and
- The submission of a further scheme of intrusive site investigations for the mine entries; the undertaking of the scheme of further intrusive site investigations; the submission of a report of findings arising from the additional intrusive site investigations; and the submission of a layout plan which identifies the exact location of the mine entries; their calculated zones of influence, including the definition of suitable 'no-build' zones; and the submission of a scheme of treatment for the mine entries on site for the entire site.

Thereafter the further applications under conditions 1 and 2 shall reflect the above approved details where directly relevant to that further application.

Reason: To ensure that a coordinated plan for the design and delivery of the development is in place to inform the assessment of all subsequent applications.

6. The detailed plans required by Condition 2 of the consent shall clearly illustrate, in cross-section form, the existing ground level, the event of any underbuilding, the finalised floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a fixed datum point on or nearby the site such as a road or pavement which shall be identified on the submitted plans.

Reason: In the interest of visual amenity.

7. The residential development shall include Class 9 dwellinghouses and flatted dwellings and the number of residential units developed across the whole site including any affordable housing units shall not exceed 25.

Reason: To clearly define the maximum number of residential units approved under this permission.

8. The Design Code required by Condition 1 and 5 shall incorporate the design principles set out in the Design and Access Statement approved through the PPP, including the qualities of the 3 Character Areas described - The Southern Slopes, The Northern Edge and the Eastern Edge to Ferry Road.

Reason: To ensure the quality of design is consistent with that approved through the PPP.

9. The remediation works associated with the mine entry points or shallow coal workings affecting the site shall be completed prior to the commencement of work on any other part of the development.

Reason: To ensure any land stabilisation works are completed before any further activity takes place on site.

10. The sketch drawings and layout plans accompanying the application are not approved.

Reason: The details shown on the drawings submitted are not regarded as necessarily the only or best solution for the development of this site.

11. The Right of Way running through the site shall remain open during the construction works and thereafter unless agreed otherwise in writing with Fife Council as Planning Authority.

Reason: To ensure public access is retained throughout the construction period and after.

12. The Traffic Management Plan required by Condition 2(m) shall include details of construction timescales, the location of any site compound, parking for labour and construction traffic and details of any impacts on the road network in terms of road closures etc. to ensure that the impact of the construction phase of the development creates minimal disruption to the normal operation of the surrounding road network. The Traffic Management Plan shall include the type and size of construction vehicles to be used and shall detail how these will access the site through the woodland. The development shall proceed in accordance with the terms of the approved Traffic Management Plan.

Reason: in the interest of road safety to ensure that no mud, debris or other deleterious material is carried on to the public road.

13. A further application for Approval of Matters Specified by condition 1 (e) shall incorporate the following design requirements:

- a footway 2 metres wide stretching from the development site along the Q29 public road to tie in with the existing footway within Earlsferry;
- visibility splays, dependent on the speed limit on Ferry Road (Q29), at the junctions of the access roads to the development and Ferry Road (Q29)

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

14. The footway 2 metres wide stretching from the development site along the Q29 public road to tie in with the existing footway within Earlsferry shall be constructed PRIOR TO THE OCCUPATION OF THE FIRST DWELLINGHOUSE, and carried out in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G).

Reason: In the interest of road and pedestrian safety; to ensure the provision of an adequate design layout and construction of a safe route from the development site to the village centre.

15. The visibility splays required at the junctions of the access roads to the development and Ferry Road shall be provided prior to the junction coming into use, and shall be provided in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G).

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

16. All planting carried out on site shall be maintained by the developer to the satisfaction of this planning authority for a period of 5-years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased, or fail to establish shall be replaced annually.

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

17. BEFORE ANY WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

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

18. PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE DEVELOPMENT the speed limit changes on Ferry Road (Q29) shall be agreed in writing with Fife Council as planning authority. The speed limit changes shall, thereafter, be fully implemented prior to occupation of the first dwellinghouse. for the avoidance of doubt the developer shall be responsible for all costs associated with the speed limit amendments.

Reason: in the interest of road safety - to ensure the provision of adequate design.

19. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines within the Making Fife's Places Supplementary Guidance.

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

20. The landscaping details required by Condition 2(b) and (o) shall include Coastal tree and native understory planting, including Pine, rather than predominantly Pine planting as indicated in the DAS.

Reason: In the interest of visual amenity - to ensure the appropriate planting in the appropriate place.

21. The Scheme of Works required under the terms of Condition 2(n) shall include measures to mitigate the effects on sensitive premises/areas etc. of dust, noise, vibration from construction activities. For the avoidance of doubt, the use of British Standard BS 5228: Part 1:2009 'Noise and Vibration Control on Construction and Open Sites' and BRE Publication BR456 (February 2003) 'Control of Dust from Construction and Demolition Activities' shall be referred to and complied with, where applicable. Once approved the construction of the development on the site shall be undertaken entirely in accordance with the provision of the approved Scheme. Any amendment to such a Scheme will require the prior written approval of the Planning Authority following appropriate consultation.

Reason: In the interests of residential amenity protection; to ensure construction activities are not undertaken at times that are likely to result in a significant noise and vibration disturbance or dust generating nuisance to neighbouring occupiers.

22. In the event the Preliminary Site Investigation Report required under the terms of Condition 2(k) and 5 indicates that further intrusive investigation is required, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the planning authority. Where site remediation is recommended in the said Phase II Report, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Remediation of the site shall be undertaken in accordance with the approved Remediation Strategy. Where remediation cannot be undertaken in accordance with the said Strategy, or where previously unidentified contamination is encountered on site, all works shall cease (except site investigation works) and the planning authority notified within two working days. Unless otherwise agreed in writing with the planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and agreed in writing by the planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy. Following completion of the measures in the Remediation Strategy, a Verification Report shall be submitted for the written approval of the planning authority. Unless otherwise agreed in writing, no part of the development shall be carried out until the planning authority is satisfied the remediation of the site has been completed in accordance with the agreed Remediation Strategy. For the avoidance of doubt, all contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Development of Contaminated Land documents.

Reason: To avoid unacceptable risks to human health and the environment, to ensure the land is remediated and made suitable for its proposed use.

23. In the event that contamination not previously identified prior to the grant of planning permission or approvals of matters specified in conditions is encountered during the development, all works on site (except site investigation works) shall cease immediately and the planning authority notified within two working days. Unless otherwise agreed in writing with the planning authority, no works shall recommence until the requirements set out in Condition 22 have been followed with respect to the new source of contamination encountered.

Reason: In the interests of residential amenity; to ensure there is no risk from any site contamination to the proposed properties; to ensure no threat to public health.

24. A further application for Approval of Matters Specified by condition 1 shall include full calculations of the drainage system (including the sizing of the attenuation provisions), a completed SEPA SIA Tool Assessment to demonstrate that the SUDS provided has adequate treatment provisions and details (plan and cross section) for the attenuation and treatment components.

Reason: In the interests of drainage, to ensure adequate protection of the water environment from surface water run-off.

25. No development shall take place on site until such time as a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development.

Reason: In the interests of visual amenity.

26. All planting carried out on site shall be maintained by the developer to the satisfaction of this planning authority for a period of 5-years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased, or fail to establish shall be replaced annually.

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

27. BEFORE ANY WORKS COMMENCE ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be agreed in writing by Fife Council as planning authority.

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

28. BEFORE ANY WORK STARTS ON SITE, the developer shall submit details and specifications of the protective measures necessary to safeguard trees on the site during development operations. This planning authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the planning authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In order to ensure no damage is caused to the existing trees during development operations.

29. The development shall comply with the recommendations set out within the Preliminary Ecological Appraisal, by Brindley Associates, May 2017 or any updated version.

Reason: In the interest of ecological protection and enhancement.

30. The biodiversity enhancement details required by Condition 2(q) shall include the exploration of opportunities to take surface water management out of pipes, to create visually attractive features that integrate with landscaping and open space.

Reason: In the interest of biodiversity enhancement on the site.

31. The existing Paddock within the site boundary shall remain free of development.

Reason: In the interest of visual amenity and to protect this area of green space.

32. In the event that this application site (The Grange) is developed, but associated planning application 18/03579/PPP (Wadeslea) is not, in order to ensure that the affordable housing required for this application site (The Grange) still goes ahead, the relevant sized area of portion of land at application site 18/03579/PPP (Wadeslea) corresponding to this application site's (The Grange's) share of affordable provision shall be given over to affordable housing at a value determined by Fife Council Housing

Services. No more than 50% of the residential units shall be constructed at application site: 18/03579/PPP (Wadeslea) before any of the agreed affordable housing units are constructed.

Reason: To ensure the appropriate required affordable housing contribution is provided.

**33. NO MORE THAN 9 RESIDENTIAL UNITS SHALL BE OCCUPIED until confirmation (i) that the requisite upgrading of the sewer system in so far as is required for the Affordable Housing, in respect of the Wadeslea site, is going ahead and (ii) that a public water and drainage connection shall be provided to the Wadeslea site, and the timetable for each is submitted for the written approval of the planning authority. This shall sit alongside a requirement from Scottish Water for a drainage impact assessment to fully understand the mitigation required at the Wadeslea site.**

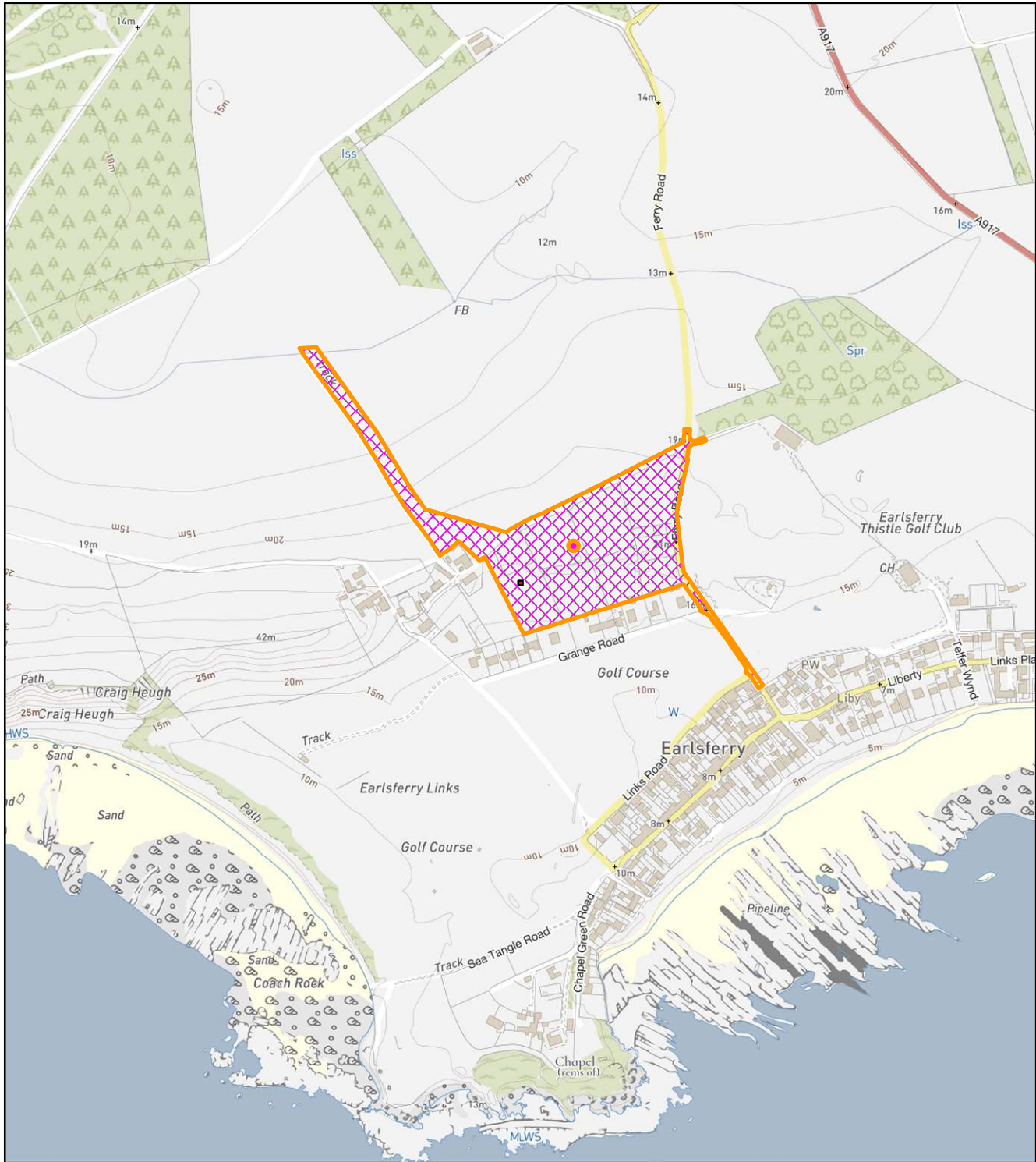
Reason: To ensure that the required infrastructure for provision of off-site affordable housing on the Wadeslea site is in place, prior to works commencing on site.

#### **Report Contact**

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Author Name Natasha Cockburn, Lead Professional,  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

## Land to north of Grange Road Earlsferry



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

**ITEM NO: 5**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01877/FULL**

**SITE ADDRESS: MADRAS COLLEGE KILRYMONT ROAD ST ANDREWS**

**PROPOSAL: PROPOSED CHANGE OF USE OF SITE FROM EDUCATION TO FORM A RESIDENTIAL DEVELOPMENT OF 102 UNITS (PRIVATE AND AFFORDABLE HOMES) WITH ASSOCIATED ACCESS, PARKING, INFRASTRUCTURE AND LANDSCAPING/OPEN SPACE.**

**APPLICANT: SCOTIA HOMES LTD  
SCOTIA HOMES BALMACASSIE DRIVE ELLON**

**WARD NO:** W5R18  
St. Andrews

**CASE OFFICER:** Declan Semple

**DATE** 04/07/2022

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The application is defined as a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and has attracted over six representations contrary to the officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional approval requiring a legal agreement



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

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

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

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan which provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 sets out themes around sustainability, productivity, liveability, and distinctive places. It is underpinned by six spatial principles.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them will cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

Having assessed the current application against the policy provisions of the finalised NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

### **1.0 BACKGROUND**

#### **1.1 Site Description**

1.1.1 The site is located to the south of St. Andrews and was the Madras College Kilrymont campus from the late 1960's serving as a comprehensive school for the local area. The campus comprises of the 'B' listed former Madras College buildings and associated car parking, playing fields and amenity space. The site is located at the edge of the existing settlement and existing houses are located to the eastern and western boundary and to the north lies the Greyfriars Roman Catholic Primary School. Kilrymont Road runs along the eastern and southern boundary of the site with the St Andrews Green Belt lying to its south and the St Andrews to Fife Ness

Local Landscape Area to the south east of the site. The existing residential dwellings which surround the site were built generally between the 1950's and 1970's. St Andrews Community Hospital is a 12 minute walk away, there is an existing playground located within a 7 minute walk. St Andrews Town Centre to the north of the site is approximately a 20 minute walk.

