

North East Planning Committee

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



Wednesday, 2nd June, 2021 - 1.30 p.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest (s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 7th April, 2021. 3 – 6
4. **19/01371/FULL - 37 LARGO ROAD, ST ANDREWS, FIFE** 7 – 44
Erection of 57-bedroom hotel (Class 7) with associated car parking, bin store and landscaping (including demolition of existing commercial building).
5. **20/03233/ARC - SITE TO WEST OF CHURCH STREET, LADYBANK** 45 – 62
Approval required by condition of planning permission 99/00991/EOPP for erection of 60 residential units with associated infrastructure (revision to 04/01863/EARM to amend housetypes and landscaping).
6. **21/00123/FULL - STREET RECORD, CUPAR ROAD, NEWBURGH** 63 – 111
Erection of 34 affordable dwellings and associated access road and SUDS.
7. **APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS**
List of applications dealt with under delegated powers for the period 22nd March to 18th April; and 19th April to 16th May, 2021.

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

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

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26th May, 2021

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THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

7th April, 2021

1.30 p.m. – 3.40 p.m.

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

ATTENDING: Alastair Hamilton, Service Manager - Development Management; Richard Simmons, Lead Officer Transportation Development Management (North Fife); Jamie Penman, Graduate Planner, Economy, Planning & Employability Services; Steven Paterson, Solicitor and Diane Barnett, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillors Tony Miklinski and Dominic Nolan.

260. DECLARATIONS OF INTEREST

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

261. MINUTE

The Committee considered the minute of the North East Planning Committee of 10th March, 2021.

Decision

The Committee agreed to approve the minute.

262. 20/02057/FULL - STREET LIGHT COLUMNS, QUEENS GARDENS, ST ANDREWS

The Committee considered a report by the Head of Planning relating to an application for the installation of new and replacement streetlight columns and lanterns (part retrospective).

Motion

Councillor MacDiarmid, seconded by Councillor Holt, moved to refuse the application on the grounds that the development did not comply with Policies 1, 10 and 14 of the Adopted FIFEplan (2017); Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; the St Andrews Conservation Area Appraisal and Management Plan (2010); the St Andrews Design Guidelines (2008); and the Making Fife's Places Supplementary Planning Guidance 2018, on the basis that the development would/

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would have a detrimental impact on the visual amenity and character of the conservation area due to the design, form, layout and height of the streetlight columns and lanterns.

Amendment

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

- (1) the one condition and for the reason detailed in the report; and
- (2) an additional condition together with the attendant reason therefor requiring that the street lighting on the east side of Queens Gardens (street lighting columns 4 and 6 as detailed on the site plan) have their eastern most pane blanked out to mitigate against the potential impact of light pollution having regard to the residential amenity of the occupants of the adjacent buildings.

Roll Call Vote

For the Motion - 6 votes

Councillors Connor, Docherty, Holt, MacDiarmid, Thomson and Verner.

For the Amendment - 7 votes

Councillors Brett, Heer, Liston, Lothian, Marjoram, Porteous and Tepp.

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

Decision

The Committee agreed to approve the application subject to:-

- (1) the one condition and for the reason detailed in the report; and
- (2) an additional condition together with the attendant reason therefor requiring that the street lighting on the east side of Queens Gardens (street lighting columns 4 and 6 as detailed on the site plan) have their eastern most pane blanked out to mitigate against the potential impact light pollution having regard to the residential amenity of the occupants of the adjacent buildings.

263. 20/02232/FULL - FOOTPATH RESURFACING, QUEENS GARDENS, ST ANDREWS

The Committee considered a report by the Head of Planning relating to an application for the resurfacing of footpath (part retrospective).

Decision/

Decision

The Committee:-

- (1) agreed to refuse the application on the grounds that the proposed development did not comply with Policies 1 and 14 of the Adopted FIFE plan (2017); Section 64 of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997; the St Andrews Conservation Area Appraisal and Management Plan 2010; the St Andrews Design Guidelines 2008; and the Making Fife's Places Supplementary Planning Guidance 2018, on the basis that the development would have a detrimental impact on the visual amenity and character of the conservation area due to its design, form and standard/choice of materials (in particular the use of asphalt as a pavement surface); and
- (2) agreed to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the full reason for refusal in order to ensure that a decision on the application was not unduly delayed.

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

The Committee adjourned at 2.55 p.m.