1.1.2 Within the current Local Development Plan (FIFEplan 2017) the proposed site is identified for education purposes, however, following the Council's Building Fife's Future programme, a new, state-of-the-art, Madras College was built on a different site at Langlands, St Andrews. On this basis, the site is no longer required for school or further education uses and is being released for development purposes. The Kilrymont site was marketed for sale by the Fife Council in late 2020 with an associated Design and Development Framework detailing a brief for the site. The document adopts a strategic approach and does not set out details of land use class or building form but it does however identify the principle urban design concepts to help facilitate a future development which will contribute positively to the area.

## 1.2 Proposal

1.2.1 The application is for planning permission for the change of use of the site from school and education purposes (Class 10) to form 102 residential properties (Class 9/Sui Generis), including 30% affordable with associated access, landscaping and urban park. Access to the site will be taken from the existing access to the former school on Kilrymont Road and form a loop around the site leading to a new entrance to the south west of the site and leading to Kilrymont Road. A mixture of bungalows and two storey properties will be built to the east and west of the site, three storey town houses to the north and two four storey flatted backs within the centre of the site. A new urban park will be formed to the south of the flatted blocks between the proposed residential development and B listed building to the south of the site.

1.2.2 The proposal will form a mix of bungalows, two storey houses and two flatted blocks. The accommodation schedule is as follows:

- 6 x 4 Bed Townhouses (Private)
- 10 x 1, 2, 3 and 4 Bed Bungalows (Affordable)
- 10 x 2, 3 and 4 Bed 2 storey Houses (Affordable)
- 12 x 1 Bed 2 storey self-contained Flats (Affordable)
- 64 x 1, 2, 3 and 4 Bed Apartments/ Penthouses (Private)

1.2.3 The flatted blocks would be up to four storeys including a set back roof and have a contemporary frame design with floor to ceiling windows to living areas and set back balconies. The predominant building material would be sandstone and blue fibre cement panelling and dark grey metal seam cladding pitched roof. The bungalow, two storey properties and terraced properties would utilise white render, sandstone coloured brick and grey rooftiles.

1.2.4 The central urban park would be enclosed by the loop road around the site. The space accommodates permeable paths for walking and cycling, amphitheatre seating and robust landscaping. A variety of car parking solutions have been incorporated including private driveways, on street car parking, garages and sub-terranean car parking serving the flatted blocks accessed from the northeast of the site.

## 1.3 Planning History

1.3.1 Relevant planning history associated with the application site is as follows:

14 September 2022 - Planning permission for the installation of temporary security hoardings was permitted (planning reference: 22/02009/FULL).

15 August 2022 - Listed building consent for the installation of temporary security hoardings was permitted (planning reference: 22/02010/LBC).

29 March 2022 - Planning Permission in Principle for a mixed use development comprising Residential (Class 9 and Sui Generis); Student Accommodation (Sui Generis); Delicatessen and Restaurant (Class 3); Local Convenience (Class 1); Assembly and Leisure (Class 11); Urban Park; Landscaping; and, all Associated Infrastructure including SUDS Basin, Roads, Accesses and Footways has been conditionally approved subject to concluding a legal agreement (planning reference: 22/00990/PPP).

16 November 2021 - A Proposal of Application Notice (PAN) residential development on the site was agreed (planning reference: 22/01877/PAN).

18 August 2021 - A screening request for a proposed mixed use development determined that an Environmental Impact Assessment was not required (planning reference: 21/02609/SCR).

26 July 2021 - Proposal of Application Notice for mixed use development was agreed (planning reference: 21/02395/PAN).

## 1.4 Application Procedure

1.4.1 The application proposal is for more than 49 houses and covers a site area of more than 2ha and therefore falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding public consultation events (ref: 21/03609/PAN). A Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application.

1.4.2 The application was advertised in The Courier on 14 July 2022 as a Schedule 3 (potential bad neighbour) Development.

1.4.3 Fife Council currently owns the site. 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 Planning Authority 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.

## 2.0 ASSESSMENT

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

- Principle of Development;
- Layout, Height, Scale, Mass and Design;
- Impact on Built Heritage;
- Amenity;
- Transportation;
- Flood Risk;
- Natural Heritage and Biodiversity;
- Archaeology;
- Infrastructure and Planning Obligations;
- Contaminated Land; and
- Sustainability.

### 2.2 Principle of Development

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

2.2.2 FIFEplan Local Development Plan (2017) policies 1 Development Principles, 2 Homes and 3 Infrastructure and Services are relevant to establishing the principle of a residential development on the site. Policy 1 Development Principles supports the principle of development within a defined settlement boundary and compliant with the policies for the location and meet the requirements of any design briefs or development frameworks prepared for the site. Part B criterion 6 requires proposals to protect sport and recreation facilities. Policy 2 Homes supports housing development on sites allocated for housing in the Local Development Plan; or other sites provided the proposal is compliant with the policies for the location. Policy 3 Infrastructure and Services will only support proposals that result in the loss of existing sports facilities where equivalent or better alternative provision will be provided in a location that is convenient and maintains the overall playing capacity in the area.

2.2.3 Objections have been submitted in representations to the proposed use of the site for residential development. The Madras College (Kilrymont) St Andrews Design and Development Framework has been prepared following the relocation of the former school to its new campus, ahead of the anticipated redevelopment of the former school site. The Framework sets out the key design and development principles for the Madras College (Kilrymont) site and identifies potential land uses and concepts for how the site should be developed. The Framework Development Concept 1 suggests potential land uses for the existing buildings on the site as residential, offices, care homes, student accommodation or live/work units and new build potential for residential development.

2.2.4 Planning Permission in Principle (PPP) for a mixed-use redevelopment of the former school site has been granted subject to concluding a legal agreement. The PPP land uses include residential development (Sui Generis/ Class 9), student housing (Sui Generis), retail (Class 1), restaurant (Class 3) and assembly/leisure uses (Class 11). The PPP has established the principle of the proposed uses on the site and an overall maximum quantum of development for the respective land uses. The overall redevelopment would form a mix of uses and proposes

the re-use of the listed building on the site and new development within the grounds. As noted through the determination of the PPP application, the change of use of the site and other detailed matters will be progressed through future applications. This applicant has submitted this planning application to approve full details of the residential element shown indicatively through the PPP application.

2.2.5 The site is allocated within the FIFEplan Local Development Plan for School or Further Education Campus use due to the previous use as the Madras School Kilrymont Campus. However, since the adoption of the Local Development Plan in 2017, both Madras campuses have relocated to a new purpose-built single campus within the St Andrews West Strategic Development Area. Due to the relocation, the Kilrymont Campus is no longer required by the school estate and was marketed for sale by Fife Council in 2020 with the associated Design and Development Framework prepared by Fife Council for the site. Given the allocation within FIFEplan for School or Education purposes the proposed residential development proposal is contrary to the plan allocation however, circumstances have materially changed with the relocation of the former school since the adoption of FIFEplan and the approval of the mixed use PPP for the site that would warrant a deviation from the site allocation.

2.2.6 The large open playing fields that previously accommodated the school's sports facilities will be replaced by the proposed residential development. SportScotland are a statutory consultee on planning applications which may result in the loss of outdoor pitches and playing fields over 0.2ha in size. Whilst this application would result in the loss of the former playing fields and sports facilities, the facilities are no longer in use as a result of the former school's relocation to an alternative site. Alternative sports facilities have been included in the new Madras site including two all-weather floodlit sports pitches that can accommodate rugby, football and hockey games. Pupils also have access to the adjacent University sports facilities including running track, sand dressed hockey pitch and Fife Council grassed pitches at Station Park and additional grassed areas close to the school. Accordingly, the loss of the former sports facilities and playing fields at the Kilrymont site is acceptable and complies with Policy 3. Equivalent or better alternative provision has been provided at the new Madras school and has maintained the overall playing capacity within the area. SportScotland have been consulted on the application and raised no objection, subject to a condition requiring the applicant to submit evidence of equivalent access to sports facilities and further mitigation if required.

2.2.7 The site is within the settlement boundary of St Andrews and the proposed use is compatible with the potential uses within the Framework Development Concept 1 and the approved PPP. Whilst the site is not allocated for the proposed land use, the established use is no longer required and the previous approval for a mixed use redevelopment of the site, including residential use provides an opportunity to develop a brownfield site within the existing settlement envelope. The surrounding land uses are primarily housing with the exception of Greyfriars Roman Catholic Primary School to the north of the site. Within the wider area there are a number of amenities within walking distance including retail, open space, public transport connections and St Andrews beach (East Sands) and the town centre. Accordingly, this proposal will form the residential element of a wider mixed use redevelopment of the site and a mixed use redevelopment of the site is supported in accordance with the Kilrymont Design and Development Framework and the details approved through the previous PPP application. The use will complement the existing community and contribute to maintaining a sustainable community through supporting local amenities. The use also supports the 20 minute neighbourhood concept in creating sustainable, walkable communities and will bring a vacant site back into use.

2.2.8 Accordingly, the proposed residential development of the site is compatible with the existing surrounding land uses, the Kilrymont Design and Development Framework, the previously approved PPP application for a mixed use redevelopment of the site, FIFEplan policies 1, 2 and 3 and is therefore acceptable in principle, subject to compliance with other policies within FIFEplan Local Development Plan.

## 2.3 Layout, Height, Scale, Mass and Design

2.3.1 FIFEplan policies 1 Development Principles and 10 Amenity apply. Policy 1 supports development that will safeguard the character and qualities of the landscape and provide a layout and design that demonstrates adherence to the six qualities of successful places as set out in the Scottish Government's Creates Places policy. Policy 10 supports proposals where there is no significant detrimental impact on the visual impact of the development on the surrounding area. The Madras College (Kilrymont) Design and Development Framework Development Concept 1 sets out design and development principles setting out how the site should be developed in future. Key principles include a green buffer to Kilrymont Road; new building opportunity for new residential development to the north with a maximum building height of two storeys to the edges of the development and up to three storeys in the middle of the site; prioritising the re-use of the existing building; and a development opportunity to the southwest of the site. The Development Concept includes a concept diagram detailing new development opportunities, building fronts, vehicular access, green corridor, and a landscape setting for the listed building.

2.3.2 Objections have been submitted in representations in relation to the layout, height, mass and design of the proposed development. This Planning Permission in Principle application approved an Indicative Site Layout which built upon the aspirations of the Kilrymont Design and Development Framework. The key vehicular access points are to be taken along the southern boundary from Kilrymont Road and the east of the site from the existing access point creating a dual access loop road through the site. A Right of Way pedestrian access to Roundhill Road will be maintained and enhanced and a new pedestrian access will be formed to Kilrymont Road. The layout proposes a loop road accessing the site from Kilrymont Road east existing access and heading north before returning and providing an exit to Kilrymont Road to the south west of the site. Pedestrian linkages are included through the site providing direct routes to facilitate walking and cycling.

2.3.3 Indicative building heights of between two and three storeys were set out in the Kilrymont Design and Development Framework. The PPP indicative masterplan approved heights of between one and four storeys for new development on the site. The submitted Design and Access Statement has undertaken an assessment of the local context to determine established building heights within the area and consider appropriate building heights for the site. The existing buildings on the wider Kilrymont site have a maximum height of four storeys with an additional clear storey in its centre with a pagoda style roof. The ridge height of the flat roof element of the four-storey block is around 12.5m above ground level to the north of the site with a two-storey link and drop to one storey to the rear with the sports hall sitting at two storeys. The surrounding area is primarily residential with building heights of typically between one and two storeys with some examples of three storey terraced properties within the surrounding area. The flatted blocks within the centre of the site would have a maximum height of four storeys (including set back) and the residential units around the northern perimeter of the site would be between one to one and a half storeys to the east, two storeys to the west and up to three storeys to the north. The building heights have been considered in the context of the building heights within the surrounding area, the impact on the setting of the listed building and longer

views within St Andrews. The central blocks are proposed at three storeys with set back penthouses above, the topography of the site allows these to lie lower than the existing Madras College buildings and adjacent blocks. The floor to ceiling heights of the proposed blocks will be lower than that of the classroom block due to it being proposed for residential purposes and not being for educational purposes. This further reduces their ridge height in comparison to the existing Madras College buildings to the south of the site.

2.3.4 The massing of the development has been designed to protect key views to and from the existing listed building. A Zone of Theoretical Visibility and Visualisation and Methodology Statement (ZTV) has been submitted to support the application. The ZTV uses computer modelling to illustrate the effects of the proposed development through mapping areas of land from which the proposed development might appear as part of a view. The proposed development is theoretically visible from various points in the surrounding area of St Andrews. From the study area five viewpoints have been selected to test views of the site and assess the height and mass of the proposals including Kilrymont Place, Roundhill Road, Tom Morris Drive, Kinkell Braes Holiday Park and St Andrews Pier, giving a selection of local and longer views towards the site. The visualisations demonstrate that the proposal will be visible within the immediate area however, not overbearing or detrimental to the visual amenity of the area. The view from Tom Morris Drive is the most prominent view and the new development offers an opportunity to provide an attractive vista from the street. The proposal will be visible in longer views but will not protrude above the existing roofscape or detrimentally impact on the historic skyline of St Andrews or wider views towards the St Andrews Green Belt. In terms of the proposed mixed-use redevelopment of the site, the applicant has demonstrated that the layout broadly accords with the Kilrymont Design and Development Framework and previously approved PPP application. The applicant has demonstrated that the proposed height and mass sit comfortably within the site and within the immediate and wider context.

2.3.5 The predominant building material on the flatted blocks will be sandstone cladding and blue cement cladding and grey cladding for the set back roof. The residential bungalows, terraces and two storey properties will utilise white render, sandstone coloured brick with dark grey roof tiles. The sandstone cladding and blue concrete finishes have been chosen to reference the colours and proportions of the B listed building to the south of the site. Sandstone colouring is also in keeping with the traditional buildings within St Andrews and will reference local traditional materials.

2.3.6 Accordingly, the proposal is compatible with the Kilrymont Design and Development Framework, PPP and FIFEplan Policies 1 and 10 and Making Fife's Places Supplementary Guidance in terms of visual impact.

## 2.4 Built Heritage

2.4.1 The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 Section 59 requires planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. FIFEplan Policy 1 Development Principles Part B requires development proposals safeguard the characteristics of the historic environment. Policy 14 Built and Historic Environmental requires developments to protect or enhance buildings of special architectural or historic interest and their setting. Proposals will not be supported where it is considered they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest. The Kilrymont Design and Development Brief Development Concept 1 requires proposals to provide a landscape setting for the B listed building on the site and any new

development within the former school grounds should not significantly detrimentally affect the setting of the listed building.

2.4.2 Objections have been submitted in representations to the impact the proposed development would have on built heritage. The Madras College Kilrymont Road Campus to the south of the application site is a mid-1960's category B listed building. The original Madras College buildings on South Street were built in the 1830's but by the post war period they were inadequate to meet the needs of the school population. Due to the constraints on the existing site a green field site south of the town was selected. The building has a striking design with complex pagoda-style roofline with a free standing sports hall to the west. The buildings use a variety of materials including tiles, brick, painted wood and large areas of glazing. The character and significance of the building relates to its aesthetic and architectural and historic development, landscape and social values. The significance of the building is linked to the design aesthetic of the built structure and relationship to views to the town.

2.4.3 This application is for a residential development to the north of the listed building but forming part of the wider mixed-use redevelopment of the former Kilrymont campus site. Separate applications for listed building consent and planning permission will be required for the future re-development of the school and other development opportunities approved as part of the PPP application. Therefore, this assessment will only consider the impact of the proposed residential development on the setting of the listed building.

2.4.4 Fife Council's Built Heritage Officer has been consulted on the application and has advised that the original character of the setting would be adversely affected, and the proposals have taken the lead from the surrounding area rather than the listed building and is therefore, not supported. The applicant has fed back that all heritage structures will be maintained through the redevelopment of the wider site and there is limited significance to this part of the site. This requirement to protect the setting of the listed building was identified within the Kilrymont Design & Development Brief where a green buffer is identified between the rear of the school buildings and the proposed development area on the former playing fields. This green buffer has evolved into a high quality urban park. This will form a positive response to the setting of the listed building and provide an attractive buffer between the new development and listed building.

2.4.5 Overall, the proposal broadly accords with the Kilrymont Design and Development Brief and approved PPP. Where the proposal has deviated the applicant has submitted robust supporting information to demonstrate that there will be no significant adverse impact on the setting of the listed building. It is accepted that the character and setting of the listed building will change however, this is essential as the site adapts from its previous use as a school and associated playing fields to forming a new mixed-use community within St Andrews. Therefore, the proposal complies with the Act, FIFEplan policies 1 and 14 and associated guidance.

## 2.5 Amenity

2.5.1 FIFEplan Policy 1 Development Principles Part B requires development proposals to protect the amenity of the local community. Policy 10 Amenity supports proposals which will provide a satisfactory residential environment for future occupiers and existing neighbours in relation to noise, privacy, sunlight and daylight. Planning Advice Note (PAN) 1/2011 provides guidance on how the planning system helps to prevent and limit the adverse effects of noise.



2.5.2 Objections have been submitted in representations relating to daylight, sunlight, privacy and noise. As per Fife Council Customer Guidelines on Daylight and Sunlight (2018), 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 assessment to measure the impact of loss of daylight as a consequence of a development. This guidance additionally states that proposed developments should allow for the centre point of neighbouring properties' amenity spaces to continue to receive more than two hours of sunlight (calculated on 21st March). 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. If there is a road or pavement between the existing and proposed properties, or a permanent high barrier, the distances can be less. Fife Council's Planning Customer Guidelines on Garden Ground advises that all new detached and semi-detached dwellings should be served by a minimum of 100 square metres of private useable garden space; with 50 square metres for terrace properties; and that a building footprint to garden space ratio of 1:3 is required. Garden ground provision does not include space for garages, parking or manoeuvring vehicles.

2.5.3 With regard to privacy/window-to-window distances within the site, the proposed development has been laid out in such a way to either meet the minimum distances/angles recommended in the Fife Council Customer Guidelines, or makes use of intervening roads, street trees or obscurely glazed gable windows to prevent direct views between windows and into private garden areas. Additionally, it is calculated that, given the distance between the proposed dwellings and existing properties, with level changes, intervening boundary treatments and woodland planting, the privacy of neighbouring properties would not be adversely impacted by the development. The layout of the proposed development would ensure that the habitable rooms of each dwelling would receive adequate daylight, whilst neighbouring residential properties would not experience a loss of daylight. Lastly, given the layout of the proposed development, path of the sun and position of neighbouring amenity spaces, the neighbouring properties would not be subjected to material loss of sunlight. A variety of garden ground sizes are proposed throughout the application site and will provide a satisfactory level of access to private amenity space.

2.5.4 A Noise Assessment has been submitted to support the application. The development site is located in a relatively quiet residential area and the results at this stage indicate that noise from road traffic is unlikely to be a significant constraint for future noise-sensitive uses within the proposed scheme. The increase in road traffic generated from the proposed development is predicted to be of minor adverse significance or less across the study area. The Public Protection Team has been consulted on the application and have no objection subject to a condition relating to construction to minimise the impact on existing residents.

2.5.5 Therefore, a satisfactory residential environment for neighbours of the site and future residents of the development can be achieved in accordance with FIFEplan Policies 1 and 10 and Planning Advice Note (PAN) 1/2011.

## 2.6 Transportation

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

2.6.2 Objections have been submitted in representations in relation to the impact on road network capacity and the proposed car parking availability. The site is located to the south of St Andrews and was the site of the former Madras College campus and located at the southern edge of the settlement bounded on all sides by quiet traffic calmed residential streets. A detailed layout for the development has been prepared which considers national and local policy guidance including the Scottish Government's document 'Designing Streets' and the SCOTS National Roads Development Guide, placing emphasis on sustainable travel over the private car. The layout has been designed to integrate with existing walking and cycling infrastructure in the area and provide access to public transport. Internally, the roads have been designed to ensure that pedestrians have priority over the private car with the layout and traffic calming measures creating an attractive pedestrian environment. The residential areas within the site are linked by a comprehensive network of footways which link with the surrounding streets and facilitate active travel within and outside the development site. Vehicular access will be taken from the existing access and two accesses from the south of Kilrymont Road. The applicant has provided car parking in accordance with the Making Fife's Places Appendix G requirements.

2.6.3 The Transport Assessment has assessed trip comparison with the proposed uses and the former Kilrymont School. The assessment has concluded that based upon the former school use there will be a net decrease in traffic during the morning and evening peak periods. However, there will be a net increase in evening peak arrivals. The predicted overall net decrease means that the proposed development will have less of a traffic impact on the local road network capacity at peak times than the previous use. Transport Scotland was consulted on the application and has no objection. Transportation Development Management was consulted on the application and has no objection subject to conditions relating to technical standards.

2.6.4 The site is well located in terms of existing walking routes to local amenities and public transport connections with five bus stops within five minutes walking distance. The proposed development would not have a detrimental impact on the operational capacity or road safety of the surrounding road network. Therefore, the proposal complies with FIFEplan Policy 1 and 3 and the Making Fife's Places Supplementary Guidance.

## 2.7 Flood Risk

2.7.1 FIFEplan Policy 1 Development Principles requires new development avoid flooding impacts on the water environment. Policy 3 Infrastructure and Services requires development to deliver the required level of infrastructure including foul and surface water drainage including Sustainable Urban Drainage Systems. Policy 12 Flooding and the Water Environment requires proposals to demonstrate they will not individually or cumulatively increase flooding or flood risk on the site or elsewhere. Proposals should not detrimentally impact on a water body's natural characteristics, engineering works or recreational uses.

2.7.2 Objections have been submitted in representations relating to flooding and drainage. The site contains an open watercourse which enters the site from a culvert under Kilrymont Road and enters a culvert under the existing access road. SEPA flood mapping shows that the watercourse is at risk of flooding and has previously been subject to localised flooding. A Flood Risk Assessment has been submitted to support the assessment of the application. The assessment proposes that the wider redevelopment of the site is split between two discharge points. The repurposed Madras College site is proposed to discharge to the existing watercourse as it runs through the site. The flooding to the west of the existing building would be addressed by a new surface water collection system and pipes to collect water and eliminate flooding. The proposed residential development will connect to the public network. SUDS is provided with a basin located to the north-west part of the site (on the lowest section of the site). A Drainage Strategy is submitted in support of this planning application. Although not within the application site boundary, it is noted that there is water course to the south of the wider Kilrymont site. A Flood Risk Assessment has been undertaken for this. For completeness, it is included with this planning application.

2.7.3 Scottish Water was consulted on the application and has no objection. Structural Services were consulted on the application and have no objection. The applicant has submitted sufficient information to demonstrate that the site has the capacity to manage flooding and drainage on the site in accordance with policies 1 and 12 of FIFEplan.

## 2.8 Ecology, Biodiversity and Trees

2.8.1 FIFEplan Policy 1 Development Principles Part B requires development safeguard the character and qualities of the landscape and safeguard or avoid the loss of natural resources. Policy 13 Natural Environment and Access supports development proposals that protect natural heritage including trees and hedgerows that contribute towards the landscape and amenity of the area. Proposals must also protect biodiversity in the wider environment and contribute towards the countryside character and views.

2.8.2 An Ecology and Biodiversity Assessment has been submitted to support the application. The purpose of the assessment was to characterise the habitats present on site and assess the study area to identify whether there were any features on site that would indicate the presence of protected species and species or habitats or nature conservation importance or the presence of non-native invasive species that could represent a significant ecological constraint. The survey found that biodiversity on the site is low and habitats on site are all man-made. There are no rare habitats on site. The site was surveyed for red squirrel, badger, bats and breeding birds however no evidence was found. Apart from the building, the site has no bat roosting potential and the amenity areas have a low value as a bat foraging habitat. The survey has recommended mitigation to be progressed through the detailed planning applications including bat boxes and tree protection. NatureScot were consulted on the application and have no objection.

2.8.3 A Tree Survey Report was submitted to support the application. A total of 50 trees were identified within the site and immediate area and are mostly ornamental deciduous and coniferous trees. The trees on site have been categorised with category A trees of high quality and value in good condition; category B of moderate quality with life expectancy of at least 20 years; category C trees are of low quality with a life expectancy of at least 10 years or young trees with a stem diameter of at below 150mm; and category U meaning the tree cannot be retained due to serious defect or the tree is dead or dying. Nine trees are recommended to be removed for health and safety or for management and twenty trees are to be removed to

accommodate the proposed development. Whilst the loss of category B trees is normally resisted the trees are under no statutory protection and compensatory replacement tree planting will be required as part of the redevelopment of the site. The loss of the trees on the site is essential to enabling the redevelopment of the school and former playing fields. Accordingly, the proposal is compatible with policies 1 and 13 of FIFEplan and is acceptable.

## 2.9 Archaeology

2.9.1 FIFEplan Policy 1 Development Principles Part B requires development proposals to safeguard the characteristics of the historic environment, including archaeology. Policy 14 Built and Historic Environment requires all archaeological sites and deposits, whether statutory protected or not are considered to be of significance. Development proposals 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.

2.9.2 An Archaeology Assessment has been submitted to support the application. The assessment concludes that the only known cultural heritage asset within the area is the B listed building to the south of the application site which is to be retained. Until construction of the Madras College the site had been undeveloped since at least the mid-eighteenth century. There is no evidence of prehistoric ritual activity within the wider area around the proposed development sites. Fife Council's Archaeologist has been consulted and advised there is the theoretical potential of prehistoric archaeological deposits on the site. However, it would be speculative and unjustified to require archaeological works without further evidence that deposits might exist. Accordingly, the Archaeologist has no objection to the and no further archaeological excavation works are required. Therefore, the proposal complies with policies 1 and 14 of FIFEplan.

## 2.10 Infrastructure and Planning Obligations

2.10.1 Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out Scottish Government expectations on the role planning obligations will play in addressing the infrastructure impacts of new development. The circular requires that planning obligations meet all of the five tests as set out in paragraphs 14-25 of the circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects.

2.10.2 Policy 1, Part B, criterion 1 of the FIFEplan advises that development proposals must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure. Policy 4 of the FIFEplan advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments, other than a change of use to employment land or leisure site, will be exempt from these obligations if they are for the conversion or renovation of an existing building, particularly if it is listed and if they are for the re-use of derelict land/buildings or previously developed land.

2.10.3 Fife Council's Planning Obligations Framework Guidance advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance describes when planning obligations will be sought, where exemptions will apply and how methodologies will be applied when considering the impacts, a proposed development will have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace and public art

#### Transportation

2.10.4 The Planning Obligations Framework Supplementary Guidance sets out a requirement for a link road to be funded by the Strategic Development Area and other contributing development proposals within St Andrews to fund transport improvements in or around the town. The submitted Transport Assessment shows a net reduction in trips in both the AM and PM peak compared with the previous school use. Accordingly, it would not be reasonable to seek a contribution to improvements to the local transport network. Transportation Development Management has been consulted and agreed with the findings of the Transport Assessment.

#### Education

2.10.5 The Guidance advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers.

2.10.6 Fife Council's Education Services has been consulted on this application and advised that the application site is likely to create or contribute to a capacity risk within the catchment area of the development site. However, the Education Service would not object to this planning application, subject to planning obligation payments to contribute to the costs of the mitigation at Madras College. The estimated cost of providing additional teaching areas at Madras College is £4.5 million to be funded on a pro-rata basis by all eligible housing developments across the catchment area.

#### Green Infrastructure and Open Space

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

2.10.8 Making Fife's Places Supplementary Guidance sets out that development proposals comprising over 50 units are required to provide 60 square metres of open space per dwelling on site or contribute towards existing open space if the development is located within 250m walking distance of an existing open space. The proposal offers approximately 2.3ha of public open green space across the site as well as additional private amenity space to residents of properties around the perimeter of the site, which exceeds the requirement set out in the Guidance.

2.10.9 The re-location of the former school and mixed-use redevelopment of the site has resulted in the loss of sports facilities from the site. However, equivalent provision has been included in the new Madras campus and within the local area. A condition has been included to demonstrate this and identify further mitigation if required. Therefore, the proposed high quality green infrastructure and open space included within the proposed mixed-use redevelopment of the site is in addition to the replacement sports facilities elsewhere within St Andrews.

#### Affordable Housing

2.10.10 Policy 1, Part C, Criterion 1 of the Adopted FIFEplan states that development proposals must meet the requirements for affordable housing. Policy 2 of the Adopted FIFEplan states that open market housing development must provide affordable housing at the levels for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. This should be fully integrated into new development and be indistinguishable from other forms of housing. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted. Fife Council's Supplementary Guidance on Affordable Housing (2018) considers that housing proposals must accord with the structure plan housing land requirement.

2.10.11 Fife Council's Affordable Housing team has no objections to the proposal subject to 30% of the approved housing being affordable housing units. The agent has agreed to provide the affordable housing on site and this will be secured through an appropriate legal agreement. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

#### Public Art

2.10.12 Policies 1 and 4 of the FIFEplan states that a contribution towards on-site public art will be sought in relation to Local applications for housing on visually prominent sites evident from main road corridors. Further guidance regarding this will be set out in the guidance. The requirement for public art to be provided as part of new development will be determined on a site by site basis using the process set out in the guidance. The Supplementary Guidance states that other uses than those listed in Figure 2, changes of use, building conversions, minor or householder planning applications will not be expected to make a contribution to public art. Where contributions are sought, these will apply to gross floor area including service yard and ancillary buildings.