The Committee reconvened at 3.05 p.m.

264. 20/02950/FULL - FALSIDE FARM, KENLY, BOARHILLS

The Committee considered a report by the Head of Planning relating to an application for the erection of dwellinghouse, formation of hardstanding and associated vehicular access.

Motion

Councillor Liston, seconded by Councillor Tepp, moved to conditionally approve the application against officer recommendation and to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the granting of planning permission, with appropriate conditions, in order to ensure that a decision on the application was not unduly delayed.

Amendment

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

Roll Call Vote

For the motion - 4 votes

Councillors Brett, Liston, Marjoram and Tepp.

For/

For the amendment - 7 votes

Councillors Connor, Heer, Holt, Lothian, MacDiarmid, Thomson and Verner.

Abstention

Councillor Docherty declined to vote.

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

Decision

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

265. 21/00123/FULL - SITE AT CUPAR ROAD, NEWBURGH

The Committee was advised that this application for the erection of 34 affordable dwellings and associated access road and SUDS, land to the North of Cupar Road, Newburgh, had been withdrawn from consideration at this meeting.

Decision

The Committee agreed to defer consideration of the application to a future meeting of this Committee.

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

Decision

The Committee noted the lists of applications dealt with under delegated powers for the period 22nd February to 21st March, 2021.

ITEM NO: 4

APPLICATION FOR FULL PLANNING PERMISSION REF: 19/01371/FULL

SITE ADDRESS: 37 LARGO ROAD ST ANDREWS FIFE

PROPOSAL : ERECTION OF 57-BEDROOM HOTEL (CLASS 7) WITH ASSOCIATED CAR PARKING, BIN STORE AND LANDSCAPING (INCLUDING DEMOLITION OF EXISTING COMMERCIAL BUILDING)

**APPLICANT: WAVERLEY TWEED LTD
25 RUTLAND SQUARE EDINBURGH SCOTLAND**

**WARD NO: W5R18
St. Andrews**

CASE OFFICER: Bryan Reid

**DATE 22/05/2019
REGISTERED:**

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than five letters of representation have been received which are contrary to the Officer recommendation. The Royal Burgh of St Andrews Community Council has also objected as a statutory consultee.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 BACKGROUND

1.1 Site Description

1.1.1 The application site comprises a 1,747sqm area of ground located in the Largo Road area of St Andrews. The site is bound on the east by Largo Road; on the south by a residential property; on the west, firstly by an area of open space and secondly by residential properties of Spottiswoode Gardens; and, on the north by the car park associated with business units. The site is generally flat, sloping from south to north in line with the general topography of Largo Road. The site currently accommodates a retail unit with a yard to the rear secured by a green palisade fence. The building is occupied by a garden centre and is a two storey structure, with single storey extensions. A car park is located at the front elevation of the building and the site is accessed via two junctions with Largo Road, a separate vehicular entrance and exit. The boundary to Largo Road is defined by a low stone wall adjacent to the footway. To the west and north, the boundary is marked by a mix of brick and block walling, palisade fencing and the rear lean to of the retail unit itself. High trees are present within the garden of an adjacent residential property. Green Palisade fencing separates the driveway and garage of the property to the south, 39 Largo Road and the site.

1.1.2 Largo Road is one of the main thoroughfares in to the town which is located around 1km to the north. The area is characterised by a mix of uses comprising retail, commercial premises, business units, and other public services. Moving away from Largo Road to the west and east are areas of predominantly residential properties. Further south, the area is a mix of residential with a large food store, industrial area and a community hospital at the town's southern extent. The area immediate adjacent to the site is characterised predominantly by relatively modern 1 to 2 storey residential properties with pitched roofs. To the east of the site is a large substation surrounded by tall trees. To the north, the two storey business units also have a pitched roof as do the adjacent business units, known as Slotline House. The immediate context of the site is therefore suburban in character before transitioning to a mixed use commercial area further north on approach to the town.

1.1.3 A review of historic maps shows the site was located between the route of the Anstruther to St Andrews Railway and a public road in the 1890s. By the 1960s, the growth of housing in the town had expanded as far as Broomfaulds Avenue and an abattoir, now replaced by a retail unit and hotel. The site itself appears to have been subject to development by the 1960s, potentially as a filling station. The map shows the entrance and exit layout that is seen today and some buildings adjacent to the railway. The site has since been in use as a car showroom, filling station and latterly a retail unit.