2.10.13 Making Fife's Places Supplementary Guidance states that the main objective of public art is to enhance the quality of a place, so it must be an integral part of the design process for the overall development and considered from the outset. It is closely related to urban design in the consideration of issues and design principles. In this way, incorporating public art will help to create distinctive places.

2.10.14 A condition is recommended regarding this matter and requiring the agent to submit information to demonstrate how the proposal will incorporate public art into the overall development with the cost of the public art equating to £300 per dwellinghouse. The proposal would therefore be acceptable, in principle, and would comply with the Development Plan in this respect.

2.10.15 Accordingly, subject to an appropriate legal agreement to secure the provision of affordable housing and education contributions, conditions requiring the provision of public art and the provision of adequate open space the proposal complies with policies 1 and 4 of FIFEplan.

## 2.11 Contaminated Land

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

2.11.2 Fife Council's Contaminated Land team advises that they have no objections to the development subject to conditions relating to contaminated land including the submission of a preliminary risk assessment and the submission of a remedial action statement if required. Conditions regarding these matters are recommended. The proposal subject to these conditions, would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with Development Plan Policy in this respect.

## 2.12 Sustainability

2.12.1 FIFEplan Policy 1 Development Principles requires new development provide energy generation and generation in the layout and design and contribute to achieving an area's full potential for electricity and heat from renewable sources. Policy 11 Low Carbon Fife supports new development to incorporate low carbon energy schemes.

2.12.2 The agent has submitted a Low Carbon Sustainability Checklist to support the application. The checklist confirms the agent has submitted sufficient information relating to sustainability. An Energy Statement has also been submitted and identifies measures to enhance the sustainability of the site. Measures include installing enhanced insulation within the fabric of new buildings; using air source heat pumps to provide heating and hot water; using LED lighting and installing PV panels to non-domestic buildings to generate renewable electricity. Therefore, the proposals comply with FIFEplan Policy 1 and 11.

## CONSULTATIONS

Structural Services - Flooding, Shoreline And Harbours	No objection.
Scottish Water	No objection.
Community Council	Objection based on wider mixed use redevelopment of site, energy performance, layout, height, traffic, materials, impact on Right of Way.
Archaeology Team, Planning Services	No objection.
Urban Design, Planning Services	Urban Design input throughout process.
Land And Air Quality, Protective Services	No objection, subject to conditions.
Education (Directorate)	No objection, subject to legal agreement securing affordable education contributions.
Housing And Neighbourhood Services	No objection, subject to legal agreement

Environmental Health (Public Protection)	securing affordable housing provision.
TDM, Planning Services	No objection, subject to conditions.
Sportscotland	No objection, subject to conditions.

## REPRESENTATIONS

36 representations were received, all of which were objections. Issues raised are as follows:

- proposed land use; this is addressed in section 2.2
- compliance with Design and Development Framework; this is addressed throughout
- compliance with National Planning Framework 4; this is addressed ahead of section 1.0
- layout, height, mass and design; this is addressed in section 2.3
- built heritage; this is addressed in section 2.4
- residential amenity (daylight, sunlight, privacy and noise); this is addressed in section 2.5
- road network capacity and car park provision; this is addressed in section 2.6
- drainage and flooding; this is addressed in section 2.8
- access to Right of Way; this has been secured by condition
- construction noise; this has been controlled by condition
- light pollution; this has been controlled by condition.

Non-material planning issues raised:

anti-social behaviour; and  
 impact on neighbouring property prices.

## CONCLUSIONS

The application for a residential development on the site is contrary to the site allocation within FIFEplan for school or education purposes. As the school and associated playing fields are no longer required, circumstances have materially changed that would justify a departure from the FIFEplan allocation. The proposal is compatible with the Madras (Kilrymont) Design and Development Brief, the previously approved planning permission in principle for the mixed-use redevelopment of the site and policies 1, 2, 6, 10, 11, 12, 13 and 14 of FIFEplan and the Making Fife's Supplementary Guidance. The proposal provides detailed information in relation to the residential component of the mixed-use redevelopment of the wider site and will contribute towards the redevelopment of the vacant site within the St Andrews urban area.

Having assessed the current application against the policy provisions of the finalised NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.



## RECOMMENDATION

It is accordingly recommended that the application be approved subject to:

The conclusion of a legal agreement relating to:

- 1) The provision of affordable housing comprising 30% of all residential units approved on the site.
- 2) A contribution towards education infrastructure at Madras College in accordance with FIFEplan (2017) and the Planning Obligations Framework Guidance (2022)

and 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. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fifedirect.org.uk/contaminatedland](http://www.fifedirect.org.uk/contaminatedland).

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

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

approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

4. 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.

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

Reason: To protect air quality.

6. Prior to the commencement of works on site, the applicant is to submit details of the outdoor sports facilities available at the former Kilrymont Campus site and evidence of equivalent access to sports facilities at the new Madras College and within St Andrews. Both school and community users should be considered. The report should also include detail of any additional mitigation if required, to be agreed by Fife Council in consultation with SportScotland.

Reason: To ensure satisfactory provision of sports facilities within St Andrews.

7. No works shall be undertaken which in any way impinge or obstruct alleged or vindicated rights of way on or adjacent to the application site, unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: To ensure that all existing rights of way are protected and not adversely affected as a result of the development.

8. Prior to the commencement of works on site the following information is to be submitted and approved by the Planning Authority:

- (a) Details of the intended methodology and delivery of the onsite affordable housing, including tenure and timetable for delivery; and
- (b) A Development Framework Plan showing the whole site, including a phasing plan.

Reason: To co-ordinate the re-development of the wider site and provide details of the delivery of the affordable housing.

9. 5. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE, details of the following shall be submitted for the prior written approval of Fife Council as Planning Authority and shall be carried out in full in accordance with the approved details.

- (a) A Construction Method Statement, including an Environmental Protection Plan and Scheme of Works relating to construction activities on site;
- (b) A Development Framework showing the whole site, including a phasing plan;
- (c) A Public Art Strategy for the site in accordance with Making Fife's Places Supplementary Guidance, or as superseded;
- (d) A Landscape and Open Space Strategy; and
- (e) A Play Provision and Outdoor Access Strategy.

Reason: To specify the supporting information required for an application for approval of matters by condition.

10. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE, a scheme of landscaping is to be submitted to and approved in writing by the Planning Authority. The scheme shall include hard and soft landscaping works, boundary treatment(s), details of trees and other features which are to be retained, and a programme for the implementation/phasing of the landscaping in relation to the construction of the development. All landscaping, including planting, seeding and hard landscaping shall be carried out only in full accordance with such approved details unless otherwise agreed in writing with this Planning Authority.

Reason: In the interests of enhancing the landscape character, ecology and biodiversity of the site.

11. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

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

12. All roads and associated works serving the proposed development as shown on documents 59A and 60A shall be constructed in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction. Work shall include the following –

- The first 2 metres of the vehicular access to the underground car park shall have a maximum fall of 2.5% towards the carriageway then a suitable vertical curve and long gradient on the ramped access.

13. Prior to occupation of the first dwelling within the site, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junctions of both vehicular accesses with Kirymont Road and all internal junctions in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

14. Prior to occupation of each house, all roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

15. Prior to occupation of each house and flat the off-street car parking for that plot shall be provided as shown on documents 07A and 26A. 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.

16. The visitor car parking spaces as shown on document 59A shall be provided pro-rata in relation to the occupation of houses and be retained through the lifetime of the development.

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

17. Prior to the commencement of any activity on site details of the measures to be employed to prevent mud, debris or other deleterious material being carried onto and accumulating on the public roads adjacent to the site shall be submitted for the written approval of this planning authority and shall thereafter be maintained throughout the construction period of the development.

Reason: In the interests of road safety.

18. BEFORE ANY WORKS START ON SITE, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during (demolition) (development) operations. This Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the demolition/development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

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

19. The proposed biodiversity enhancement measures, as detailed in the Ecology and Biodiversity Assessment Report, shall be installed on site, within 3 months of the completion of the development.

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

20. 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.

## **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.

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### National Policy and Guidance

National Planning Framework 4

Scottish Planning Policy

PAN 1/2011 Planning and Noise

PAN 33 Development of Contaminated Land

Royal Environmental Health Institute of Scotland Briefing Note 017

### 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)

Planning Obligations Framework Supplementary Guidance (2017)

## Other Guidance

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

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

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

Fife Council's Planning Obligations Framework Guidance (2017)

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

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

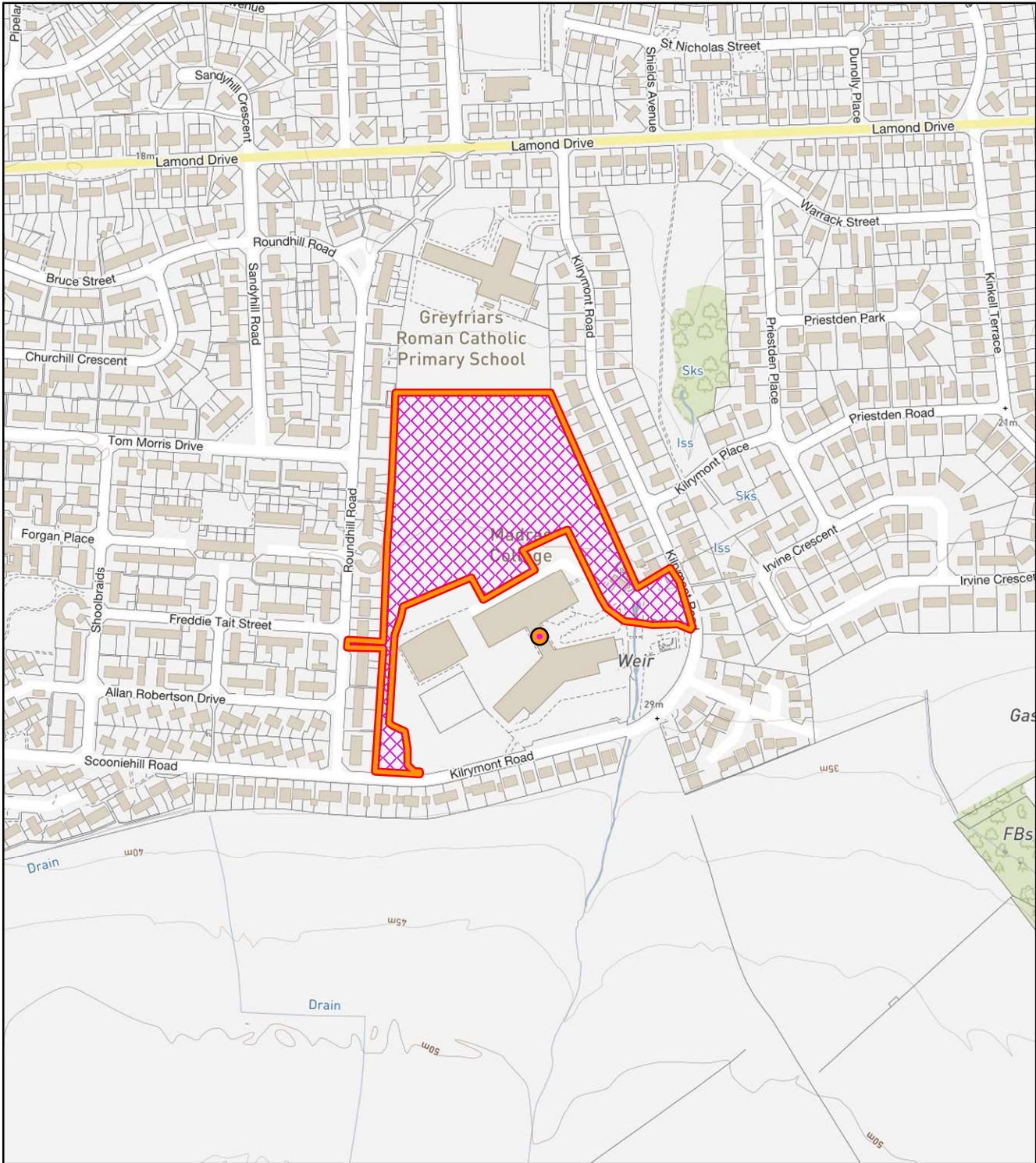
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

Report prepared by Declan Semple, Lead Officer

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

Date Printed 12/12/2022

Madras College Kilrymont Road St Andrews



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

<b>ITEM NO:</b>	<b>6</b>
<b>APPLICATION FOR FULL PLANNING PERMISSION REF:</b>	<b>22/01049/FULL</b>
<b>SITE ADDRESS:</b>	<b>SAUCHOPE CARAVAN PARK ANSTRUTHER FIFE</b>
<b>PROPOSAL:</b>	<b>CHANGE OF USE OF VACANT LAND TO FORM EXTENSION TO HOLIDAY PARK (8 LODGE STYLE CARAVANS) INCLUDING ASSOCIATED GROUND WORKS AND FORMATION OF ACCESS ROAD, PARKING AREAS AND DECKING</b>
<b>APPLICANT:</b>	<b>SAUCHOPE LINKS PARK LTD 2 LOCHRIN SQUARE 96 FOUNTAIN BRIDGE EDINBURGH</b>
<b>WARD NO:</b>	<b>W5R19 East Neuk And Landward</b>
<b>CASE OFFICER:</b>	<b>Scott McInroy</b>
<b>DATE REGISTERED:</b>	<b>05/04/2022</b>

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because more than five representations have been received which express views contrary to officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:  
  
Conditional Approval

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

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



The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

Having assessed the current application against the policy provisions of the finalised NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

## 1.0 Background

1.1. The application site relates to an area of sloping land measuring 0.54 hectares which is located at the eastern end of the holiday park. The holiday park itself has over 100 pitches. The application site lies 1.km to the northeast of Crail and is designated as countryside and within the St Andrews and Fife Ness Local Landscape Area in the adopted FIFEplan (2017). More specifically, the site is located to the east of Crail and is towards the north end of an existing caravan site known as Sauchope Links Caravan Park. The Firth of Forth SPA, SSSI and Ramsar sites are located to the south of the site and Crail Airfield (which is a Scheduled Ancient Monument) is located to the north. Coastal Path R074 runs through the existing caravan site and would run through the south east of the application site. The site itself has no agricultural land classification. Access to the existing Caravan Park is from the C70 Crail to Balcomie road via an access road known as Warsea, which is predominantly single track with passing places.

1.2 This application is for the change of use of vacant land to form an extension to the existing holiday park (and siting of 8 lodge style caravans) including associated ground works and formation of access road, parking areas and decking. The proposed 8 lodge style caravans would be located over two tiers given the sloping topography of the site with 3 sitting above the existing caravans that are at the eastern end of the existing site and then 5 would be split over the proposed access road (2 to the north and 3 to the south).

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

- 04/04388/EFULL - extension to the caravan park to create 17 new stances - approved 21.02.2006

- 08/02976/EFULL - erect 6 timber huts to provide additional accommodation - approved 19.03.2009
- 11/01611/FULL - Change of use of agricultural land to form extension to holiday park (8 lodges) - approved 23.09.2011
- 17/02788/FULL - change of use of agricultural land to form extension to holiday park (8 lodges) approved 15.05.2018
- 17/03224/FULL - Change of use of vacant land to provide 4 holiday beach huts (legally single unit caravans) - approved 27.02.2018
- 20/00857/FULL - Change of Use from Open Space to form extension to Holiday Caravan Park (5 Static Caravan Pitches) including associated ground works and formation of hardstanding and decking areas - approved 08.07.2020
- 21/01610/FULL - Erection of staff accommodation including integral garage and workshop - approved 27.08.2021
- 22/01925/FULL - Re-contouring of land - approved 25.08.2022

## 1.4 Application Process

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

1.4.2 A site visit was carried out on 29.04.2022

1.4.3 The application was advertised in The Courier newspaper on 11.02.2022.

## 2.0 Planning Assessment

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

- Principle of development
- Design/Visual Impact on the Countryside
- Residential Amenity
- Natural Heritage
- Road Safety
- Contaminated Land
- Infrastructure
- Access

## 2.2 Principle of Development

2.2.1 Scottish Planning Policy (2014) and Policies 1, 7, 8 and 9 of the adopted FIFEplan (2017), apply with regards to the principle of development for this proposal.

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

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

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

2.2.5 Objectors have raised concerns regarding the principle of development in this location. Given that the proposal would extend an established rural tourism-based business, the proposal is considered as acceptable in terms of Policy 1 and Policy 7 criterion 3 and 6. 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/Visual Impact on the Countryside

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

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

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

2.3.4 Making Fife's Places Supplementary Guidance (2018) is Fife Council's Guidance on expectations for the design of development in Fife. This sets out guidance on how to apply the six qualities of successful places as set out in the above policy documents. In respect of this application, for example, key principles include reflecting the pattern of the local settlement form - including street widths, building setback etc; creating streets and spaces with particular character and a sense of identity to create visual interest; integrate green networks with the built development; creating developments that are not dominated by cars. This Supplementary Guidance document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places, alongside advice for developers on the process of design and the information required to allow the planning authority to fully assess any design proposals. Whilst it is noted that the supplementary guidance is primarily aimed with examples for permanent constructed development it is also applicable for sites such as this where mobile features would be positioned for long periods of time and to ensure they reflect or create quality places.

2.3.5 The proposed 8 lodge style caravans would be positioned over two tiers given the stepped sloping topography. 3 units would be sited above the existing caravans that are at the eastern end of the existing site and then 5 split over the proposed access road (2 to the north and 3 to the south). The proposed caravans would be similar in style to those found throughout the existing site and it is contended that they would have a very similar impact on the landscape with regards to the existing site. Visually the site is well contained by the existing topography of the area which slopes down towards the Firth of Forth and the existing consented lodges. The lodges would not appear visually dominant from public locations, with the only exception being where the Fife Coastal Path passes through the site. The Coastal Path currently runs through the existing caravan site and given the small part of the route that the application site will affect it is considered that the visual impact for the users of the coastal path will be minimal. Native planting is proposed along the north and northeast boundaries, limiting the visual impact of the site on the wider area. Overall, the site extension would appear as a natural extension to the long-established existing site.

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

## 2.4 Residential Amenity

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

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

2.4.3 Given that the application site is over 1km from the nearest residential property and the existing caravan site sits between the application site and the nearest residential properties, it is not considered that the proposal would have a significantly detrimental impact on the amenity of

any nearby properties. Equally, the siting of each unit, window arrangements and unit orientations, there would be no significant amenity issues between each unit to merit a refusal.

## 2.5 Natural Heritage

2.5.1 Policies 1, 10, 12 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended) and Wildlife and Natural Environment (Scotland) Act (2011) apply with regard to natural heritage protection.

2.5.2 Policy 12 of FIFEplan (2017) sets out that development which detrimentally impacts on the ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use shall not be supported. To minimise or avoid a detrimental impact on ecological quality of the water environment, development proposals should demonstrate that they are designed and managed in a manner that will, wherever possible, leave ecological quality of the water environment in its natural state for example, avoiding engineering activities such as culverts, bridges, watercourse diversions, bank modifications, or dams.

2.5.3 Policy 13 of the FIFEplan (2017) states that a proposed development will only be supported where they protect or enhance natural heritage assets, including designated sites of international and national importance, i.e., Natura 2000 sites and Sites of Special Scientific Interest (SSSI). Where adverse impacts on existing assets are unavoidable the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance (2018). Where the proposed development would potentially impact on natural heritage assets (including species), a detailed study must be undertaken by a suitably qualified person detailing the potential impact of the development. In the particular case of development proposals that affect national sites, such proposals will only be permitted where the objectives of the designation and the overall integrity of the area will not be compromised. Making Fife's Places Supplementary Guidance (2018) sets out that natural heritage assets should be protected with appropriate buffers applied, e.g., 10m either side of watercourses or woodland.

2.5.4 The application site is designated as countryside and is part of the St Andrews to Fife Ness Local Landscape Area. The site lies to the north of the international and national conservation designated Firth of Forth Special Protection Area (SPA); Ramsar site; Site of Special Scientific Interest (SSSI); and Outer Firth of Forth and St Andrews Bay SPA. The site boundary is adjacent to these designated areas and therefore consideration must be given to the need to protect them.

2.5.5 Concerns have been raised regarding the environmental impact of this proposal on the designated areas above and Kilminning Nature Reserve (which this site lies adjacent to) in terms of the impact on habitat, protected species and biodiversity. The applicant has included a Preliminary Ecological Impact Assessment (PEA) as part of this application submission. In terms of terms of potential impacts on habitats and species, the PEA advises that the key impact issues considered included loss of habitat. These elements could be affected by the effects of direct habitat loss (land take from caravans and associated infrastructure). With regards the direct impacts on designated sites, the PEA advises that although the Firth of Forth SSSI is adjacent to the southeast of the site boundary, the proposed project and construction methods are unlikely to have any long-term negative impacts on the SSSI. In terms of habitat loss, the

PEA advises that the construction methods for the proposed caravan would involve the clearance of a limited area of common grassland. The long-term loss of habitat is not predicted to have a negative impact as it is not used by or composed of any protected notable species. The PEA advises that the proposed project and construction methods are unlikely to have any long-term negative impacts on the SSSI and also advises in terms of mitigation that work should be undertaken outwith bird nesting season, and that a grassland management plan and lighting guidelines should be put in place, along with construction process control practices.

2.5.6 With regards to ornithological surveys, the PEA advises that the desk top survey identified that there was clear evidence of the presence of a range of birds, some of which are likely to nest in the grassland on site, however no nests or nesting behaviours were identified during the survey. The PEA advises that given the small-scale nature of the site and provided the clearance takes place out with the nesting bird season, no short- or long-term negative impacts are predicted for nesting bird species on site. The PEA considers that the size of the project and proposed construction methods are unlikely to have any long-term negative impact on the SSSI.

2.5.7 Fife Council (as the competent authority in terms of ecological matters this instance) is also required to carry out a Habitats Regulations Appraisal (HRA); as stipulated in the Conservation (Natural Habitats, & c.) Regulations 1994, because of the proximity and nature of the proposal, the potential impacts on international and national site's conservation objectives/qualifying interests adjacent to the site boundary. The Appropriate Assessment of the implications of the submitted proposal on the conservation objectives/qualifying interest concluded that the proposal would not have a significant impact on the sites or the adjacent designated sites and their respective qualifying interests.

2.5.8 Overall, the PEA assessments (natural heritage and ornithological) concluded that there would be no significant impact on the qualifying interests of the Firth of Forth SPA or SSSI or other species and habitats. NatureScot was consulted on this application and advised that the proposal would not adversely affect the integrity of the SPA. Therefore, subject to mitigation measures set out in the PEA, the proposal complies with the Development Plan.

## 2.6 Road Safety

2.6.1 Policies 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Making Fifes Places guidance (2018) apply with regard to this proposal.

2.6.2. Concerns have been raised regarding the impact of this development in terms of increased traffic and road safety. Fife Council's Transportation Development Management Service (TDM) was consulted in terms of road safety matters. Given the nominal increase in the number of caravans on a site that already serves over 100 holiday lodge style caravans, it is considered that this small increase in numbers would not significantly impact on the road safety in this area.

2.6.3 Fife Councils TDM has no objections to this application subject to a condition regarding off street parking. The proposal therefore is acceptable in meeting the road safety and transport related policy requirements.

## 2.7 Contaminated Land

2.7.1 FIFEplan policies 1 and 10 apply, indicating that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. These policies will be applied to ensure the safe development of potentially contaminated land. PAN 33 (Contaminated Land) requires developers to submit details of site investigations to access the nature and extent of any contamination that may be present. Where contamination is found developers should identify appropriate remediation measures.

2.7.2 Concerns have been raised regarding potential contamination on site. Fife Councils Land and Air Quality team were consulted on this application, given the use of the site as a former landfill, it is advised that an appropriate contaminated land site-specific risk assessment should be undertaken to ensure the site would be developed safely. Appropriate conditions have been attached to this application should Members be minded to approve the application in accordance with the Service recommendation.

2.7.3 Subject to these conditions, the proposal complies with FIFEplan (2017) Policies in this instance.

## 2.8 Infrastructure

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

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

2.8.3 Concerns have been raised regarding drainage and wastewater. Surface water drainage proposals have been submitted which accurately detail how SuDS would be incorporated into the site, while the foul drainage would link into the existing drainage system within the holiday park which in turn links to the public network. The information submitted was reviewed by the Council's Structural Services Team, who concluded that the application would be acceptable and complies with the Council's requirements for full planning permission, with reference to the Design Criteria Guidance Note. The application therefore complies with the above noted policies with respect to drainage.

## 2.9 Access

2.9.1 Policies 1 and 13 aim to protect the natural environment and access and state development proposals will only be supported where they protect or enhance natural heritage and access assets including core paths and established footpaths.

2.9.2. There is a core path that runs along the southeast of the application site. Concerns have been raised regarding the impact on the core path and on users of the core path by this development. The core path runs through the development between the 3 proposed caravans to the southeast and the coastline. A footpath connection from the access road to the core path is also proposed. A condition has been added that this path must remain open during construction works and thereafter.

2.9.3 On this basis, the proposal is therefore considered to be capable of meeting the requirements of the relevant Development Plan policies with respects to ensuring there are no adverse impacts on the natural environment and access.

## CONSULTATIONS

NatureScot	No objection subject to an appropriate assessment being undertaken
Environmental Health (Public Protection)	No objections
Land And Air Quality, Protective Services	No objection subject to conditions
TDM, Planning Services	No objection subject to condition
Structural Services - Flooding, Shoreline And Harbours	No objection

## REPRESENTATIONS

76 objections have been received. The material considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.5 (Natural Heritage), 2.6 (Road Safety), 2.7 (Contamination) 2.8 (Infrastructure) and 2.9 (Access) of this report of handling.

Comments regarding the management of the wider caravan site, residents' behaviour and the number of extensions that have already taken place on site are not material planning considerations in the assessment of this application.

Comments regarding previous applications are noted, however, each planning application is assessed on its own merits. Any concerns raised regarding breach of conditions of previous planning applications, can be raised and addressed via the Councils enforcement process.

Comments regarding the lack of consultation with local groups are noted. Due to the size of the site and the scale of development proposed, the application constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

Comments regarding the community asset transfer in this area are noted, however this only applies to publicly owned land and land ownership is not a material planning consideration in the assessment of this application.

## CONCLUSIONS

It is considered that the proposal would allow for the expansion of the existing Caravan Park to the benefit of the local tourist industry and economy whilst ensuring no adverse impact on the landscape quality of the area, local flora and fauna or neighbouring protected sites. Subject to conditions, the proposal is therefore considered to comply with the terms of the FIFEplan (2017).



## 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. Construction work shall not impede access / use of the core path R074 at any time and no part of the development shall impeded access once constructed.

Reason: To ensure access along the Core Path adjoining the site is not adversely affected by construction works.

3. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at [www.fifedirect.org.uk/contaminatedland](http://www.fifedirect.org.uk/contaminatedland).

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

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

approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

5. 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.

6. Prior to the occupation of each of the holiday lodge style caravans, there shall be 1 No. off street parking space provided for each of the lodges. These parking spaces shall remain in perpetuity for the purposes of off-street parking.

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

7. PRIOR TO ANY DEVELOPMENT COMMENCING the ecological mitigation measures as specified within the submitted ecological impact assessment report (Plan Reference -12) shall be carried out in full unless otherwise agreed in writing with Fife Council as Planning Authority.

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

8. PRIOR TO ANY DEVELOPMENT COMMENCING, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees and hedges to be planted shall be submitted for approval in writing by Fife Council as Planning Authority. The landscaping shall be designed to mitigate the visual impact of the site from public views. The scheme as approved shall be implemented during the first planting season following the siting of the first caravan on the site, unless otherwise agreed in writing with Fife Council as Planning Authority.

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

Reason: In the interest of visual amenity and biodiversity enhancement; to ensure the development has no significant visual impact on its countryside setting and that a biodiversity enhancement programme is provided.