1.1.4 The development plan for the site comprises the approved Tay Strategic Development Plan 2017 (TAYplan) and the adopted Fife Local Development Plan 2017 (FIFEplan). The site is within the settlement boundary of St Andrews, as defined by FIFEplan. According to the Proposals Map, the site is not allocated or safeguarded for any specific purpose. The site is bound on the north by

the Largo Road Safeguarded Employment Area but is not included within it. Therefore, the protection of employment areas provided by FIFEplan Policy 5 does not apply. The site is also not subject to any green network assets, but does fall within the Ladebraes and Southern Links Green Network (STAGN01) which covers the majority of the town not directly on the coast.

1.1.5 Due to the historic uses of the site, the site is considered to be at risk from contamination.

1.1.6 The site is not within an Archaeological Area of Regional Importance. The site is not at risk from flooding according to the SEPA Flood Risk Map. There are no statutory designations for nature conservation purposes affecting the site. The site is not within a Coal Authority Development Risk Zone. The site is not within a hazardous site consultation zone.

1.2 Planning History

1.2.1 The site has been subject of numerous planning applications in recent years. In April 2005, application 05/01663/EFULL was received, proposing the erection of business units, 10 flats, access and parking with the demolition of the car showroom. Fife Council refused the application on the basis that 1) the site was zoned for business development and residential use was not supported; 2) the scale of development would cause an unacceptable impact on the urban street scene, and would create an undesirable precedent for other future increases in storey height within the locality; and, 3) the proposal did not include enough garden ground. The building proposed was 8m high to eaves and 12m high to ridge, stepping down in three sections in line with the site's topography. The decision was appealed and Reporter Shiel considered the three reasons for refusal. Whilst considering the proposal acceptable in principle, the Reporter considered the height of the building would be out of keeping with its immediate surroundings. Its proximity to Largo Road further emphasises its prominence in the street scene and the bulky gable ends when viewed from the north and south further compound its incongruity with the site's context. The nature and distribution of the open space within the development was also considered unsatisfactory. The appeal was dismissed and permission refused in January 2007.

1.2.2 A further application was submitted on September 2007 and registered under 07/03061/EFULL. This application proposed a mixed use building containing business units and 8 flats. The total height of this proposal was 10.6m. Again, the Council refused planning permission in May 2008. The reasons related to 1) visual amenity, and the effect of the scale and height of the building on the urban street scene; 2) unacceptable impact on the privacy of neighbouring residential properties; and, 3) insufficient off street parking. No appeal of this decision was lodged.

1.2.3 In December 2008, an application to change the use of the garage to class 1 retail was submitted and approved in February 2009. Other approved applications relate to advertisement consents.

1.3 Proposal

1.3.1 The applicant has submitted an application for full planning permission for the erection of a hotel with associated access, car parking, landscaping and other ancillary works. The development would necessitate the demolition of the existing retail unit and external yard space. The hotel would be a three-storey flat roof structure with a basement level. The hotel would provide 57 bedrooms, along with a reception area, with a café/ bar at basement level. The guest accommodation would be split along all three above ground floors: 16 rooms at ground floor; 26 rooms at first floor and 15 rooms at second floor. The building would be located on the east portion of the site, around 1.4m from the east site boundary with Largo Road. The building would be 45m

long, 15.5m wide and around 9.5m high (6.5m to second storey level). Two stair cases would protrude out from the west/ rear elevation. Pedestrian access is taken from Largo Road via a pedestrian entrance located 14m from the south east corner of the site. The applicant proposes a contemporary architecture finished in a palette of light coloured sandstone basecourse, light coloured warm cream long format bricks and off-white smooth render to ground, first and part of the second-floor elevation, with a light grey zinc edged glazed curtain walling to top floor. The gable elevations would be finished in brick and render with glazed finishes to top storey. To the roof, the applicant proposes a sedum/ green roof with solar PV panels, with a grey standing seam zinc cover over the main stair core. Artistic metal panelling is proposed on the front and side elevations, with the curtain walling also proposed to feature printed shapes.