## **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:

National Planning Framework 4 - Revised Draft (2022)

SPP - Scottish Planning Policy (2014)

PAN 33 - Contaminated Land

Development Plan:

TAYplan (2017)

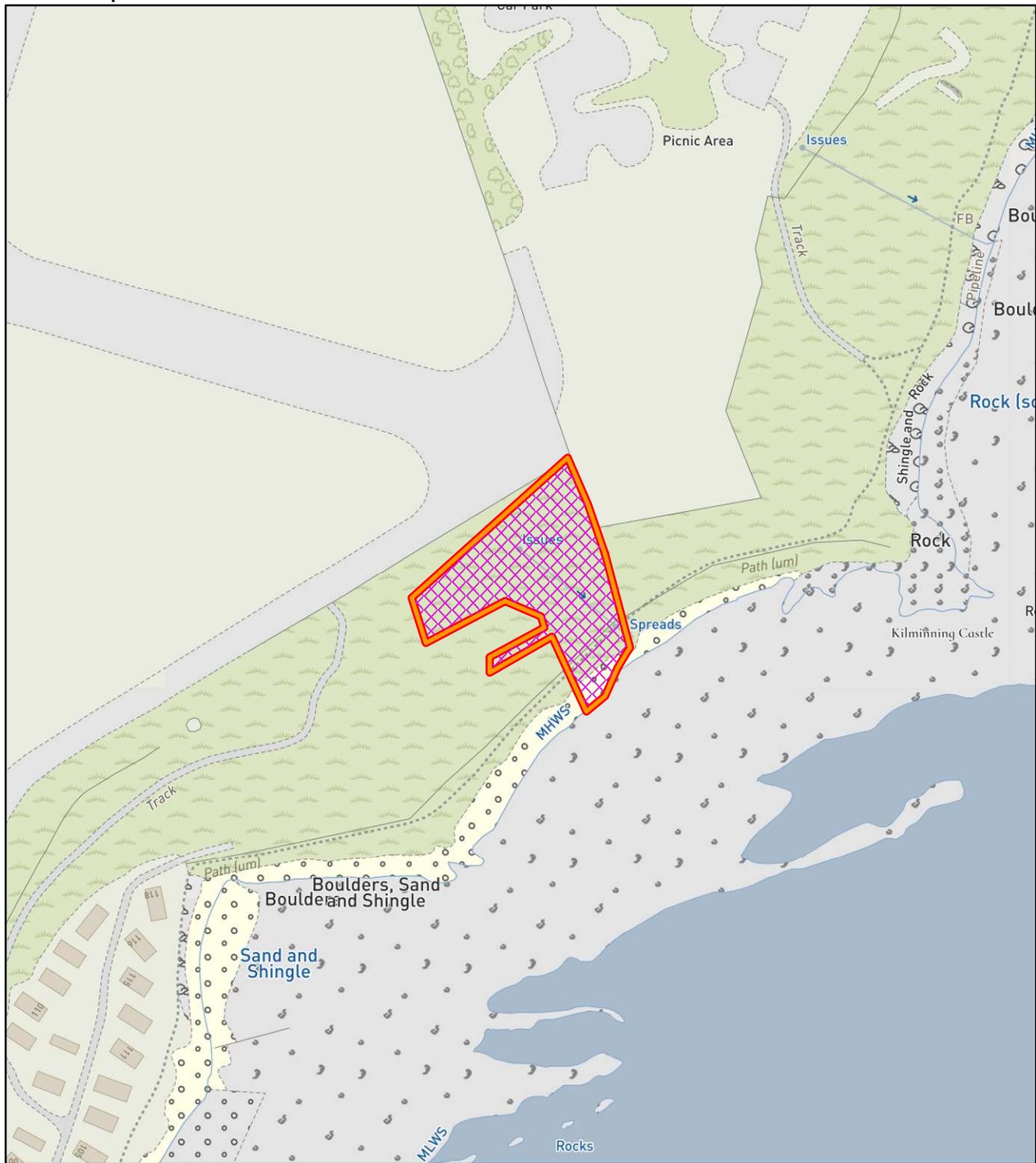
Adopted FIFEplan (2017)

Report prepared by Scott McInroy, Chartered Planner

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

Date Printed 09/12/2022

## Sauchope Caravan Park Anstruther



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

**ITEM NO: 7**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 22/01087/FULL**

**SITE ADDRESS: FARMHOUSE RENNYHILL KILRENNY**

**PROPOSAL: CHANGE OF USE FROM FARM STEADING TO WEDDING VENUE (CLASS 11)**

**APPLICANT: MR A MARSHALL  
EAST PITKIERIE FARM COTTAGE 1 PITKIERIE ANSTRUTHER**

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

**CASE OFFICER: Scott McInroy**

**DATE REGISTERED: 18/04/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because more than five representations have been received which express views contrary to officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

Having assessed the current application against the policy provisions of the finalised NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

## 1.0 Background

1.1 The application site relates to existing farm buildings at Rennyhill Farm. The site lies adjacent to the settlement boundary of Kilrenny and within the Kilrenny Conservation Area and is a Category C Listed Building. The buildings, dating from the early 19th Century, consist of a series of clay pantile roofed, stone-built steadings, which have historically been extended with a variety of agricultural sheds. The site is bounded along the northeast side by a dry stone, sandstone wall which curves to form the garden ground associated with the existing slate roofed, sandstone 2-storey farmhouse. A large, detached agricultural shed is also located to the north of the site. The site is surrounded by fields used for arable farming to the north, south and western boundaries, with domestic housing to the east and southeast. The site is accessed from two points along Kilrenny road.

1.2 Planning permission is sought to convert the existing disused farm steading to form a wedding venue which would ensure the long-term future of the listed building. Internally the building is to be reconfigured to create the space for the function suite and associated facilities. Externally the small steel shed extensions in the northwest corner are to be removed. A new extension is proposed in this location which would be finished in stone and corrugated vertical cladding and would match the ridge height of the existing building. A number of new openings are proposed on the western elevation in the form of glazed doors which would form the entrance to the venue. Existing windows and doors are to be replaced with sash and case double glazed windows and timber doors. The existing roof is to be repaired where required. Wedding ceremonies and receptions would occur within the eastern portion of the repurposed steading building, with separation created by guest services from Kilrenny Road to the northeast and the dwellings beyond. The space for amplified music (dance hall) would be adjacent to this

space to the southeast and separated from the dwellings to the south by kitchen, catering and staff service areas. Access to the venue would be taken from the west, facing the existing fields.

1.3 There is no previous planning history for this site.

#### 1.4 Application Process

1.4.1 An associated application for Listed Building Consent (Ref: 22/01134/LBC) is also on this committee agenda for determination.

1.4.2 A site visit was carried out on 16.09.2022

1.4.3 The application was advertised in The Courier newspaper on 28.04.2022 as a development potentially affecting the setting of a Conservation Area and to notify neighbouring landowners with no notifiable postal address.

### 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Residential Amenity
- Design/Visual Impact on Conservation Area/Listed Building
- Road Safety
- Natural Heritage

#### 2.2 Principle of development

2.2.1 Policy 1: Development Principles of the adopted FIFEplan Fife Local Development Plan supports the principle of development outwith defined settlement boundaries, such as is the case here, in locations where the proposed use is supported by the plan.

2.2.2 Policy 7: Development in the Countryside of the plan only supports development in the countryside where it is required for agricultural, horticultural, woodland, or forestry operations; will diversify or add to those land-based businesses to bring economic support to same; is for the extension of established businesses; is for some small-scale employment land adjacent to settlement boundaries; is for facilities for access to the countryside; is for facilities for outdoor recreation, tourism, or other development demonstrating a proven need for a countryside location; or is for housing in line with Policy 8: Houses in the Countryside of the plan. In all cases, development must: be of a scale and nature compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area. Development on prime agricultural land is not supported except in certain circumstances.

2.2.3 Concerns have been raised regarding the principle of this development. In this instance it is considered that this proposal complies with criterion 2 of Policy 7, in that this proposal would diversify the existing business by converting the existing buildings which are currently in a state of disrepair and require significant maintenance works to return the buildings to a state where they can be re-used. The redevelopment proposal would create a series of flexible spaces

suitable for hire and in turn create permanent and temporary rural employment opportunities in this rural location. The long-term future of this vacant and run-down C listed building would also be secured through this proposal.

2.2.4 Concerns have been raised regarding the impact this development would have on the wider countryside and the amenity of this countryside location. Although the application site is located in a countryside location, it is brownfield in nature and would bring a vacant traditional building back into use. The proposal would not impact on the wider countryside or access to the countryside in this location.

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

### 2.3 Residential Amenity

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

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

2.3.3 PAN 1/2011 establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The 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.

2.3.4 The REHIS Briefing Note 017 Noise Guidance for New Developments advises that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided. Predictions of internal noise levels within noise sensitive premises must be calculated based on an open window scenario. For the purposes of this guidance exceptional circumstances are considered to be proposals which aim to promote sustainable development and transport within the local authority area, and which would provide benefits such as:

- (a) reducing urban sprawl
- (b) reducing uptake of greenfield sites
- (c) promoting higher levels of density near transport hubs, town and local centres
- (d) meeting specific needs identified in the local development plan



2.3.5 The application site is located to the northwest corner of Kilrenny adjacent to the settlement boundary. There are residential properties to the south and east, rolling farmland to the west and existing farm buildings to the north. Wedding ceremonies and receptions would take place within the eastern portion of the repurposed steading building, with separation created by guest services from Kilrenny Road to the northeast and the dwellings beyond. The space for amplified music (dance hall) would be adjacent to this space to the southeast and separated from the dwellings to the south by kitchen, catering and staff service areas. Access to the venue would be taken from the west, facing the existing fields.

2.3.6 Concerns have been raised in representations regarding noise and late-night activities from the venue and the impact this will have on the health and well-being of adjacent residents.

2.3.7 The applicant has submitted a noise impact assessment and management plan with this application. The assessment indicates that acoustical mitigation and an effective management strategy is required in order to protect the amenity of the residential properties from noise associated with the development. The mitigation measures proposed include a number of design features, including mass barrier ceilings and internal independent lining of walls, absorptive finishes to corridors and glazing to protect the surrounding residential properties from amplified noise. A Noise Management Plan is also proposed to ensure that the operators of the proposed venue address and minimise any significant adverse impacts.

2.3.8 Fife Council's Public and Environmental Protection Team (PEPT) has assessed the proposal and associated noise report and concurs with the conclusions.

The Team has recommended a number of conditions relating to amplified noise, which should not exceed NR15 inside all habitable rooms, and total noise from all plant, machinery or equipment which should not exceed NR25 in bedrooms during the night and NR30 during the day in all habitable rooms. It should also be noted that Fife Council's Public Protection team can control noise and odours under their own legislative processes and through the use of appropriate enforcement measures if required and should any complaints be received. The proposed use including operating hours would also be controlled through Fife Council's Licensing process under the Licensing (Scotland) Act 2005 or the Civic Government (Scotland) Act 1982 and strict controls including operating hours could be implemented under these legislative processes, therefore, it is not considered necessary to control the operating hours of the proposal through the Planning System. The proposal would therefore comply with the Development Plan in this respect and would be acceptable in this instance.

2.3.9 Concerns have been raised regarding noise and impact on the surrounding area from proposed works. A condition has also been added requiring the applicant to submit a Scheme of Works Report to mitigate the effects on sensitive premises/areas (neighbouring properties and road) of dust, noise and vibration from the construction phase of the proposed development. Under the Control of Pollution Act 1974, Section 60 Fife Council Protective Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out. It is considered that this is more effective than reliance on the planning enforcement system in that regard. Again, the submission of a Scheme of Works Report for the Council's prior approval would include proposed construction working practices and hours of construction operations, and this report would be discussed with colleagues from Protective Services prior to it being agreed by officers. A draft condition has been included for Member's consideration should they resolve to approve the application in line with the Service recommendation.

2.3.10 Concerns have also been raised by the public that there will be littering which could result in an increase in vermin, waste and debris as a result of the proposal. A bin store is proposed as part of this proposal and given the nature of the proposed business and frequency of use of the venue it is in the interest of the management to maintain a high level of cleanliness on site. As part of the proposed noise management plan a communication and community liaison plan will be set up to deal with concerns from surrounding residents. It is considered that although the proposal will intensify the use of the site as it is currently vacant, the proposal would not have a significant impact on the surrounding area in terms of littering. The proposed development would, therefore, be acceptable and would comply with Development Plan Policy in this respect.

2.3.11 The proposed extension to the existing building is located in the northwest corner of the site, this would look onto the rolling farmland to the west and would not be visible from the residential properties which sit on the other side of the existing building. Given the location of the proposed extension, it would not impact on the residential amenity of the adjacent residential properties.

2.3.12 It is therefore considered that the proposed change of use and proposed extension would comply with policy 10 criterion 3 in that the development would not have a significant detrimental impact on the amenity of adjacent residential properties. The proposal therefore complies with the adopted FIFEplan (2017) in this respect.

## 2.4 Design/Visual Impact on Conservation Area/Listed Building

2.4.1 Historic Environment Scotland (HES) Policy Statement (June 2016), Adopted FIFEplan (2017) Policies 1, 10 and 14 apply with regards to the design and visual impact of the development.

2.4.2 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. Policy 10 of FIFEplan (2017) advises 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 proposal must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements and visual impact. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

2.4.3 The application site is 'C' listed building located adjacent the settlement boundary of Kilrenny and within the Kilrenny conservation area. Comments were raised by Fife Councils Built Heritage officers with regards the original design of the proposed wedding venue in relation to the replacement doors and windows and the interior spaces. The applicant satisfactorily addressed these concerns through the introduction of a number of design changes during the assessment of the application and introduced a number of changes to address these concerns.

2.4.4 Externally the small steel shed extensions in the northwest corner are to be removed, these sheds are later additions and not part of the original footprint of the building. Concerns were raised regarding the design and materials of the proposed new extension. The new extension is proposed in this location where the existing shed would be demolished and would match the ridge height of the existing building. Originally this new extension was to be finished in stone and larch cladding with multiple paned openings. Through discussions with the applicant the material of the new extension was changed to stone and corrugated vertical cladding with

minimal paned openings. The amended design and materials of the proposed extension are in-keeping with the rural architectural aesthetic of the original buildings, and surrounding area.

2.4.5 The majority of the proposed external changes would affect the western elevation of the Listed Building. A number of new openings are proposed on the western elevation in the form of glazed doors which would form the entrance to the venue. Concerns were raised regarding the style of these openings. Originally the existing windows on the western elevation were to be replaced with timber single pane double glazed windows and door. Through discussions with the applicant these windows and doors would now be replaced with timber sash and case double glazed windows while the existing timber door opening is to be re-fitted with a timber door. This elevation looks onto the rolling farmland and not the public streetscene so it is considered that these changes would not significantly impact on the listed building or the conservation area.

2.4.6 On the north elevation, the existing door is to be replaced with a timber door, with the existing sliding doors retained. On the south elevation the existing door openings are to be infilled with steel framed double glazed doors and the existing sliding doors are to be retained. The existing roof is to be repaired where required. The external changes proposed to the north, south and eastern elevations are minimal, and it is considered these would not significantly impact on the C listed building.

2.4.7 Concerns have been raised regarding the proposed internal changes. Internally timber walls are to be removed and the building would be reconfigured to create the space for the function suite and associated facilities. The internal roof would be upgraded to create an acoustic buffer layer to the underside of the roof, while the floors would be upgraded to improve the acoustic absorption. Although these changes would involve the loss of some of the original historic fabric, it is considered that these changes are acceptable in this context as they would help secure the long-term future of this vacant C Listed Building.

2.4.8. Overall, it is considered that the design of the alterations and extension, are suitable in terms of proportion and scale, would use appropriate traditional external materials and overall would respect the character and appearance of the building and its setting, the streetscene and wider conservation area whilst securing the long-term future of this vacant 'C' listed building.