1.3.2 The applicant proposes to amend the existing access arrangements of the site and revert to a single junction point with Largo Road. This would provide access to the rear of the site via a pend at ground floor level. This would allow for access to cars to park parking and servicing of the hotel. The proposal includes 50 in-curtilage car parking spaces: comprising 27 at surface level, including accessibility spaces; and a further 23 at basement level, accessed via a car lift. The proposal would also include 9 secure cycle parking spaces to the north west of the site. Deliveries to the site would be restricted to transit vans serving the hotel to the rear. Bin storage is proposed next to the cycle storage. The west boundary of the site would be marked by a 1.8m high fence comprising low stone walling (0.5m) topped with a 1.3m high timber panelled fence.

1.3.3 The hotel is described as being a limited service upper-midscale hotel. No specific operator is currently attached to the development. At basement level, in addition to car parking spaces would be a café/ bar with food preparation area, office, plant rooms and staff welfare facilities. The applicant proposes landscaping to the rear of the site in pockets surrounding the surface car park spaces. A strip of soft landscaping is proposed between the footprint of the east elevation and the edge of Largo Road

2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Low Carbon Fife
- Contaminated Land and Air Quality
- Flooding and Drainage
- Natural Heritage
- Developer Contributions
- Public Art

2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 The Scottish Government's Scottish Planning Policy (SPP) (2020), Policies 1, 3 and 5 of TAYplan Strategic Development Plan (SDP) (2017), Policies 1 and 6 of the Adopted FIFEplan Local Development Plan (2017), Fife Council Economic Strategy 2017 - 2027, Fife Council Local Outcome Improvement Plan (2017), Fife Tourism Strategy 2014 - 2024 and GVA Consultancy Fife Hotel Demand Study (2017) apply with regards to the principle of development for this proposal.

2.2.2 Scottish Planning Policy (SPP) at paragraph 32 states that proposals which accord with up-to-date plans should be considered acceptable in principle and the assessment should advance to consideration of detailed matters arising. Supporting sustainable economic growth is a key function of those engaged in the planning system. Planning authorities are tasked with supporting growth in key sectors and to give due weight to net economic benefit (see para 93). The National Planning Framework (NPF3) is the spatial expression of the Scottish Government's Economic Strategy. It aims to support growth in priority sectors, such as tourism. At the same time, both SPP (para 93) and NPF3 (para 1.1) recognise that for economic growth to be considered sustainable, it must take account of site sensitivities, such as natural assets and local amenity. Sustainable economic growth must ultimately make a positive contribution towards placemaking (SPP para 108).

2.2.3 TAYplan provides strategic policy direction for Local Development Plan (LDPs) and for the assessment of development proposals. Policy 1: Location Priorities promotes a hierarchy of settlements where the majority of new development is to be directed, to support growth in the most sustainable locations. St Andrews is a Tier 2 settlement according to Map 1. Tier 2 settlements make a major contribution to the regional economy and will contribute to a smaller share of additional development need than Tier 1 settlements (Dundee and Perth), with a priority given to previously developed land. Policy 1 Part D identifies the need to protect the landscape and townscape qualities of St Andrews through the designation of a Green Belt in the LDP.

2.2.4 TAYplan Policy 3: A First Choice for Investment directs LDPs to support sustainable economic growth. Policy 3 encourages investment that assists in growing the year-round economy in key sectors, such as tourism. TAYplan acknowledges the role St Andrews plays as a host of international golf competitions and as a tourist destination of global renown. Policy 3 does not mean all tourist-related development is acceptable, but it does ensure that balanced consideration is given to economic benefits in assessing individual proposals. TAYplan Policy 5: Town Centres First promotes new significant footfall generating proposals into town centres. Part D states that decision on land uses that generate significant footfall should be based on a sequential priority of locations, with town centre locations at the top of the hierarchy. St Andrews is listed as a Larger Town Centre where hospitality uses are appropriate. However, the explanatory text supporting Policy 5 explains that hospitality uses are not subject to the town centres first approach.

2.2.5 FIFEplan's Spatial Strategy accords with TAYplan by promoting sustainable growth in key economic sectors as well as providing safeguards for the area's cultural and natural assets. The overarching principle is to balance support for investment in economic activities with protection of the historic and natural environment. FIFEplan Policy 1: Development Principles is divided into three parts. It provides support to development proposals which meet one of the points in Part A, address its development impact in relation to the issues listed in Part B and provide the necessary supporting statements set out in Part C. Policy 1 Part A supports the principle of development if it is within a settlement boundary and is compliant with the policies for its location. Policy 1 states that the assessment of the principle of a proposal will pay due cognisance to the presumption in favour of sustainable development provided by Scottish Planning Policy. FIFEplan Policy 1 Part B (6) requires new development to protect recreation facilities and the amenity of the local community. FIFEplan Policy 6 requires all proposals likely to attract a large number of people to follow a sequential assessment to ensure there are no sequentially preferable sites within town centres before an out of town location can be considered.

2.2.6 Policy 6 of FIFEplan states town centres will be the first choice for uses likely to attract a large number of people including retail, offices, leisure, entertainment, recreation, cultural, and community facilities. Homes and businesses are also encouraged in town centres to add to the mix of uses and activity throughout the day and evening. Town centres are the principal focus for commercial, cultural, and civic functions and services that meet the needs of the town and a network of surrounding communities they serve. Policy 6 also sets out that development proposals will only be supported where they will not have a significant adverse effect on the vitality and viability of town centres and the local economy; and are appropriate for the location in scale and character and will not adversely impact on residential amenity or negatively impact on adjacent uses.

2.2.7 Policy 6 additionally sets out that developments must comply with the sequential approach taking into account the catchment areas shown in FIFEplan. The sequential approach requires that locations are considered in the following sequence:

1. Town centre (within defined boundary)
2. Edge of town centre
3. Local Centre
4. Other Commercial Centres identified in the Local Development Plan
5. Out-of-centre locations that are, or can be, made easily accessible by a choice of transport modes.

For retail and commercial leisure uses, the sequential approach take into account retail market area level rather than individual town level (using the information in Table 6.3 as a guide to the scale of development). This means that if a development cannot be located in a particular town centre or edge of centre location, the next nearest town centre and edge of centre areas must be considered before out of centre locations. To be acceptable, development will require to be clearly justified against the requirements of the sequential approach. Exceptions may be made where new development cannot be physically accommodated in a defined centre (town, local or commercial) or has specific locational requirements. The threshold for the application of the sequential approach for hotel developments is where the development features a gross floor area of more than 1000 square metres.

2.2.8 Fife Council Economic Strategy 2017 - 2027 confirms economic development and employability efforts on supporting key sectors, including tourism. This support includes encouraging new visitor attractions and hotels, to maximise opportunities from national assets and tourism products. On a similar theme, the Plan for Fife is the Council's Local Outcome Improvement Plan (2017) and promotes growth in employment in tourism and to maximise the economic potential of Fife's assets to attract tourists. Finally, the Fife Tourism Strategy 2014 - 2024 aims to increase visitor expenditure in Fife by 2024. The three strategic outcomes identified by Fife Tourism Partnership are to improve visitor infrastructure, increase employment and skills and increase visitor spend.

2.2.9 The hotel sector in St Andrews has been the subject of detailed study. Fife Council instructed GVA Consultancy to assess demand in the hotel sector in Fife. This study also identifies gaps in supply that would indicate opportunities for further hotel developments across Fife. The latest report was published in 2017 and updates similar studies undertaken in 2007 and 2012. The 2017 report establishes that market demand in St Andrews is generally positive, with the lack of sites available being a significant drag on new development. It notes a supply imbalance towards upscale/ luxury provision in St Andrews, despite the development of the Premier Inn on Largo Road in 2015. The report identifies an upper midscale hotel in St Andrews as offering the most

viable development in Fife based on demand for this type of product in this location. Available development sites are evaluated and attributed scores. Table 2.2.1 of the study sets these out in a matrix. Given the publication date of the GVA report, the Planning Authority does not have access to any data on whether the demand/market for upper midscale hotels has shifted since the approval and/or construction of other hotel developments in the town; these are explored in detail below. This study was not designed to be used to assess the suitability of planning applications, rather, it explored what areas of Fife were attractive for developers. The study identifies two sites in St Andrews which could accommodate new hotel developments – the sites are identified in FIFEplan as STA 001 and STA 006 respectively and have since been granted planning permission. Excluding the developments at STA 001 and STA 006, extensions at the Rusacks and Old Course Hotels, and minor external or internal amendments to smaller hotels since the publication of the GVA study, the Planning Authority has approved the following hotel related developments within the settlement boundary of St Andrews which may impact the findings of the study:

- 17/01993/FULL: Change of use of part of hotel (Class 7) to six flatted dwellings and external alterations including a rear extension, re-painting and installation of replacement rooftiles and rooflights: Ardgowan and Pilmour Hotel.
- 19/00801/FULL: Change of use from 7 person HMO to hotel annexe (Class 7) and alterations to door: Annex to Kinnettles Hotel.