## 2.5 Road Safety

2.5.1 Policies 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Making Fife Places Supplementary Guidance (2018) apply with regard to this proposal.

2.5.2 Concerns have been raised through representations regarding road safety and increased traffic. The Transportation Assessment that was submitted with this application has accessed the road accident data for the area which looked at a period from 2016-2022. The data concluded that there were no existing road safety issues in the vicinity of the application site. At present there are a small number of trips from the application site given the site forms part of working farm. The venue is anticipated to be used once a week, with the main transport movements from the venue being for drop offs and pick ups. Although the traffic movements from the application site will increase from present use, given the proposed frequency and nature of use of the venue and that the traffic movements would be predominately at specific times (drop offs and pick ups), it is considered that the proposal would not significantly impact on the road safety of the area.

2.5.3 Concerns have been raised through representations regarding the parking provision provided on site and visibility splays. The applicant has provided the required number of parking spaces in line with Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance. Fife Councils TDM concurs with this assessment and has no objections to this proposal subject to conditions regarding a passing place, parking (including EV charging points and accessible parking), visibility splays and construction material.

2.5.4 Concerns have been raised regarding the lack of pavements in the vicinity of the application site which could impact on the safety of the public. At present there is only small section of pavement along the C43 road which runs from the A917 north-westwards past the application site. Whilst these objections are relevant in terms of road safety, the facility is encouraging people to arrive by car sharing or bus and not by walking as there is no accommodation on site. Given the application site is within a 20mph speed zone and that the proposed frequency of usage of the venue and that transportation movements would be concentrated to specific times, it was considered that no pavement improvements were required as part of this proposal. Fife Councils TDM concurred with this view.

2.5.5 One of the conditions requested by TDM is regarding the formation of a single passing place to allow for improvements to the movement of two-way traffic along this short section of C43 road, in the event that traffic meets with private buses for patrons of the facility going in opposite directions. The proposed location for this passing place is outwith the applicant's ownership and control but is owned and within the control of Fife Council as it forms part of the adopted road and verge to the south of the application site. In this instance a legal agreement is not necessary, but the applicant would be required to make a Section 56 application under the Roads (Scotland) Act 1984 to Fife Council's Transportation and Environmental Services (as Roads Authority) to obtain the necessary permission to construct the new passing place. An appropriate condition to secure the provision of this passing place prior to development becoming operational has been attached should Members be minded to approve the application in accordance with the Service recommendation."

2.5.6 The proposal therefore is acceptable in meeting the road safety and transport related policy requirements.

## 2.6 Natural Heritage

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

2.6.2 Policies 1 and 13 of FIFEplan sets out that development proposals will only be supported where they protect or enhance natural heritage and access assets. Where adverse impacts on existing assets are unavoidable, the Council will only support proposals where these impacts will be satisfactorily mitigated. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance. Where the proposed development would potentially impact on natural heritage assets (including species), a detailed study must be undertaken by a suitably qualified person detailing the potential impact of the development.

2.6.3 Concerns have been raised in representations regarding the impact of this proposal on bats and barn owls. A Preliminary Roost Assessment was submitted with this application and concluded that the given the low level of bat activity, it is not considered likely that the buildings will be used for hibernation, therefore the demolition/renovation of these buildings is unlikely to have any significant detrimental impact on bats. The building were also examined for any evidence of Barn Owl use, no evidence of barn owl use was found.

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

## CONSULTATIONS

TDM, Planning Services	No objection subject to conditions
Built Heritage, Planning Services	No objections after amendments
Land And Air Quality, Protective Services	No comments
Community Council	Object
Environmental Health (Public Protection)	No objection subject to conditions

## REPRESENTATIONS

82 objections and 2 supporting comments received. The material planning considerations relating to these concerns have been addressed under sections 2.2 (Principle of Development), 2.3 (Residential Amenity), 2.4 (Design/Visual Impact on Conservation Area/Listed Building), 2.5 (Road Safety) and 2.6 (Natural Heritage) of this report of handling.

Comments regarding the lack of consultation with local groups are noted. Due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

Comments regarding the impact on house prices and the number of alternative venues in the area are not a material planning consideration in the assessment of this application.

Comments regarding covid restrictions are not a material planning consideration, however these restrictions have been lifted.

Comments regarding the Fife Structure Plan are noted; however, the Structure Plan was superseded by TAYplan in 2017.

Comments regarding Core Path 080 are noted. This path runs along the road adjacent to the application site so would not be directly impacted by this proposal.

Comments regarding potential increase in crime and community areas being harmed by users of the venue are noted, however these are not a material planning consideration as the Planning system cannot legislate for the behaviour of the public.

Comments regarding Farm Safety are noted; however, these are not a material planning consideration in the assessment of this application. The wider site is owned by the same landowner who would implement management procedures so both uses coexist satisfactorily.

Comments regarding the Skeith Stone are noted; however, these are not a material planning consideration in the assessment of this application. Given that this is located 0.3km to the southwest of the application site it would not be impacted by this proposal

Two supporting comments have been received which support the proposal in terms of the rural economy of the area.

## **CONCLUSIONS**

It is therefore considered that the proposed extension and alterations of the Farmhouse is acceptable and results in a suitable scheme in terms of use and design, which would secure the long-term future of the building whilst being sympathetic to the character of the C listed building. As such, the proposal is considered to be in compliance with the relevant policies of the Development Plan and relevant guidelines.

## **RECOMMENDATION**

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

1. 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. Within 3 months of the development commencing, the developer shall provide written evidence to the local planning authority to demonstrate that all works which form part of the sound attenuation scheme as specified in the abovementioned Noise Report :-

o Have been completed; and

o Written evidence to demonstrate that the specified noise levels have been achieved.

Reason: In order to protect the amenity of nearby residents.

3. Amplified noise from the development shall be controlled so as not to exceed NR15 inside all habitable rooms, when measured within any relevant noise sensitive property, with windows open for ventilation.

Reason: In order to protect the amenity of nearby residents.

4. 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 relevant noise sensitive property, with windows open for ventilation."

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

Reason: In order to protect the amenity of nearby residents.

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

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

6. Prior to any works starting on site, a passing place, in the region of 20m in length, shall be provided on the South side of the C43 adopted road opposite Rennyhill Farm Lodge. The details of the position and construction of this passing place shall be submitted for the prior written approval of Fife Council as Planning Authority. Thereafter the agreed passing place shall be fully constructed and completed before the wedding venue is brought into use and shall be retained in perpetuity.

Reason: In the interests of road safety; to allow for the comfortable movement of two-way traffic along this short section of road should traffic meet with buses going in opposite directions.

7. Prior to the first operations of the proposed wedding venue, off street parking spaces for cars, cycles, motorcycles and coaches shall be provided as shown on Drawing No. 21.17 PL 004 Rev G 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.

8. Prior to the first operations of the proposed wedding venue, visibility splays of 2.4m x 25m shall be provided to the North and to the South at the junction of the vehicular crossing 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 splays at the junctions of the vehicular access and the public road.

9. Prior to the first operations of the proposed wedding venue, the first three metre length of the private access to the rear of the public road 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.

## **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

National Planning Framework 4 - Revised Draft (2022)  
Scottish Planning Policy (2014)  
Historic Environment Policy for Scotland (2019)  
Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997  
Historic Environment Scotland - Policy Statement (2016)  
Planning Advice Note 1/2011: Planning and Noise  
REHIS Briefing Note 017 Noise Guidance for New Developments

### Development Plan

Adopted FIFEplan - Fife Local Development Plan (2017)

### Other Guidance

Fife Council's Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2014)  
Making Fife's Places Supplementary Guidance Document (2018)  
Kilrenny Conservation Area Appraisal and Management Plan (2013)

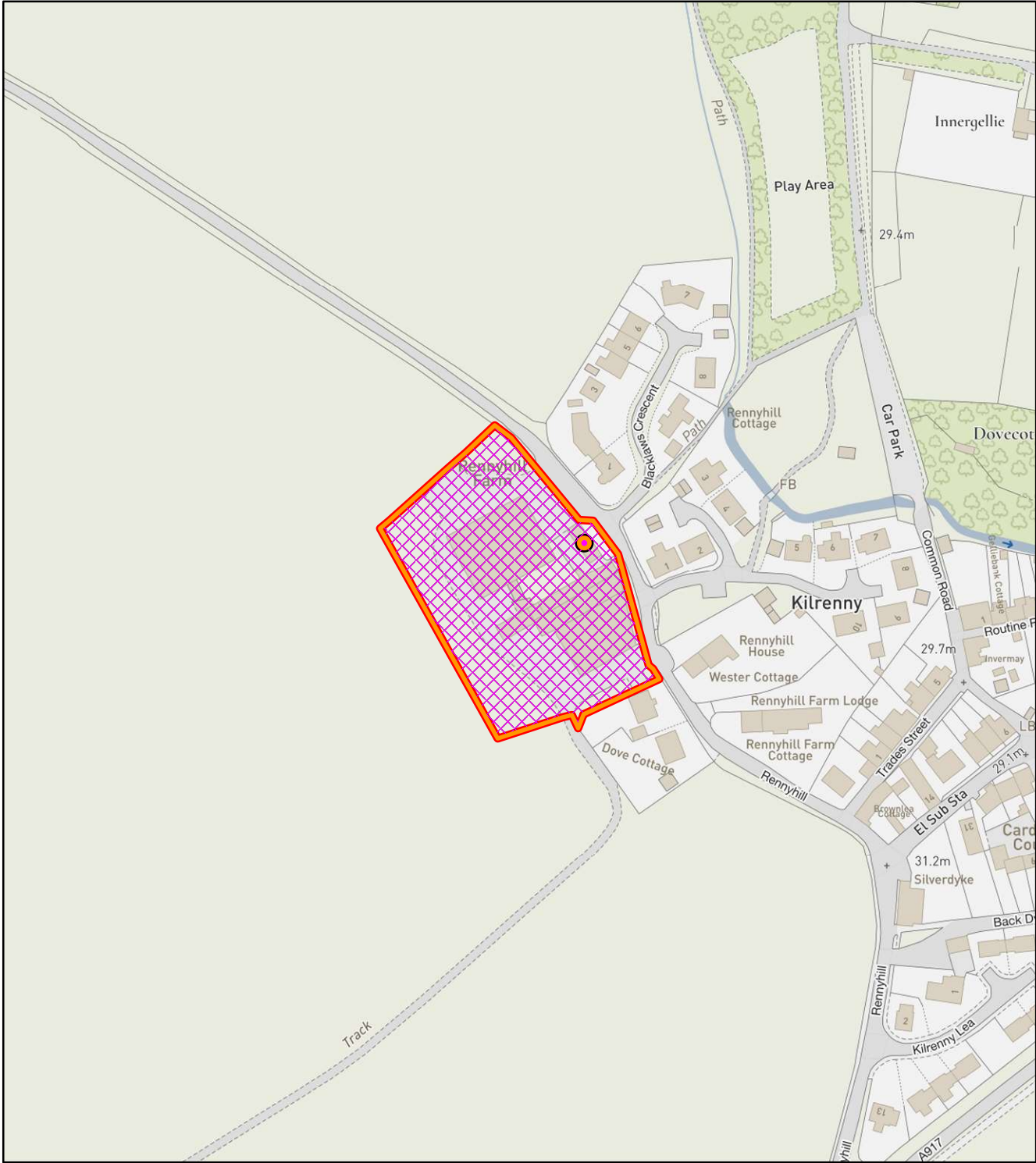
Report prepared by Scot McInroy, Chartered Planner

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

Date Printed 12/12/2022



## Farmhouse Rennyhill Kilrenny Anstruther



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

**ITEM NO: 8**

**APPLICATION FOR LISTED BUILDING CONSENT REF: 22/01134/LBC**

**SITE ADDRESS: FARMHOUSE RENNYHILL KILRENNY**

**PROPOSAL: LISTED BUILDING CONSENT FOR INTERNAL AND EXTERNAL ALTERATIONS**

**APPLICANT: MR A MARSHALL  
EAST PITKIERIE FARM COTTAGE 1 PITKIERIE ANSTRUTHER**

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

**CASE OFFICER: Scott McInroy**

**DATE REGISTERED: 12/04/2022**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because more than five representations have been received which express views contrary to officer recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

Having assessed the current application against the policy provisions of the finalised NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

## 1.0 Background

1.1 The application site relates to existing farm buildings at Rennyhill Farm. The site lies adjacent to the settlement boundary of Kilrenny and within the Kilrenny Conservation Area and is a Category C Listed Building. The buildings, dating from the early 19th Century, consist of a series of clay pantile roofed, stone-built steadings, which have historically been extended with a variety of agricultural sheds. The site is bounded along the northeast side by a dry stone, sandstone wall which curves to form the garden ground associated with the existing slate roofed, sandstone 2-storey farmhouse. A large, detached agricultural shed is also located to the north of the site. The site is surrounded by fields used for arable farming to the north, south and western boundaries, with domestic housing to the east and southeast. The site is accessed from two points along Kilrenny road.

1.2 Listed Building Consent is sought to convert the existing disused farm steading to form a wedding venue which would ensure the long-term future of the listed building. As part of that proposed change, internal alterations are proposed to reconfigure and create the space for the function suite and associated facilities. Externally the small steel shed extensions in the northwest corner are to be removed. A new extension is proposed in this location which would be finished in stone and corrugated vertical cladding and would match the ridge height of the existing building. A number of new openings are proposed on the western elevation in the form of glazed doors which would form the entrance to the venue. Existing windows and doors are to be replaced with sash and case double glazed windows and timber doors. The existing roof is to be repaired where required.

1.3 There is no previous planning history for this site.

## 1.4 Application Process

1.4.1 An associated application for planning permission (Ref: 22/01087/FULL) is also on this committee agenda for determination

1.4.2 A site visit was carried out on 16.09.2022

1.4.3 The application was advertised in The Courier newspaper on 28.04.2022 and the Edinburgh Gazette on the 26.04.2022 as a proposal potentially affecting the Listed Building.

## 2.0 PLANNING ASSESSMENT

2.1 The key issue in the assessment of this application is the impact on the character of as well as the setting of the category B-Listed listed building.

### 2.2 IMPACT ON THE LISTED BUILDING

2.2.1 Historic Environment Scotland (HES) Policy Statement (June 2016), Adopted FIFEplan (2017) Policies 1, 10 and 14 apply with regards to the design and visual impact of the development.

2.2.2 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 10 of FIFEplan (2017) advises 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 proposal must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements and visual impact. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

2.2.3 The application site is 'C' listed building located adjacent the settlement boundary of Kilrenny and within the Kilrenny conservation area. Comments were raised by Fife Council Built Heritage officers with regards the original design of the proposed wedding venue in relation to the replacement doors and windows and the interior spaces. The applicant satisfactorily addressed these concerns through the introduction of a number of design changes during the assessment of the application and introduced a number of changes to address these concerns.

2.2.4 Externally the small steel shed extensions in the northwest corner are to be removed, these sheds are later additions and not part of the original footprint of the building. Concerns were raised regarding the design and materials of the proposed new extension. The new extension is proposed in this location where the existing shed would be demolished and would match the ridge height of the existing building. Originally this new extension was to be finished in stone and larch cladding with multiple paned openings. Through discussions with the applicant the material of the new extension was changed to stone and corrugated vertical cladding with minimal paned openings. The amended design and materials of the proposed extension are in-keeping with the rural architectural aesthetic of the original buildings, and surrounding area.

2.2.5 The majority of the proposed external changes would affect the western elevation of the Listed Building. A number of new openings are proposed on the western elevation in the form of glazed doors which would form the entrance to the venue. Concerns were raised regarding the style of these openings. Originally the existing windows on the western elevation were to be replaced with timber single pane double glazed windows and door. Through discussions with the applicant these windows and doors would now be replaced with timber sash and case double glazed windows while the existing timber door opening is to be re-fitted with a timber door. This elevation looks onto the rolling farmland and not the public streetscene so it is considered that these changes would not significantly impact on the listed building or the conservation area.

2.2.6 On the north elevation, the existing door is to be replaced with a timber door, with the existing sliding doors retained. On the south elevation the existing door openings are to be infilled with steel framed double glazed doors and the existing sliding doors are to be retained. The existing roof is to be repaired where required. The external changes proposed to the north, south and eastern elevations are minimal, and it is considered these would not significantly impact on the C listed building.

2.2.7 Concerns have been raised regarding the proposed internal changes. Internally timber walls are to be removed and the building would be reconfigured to create the space for the function suite and associated facilities. The internal roof would be upgraded to create an acoustic buffer layer to the underside of the roof, while the floors would be upgraded to improve the acoustic absorption. Although these changes would involve the loss of some of the original historic fabric, it is considered that these changes are acceptable in this context as they would help secure the long-term future of this vacant C Listed Building.

2.2.8. Overall, it is considered that the design of the alterations and extension, are suitable in terms of proportion and scale, would use appropriate traditional external materials and overall would respect the character and appearance of the building and its setting, the streetscene and wider conservation area whilst securing the long-term future of this vacant 'C' listed building.

<b>CONSULTATIONS</b>
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Built Heritage, Planning Services

No objection

<b>REPRESENTATIONS</b>

26 objections were received. The material considerations relating to these concerns have been addressed under sections 2.2 (Impact on the Listed Building and Conservation Area) of this report of handling.

Comments regarding transport, road safety, noise, light, anti-social behaviour, principle of development and ecology are not material planning considerations for this Listed Building Consent application.

## **CONCLUSIONS**

The proposal is considered acceptable in terms of design, detailing and choice of materials; and would protect and enhance the character and appearance of this Category C listed Building. As such, the proposal is considered to be in compliance with the relevant policies of the Development Plan and relevant guidelines.

## **RECOMMENDATION**

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

1. 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 Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

## **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

National Planning Framework 4 - Revised Draft (2022)

Scottish Planning Policy (2014)

Historic Environment Policy for Scotland (2019)

Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland - Policy Statement (2016)

### Development Plan

Adopted FIFEplan - Fife Local Development Plan (2017)

### Other Guidance

Fife Council's Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2014)

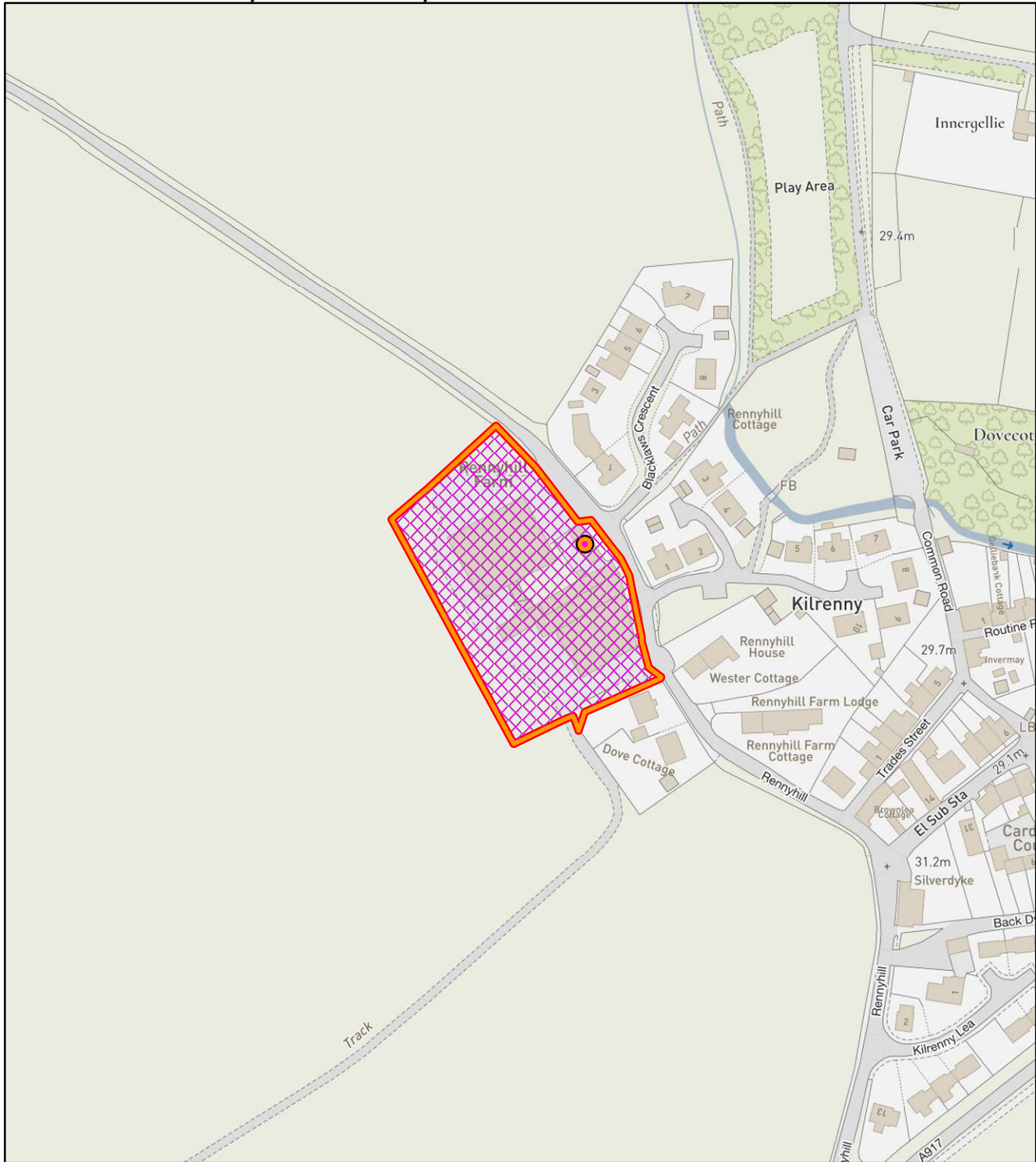
Kilrenny Conservation Area Appraisal and Management Plan (2013)

Report prepared by Scott McInroy, Planner Development Management

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

Date Printed 12/12/2022

## Farmhouse Rennyhill Kilrenny Anstruther



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

**ITEM NO: 9****APPLICATION FOR FULL PLANNING PERMISSION REF: 22/02070/FULL****SITE ADDRESS: AIRDITS COTTAGE KETTLEHILL CUPAR****PROPOSAL: CHANGE OF USE FROM AGRICULTURAL LAND TO GARDEN GROUND AND FORMATION OF NEW ACCESS****APPLICANT: MRS HELEN DALL  
AIRDITS COTTAGE KETTLEHILL CUPAR****WARD NO: W5R16  
Howe Of Fife And Tay Coast****CASE OFFICER: Andy Taylor****DATE REGISTERED: 04/07/2022****REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because more than five representations which express views contrary to officer recommendation 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.

The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan and provides the national planning policy context and agenda for the



assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

Having assessed the current application against the policy provisions of the finalised NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

## 1.0 BACKGROUND

1.1 The application site relates to rectangular area of grass land measuring approximately 1900 square metres and located in a countryside location, as defined by the Adopted Local Development Plan FIFEplan (2017) and adjacent and associated with Airdits Cottage. The site is currently used for grazing horses. The site is located on the eastern edge of Kettlehill, which is a small settlement predominantly residential in nature. Access to the site has been formed into the application site recently and is being assessed as part of the planning application. The application site is classified as agricultural land classification status Class 3.1 which normally is for a moderate range of crops with a good yield for some cereals and grass and moderate yields for other) potatoes, field beans and other vegetables. No changes are proposed to the existing wire fencing around the site.

1.2 This application is for the change of use from agricultural land to private garden ground associated with Airdits Cottage to the east.

1.3 There is no previous planning history for this site.

## 2.0 ASSESSMENT

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

- Principle of Development
- Design / Visual impact on the Countryside
- Residential Amenity

### 2.2 Principle of Development

2.2.1 As discussed, the application site is located outwith all defined settlement boundaries and is thus deemed to be countryside land, as per FIFEplan (2017). As a result of the countryside setting, further consideration must be given to the principle of development for the proposal.

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

2.2.2 Scottish Planning Policy (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Town and Country Planning (Scotland) Act (1997) [the Act].

2.2.3 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.

2.2.4 The Scottish Government laid the latest National Planning Framework 4 before Parliament on Tuesday 8 November 2022. With the publication of NPF4 this is now a material consideration in the assessment of planning applications. NPF4, once adopted, will form part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places, and productive places.

The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced.

When NPF4 is adopted, the SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and will not form part of the Development Plan.

In this context Fife Council Planning Services considers that while the finalised NPF4 is a material consideration, the detailed policy context in relation to the assessment and determination of planning applications at the present time should still be assessed against the adopted FIFEplan Local Development Plan 2017.

Having assessed the current application against the policy provisions of the finalised NPF4 and the adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

2.2.5 FIFEplan Policy 1: Development Principles states that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Part A; 1 states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by FIFEplan. Part B states that development proposals must address their development impact by complying with the following relevant criteria and supporting policies of relevance to this proposal, be a use appropriate for the countryside and safeguard the character and qualities of the landscape. Policy 1 Part C advises that development proposals must be supported by the relevant information or assessments to demonstrate that they will comply with policy criteria.

2.2.6 FIFEplan Policy 7 states that "development in the countryside will only be supported where it":

1. is required for agricultural, horticultural, woodland, or forestry operations;
2. will diversify or add to the above land-based businesses to bring economic support to the existing business;
3. is for the extension of established businesses;
4. is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements;
5. is for facilities for access to the countryside;
6. is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or
7. is for housing in line with Policy 8 (Houses in the Countryside).

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.

2.2.7 The proposed development relates to a residential property, as such, criterion 1-5 and 7 of Policy 7 can be disregarded. With regard to criterion 6, whilst the proposed change of use from agricultural land to garden ground would not represent a facility for outdoor recreation or tourism, it is considered that as the dwellinghouse associated with the development is already located within the countryside, any additional garden ground required for that dwelling has a proven need for a countryside location. With regard to the loss of agricultural land (3.1), the applicants land has been used as a paddock for more than 20 years and whilst the proposed development would not strictly accord with the recommendations of the SPP or requirements of FIFEplan Policy 7, it is considered in this instance that the loss of the small area of land (approximately 1900 square metres) to garden ground would have no material impact on agricultural land banks/ production levels in this area of Fife, given the extent of other agricultural land available locally. It should also be noted that the change of use does not involve any physical changes such as building or structures and as such could easily be changed back to agricultural use. The proposed development is therefore deemed to be acceptable in this regard.

2.2.8 Overall, it is considered that the proposed development would comply with the above policy requirements and is deemed to be acceptable in principle. The overall acceptability of any such development must however also satisfy other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

### 2.3 Design / Visual Impact on the Countryside

2.3.1 The application site is directly adjacent to the Kingskettle to Freuchie Core Path (P174). Given these designations, further consideration must be given to the potential visual impact of the proposal. FIFEplan Local Development Plan (2017) Policies 1, 7 and 10 and the Making Fife's Places Supplementary Guidance (2018) apply with regard to the design and visual impact of the proposal.

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

2.3.3 As outlined previously, Policy 7 of FIFEplan (2017) advises that development proposals on countryside land must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

2.3.4 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. The document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.5 An objection has been raised concerned that the change of use may lead to future development of the site. The application site is relatively flat grassland which has open unobscured views to the north. Given this rural location of the proposed development and in order to maintain some control of the views to the north, a condition has been added to remove the permitted development rights from this area to ensure that any future potential structures being erected would not adversely impact on this countryside location. This would allow the Planning Authority to fully assess this impact and to limit the visual corrosion of the countryside within this area.

2.3.6 In conclusion, it is considered that the proposed development would comply with above FIFEplan policies and supplementary guidance.

## 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 proposed use of the land as garden ground it is not anticipated that any amenity issues will arise. It is therefore considered that the proposed development would be acceptable with regard to the above noted FIFEplan policies concerning residential amenity.

## **CONSULTATIONS**

None

## **REPRESENTATIONS**

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

- Potential for future development of the site  
See Section 2.3.5
- Linear development outwith settlement boundary
- Loss of agricultural land

See Section 2.2

- Outwith settlement boundary

See Section 2.2

- Access road already built; the application will be dealt with in retrospect.

In this instance it is not unusual to deal with planning applications in retrospect, should the application be unsuccessful then appropriate enforcement action could be taken to remove the access created in retrospect.

- No need to increase the garden by more than 100%

Not a planning material consideration

- Didn't receive a Neighbour Notification letter within 20m

Fife Council records show that all relevant neighbours have been notified. However, one objector raising the issue as having not been, is shown on Council records as being notified and was able to make representation within the prescribed timescales. The application was not advertised in the paper at validation as required, however, this has since been undertaken as required.

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of the National Guidance, Development Plan and relevant other guidance. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the surrounding countryside and is therefore considered to be acceptable provided the recommended conditions are applied.

## **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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order) no development within Classes 3A, 3B, 3C, 3D and 3E shall be undertaken without the express prior consent of this Planning Authority.

Reason: In the interests of visual impact on the countryside.

## **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:**

National Planning Framework 4 - Revised Draft (2022)

Scottish Planning Policy (2014)

**Development Plan:**

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Report prepared by Andy Taylor, Case Officer and Chartered Planner

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

Date Printed 14/10/2022

## Airdits Cottage Kettlehill Cupar



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### Legend

 Application Boundary

0 5 10 20 30 m



Economy, Planning & Employability Services