Given the size and offerings of the above hotels, it is considered by the Planning Authority that the findings of 2017 study, with regard to demand for upper midscale and limited service hotels in St Andrews, remains relevant.

2.2.10 The applicant has provided a statement in support of the change of use of the site from a retail unit to a hotel. The statement sets out the potential economic impact of a new hotel in this location and the demand for this type of development. The applicant highlights the net economic benefit of the development: firstly, through construction phase employment; secondly to direct employment in the hotel and ancillary business; and, thirdly indirect economic benefit through increase visitor numbers to the town. The applicant also notes the findings of the Fife Hotel Demand Study 2017 and the apparent supply imbalance in the town. The applicant considers the proposed hotel would address this imbalance. The hotel would operate on a per bed pricing schedule consistent with an upper midscale average daily rate (ADR), which is not currently met by existing or proposed supply. This is below the average annual ADR of £138.70 in St Andrews (2016 prices). Finally, the applicant reviews other LDP hotel opportunities in and around St Andrews. The review concludes that the hotel proposed on this site would not undermine the deliverability of these LDP sites.

2.2.11 The application received a large number of objections including from the Community Council and the St Andrews Preservation Trust. The Preservation Trust consider the proposal is contrary to FIFEplan Policy 5 which protects against the loss of employment land, as do the Community Council. Others note the site is not allocated for hotel use specifically and that there is no need for a hotel. Some suggest there is a lack of commercial land in St Andrews to support a diverse economy. The vast majority of objectors consider the loss of the existing retail unit is unacceptable as it provides employment and services that support the rural economy (such as generator and farm equipment hire). The loss of these services would require additional travel out of town or lengthy deliveries of similar products. One objector considers the type of hotel to be "economy" and not supported by the Fife Hotel Demand Study 2017.

2.2.12 In response to the impact of development on the current occupier, the applicant has provided further information to address the concerns of the community. The applicant notes that the discussions with Garden Mowers & Tools as tenant revealed the existing site was too small for their current requirements. Since the submission of this application, the Garden Mowers & Tools business has been granted planning permission for a new site at Langraw Farm, Feddinch, approximately 1.7km south of the application site - 19/03283/FULL.

2.2.13 The assessment of the principle of development in this application should take each issue in turn, beginning with the FIFEplan Proposals Map, the town centres first policy, then the loss of the existing retail unit before considering the need for a hotel in this location. Finally, the assessment must consider the impact on the adjacent open space/ play facilities to the south west of the site. Firstly, the site is not allocated or safeguarded for any specific purpose. The site is outwith land allocated as safeguarded employment land in the Proposals Map and so FIFEplan Policy 5 does not apply. Regardless, the site is in retail use and not employment use. The history of the use of the site has always been variations of retail/ motor garage/ filling station etc. As there is no loss of employment premises, nor protection of the site given to employment uses, then objections on these grounds are dismissed. The site is not allocated for hotel use in the development plan, but it does not need to be for a hotel development to be considered in principle. A reading of the development plan at a strategic level makes it clear that the reuse of brownfield sites within existing settlements is a favoured approach to meet the growth requirements of key economic sectors. FIFEplan Policy 1 provides a presumption in favour of developments within settlements on the proviso that it is demonstrably compatible with its location, determined on consideration of the impact policies of FIFEplan and other material considerations.

2.2.14 Regard is had to the three strategic documents set out above. There is an alignment between new tourism facilities provided within an internationally significant tourism location, as St Andrews is, and the strategic objectives of the Fife Economic Strategy, The Plan for Fife and The Fife Tourism Strategy. As there is nothing to preclude a hotel being located on this site in development planning terms, and the support provided to new hotels generally, the principle of development can be supported by FIFEplan Policy 1 Part A as it is within a defined settlement boundary and compliant with the policies for the location.

2.2.15 In terms of Town Centres First policies, there is some discord between TAYplan Policy 5 which states that hospitality uses should not be subject to sequential assessment, and FIFEplan Policy 6 Figure 6.3 which suggests that hotel proposals over 1,000sqm should be subject to such an assessment. It is beyond the scope of this assessment to attempt to reconcile this discord; therefore, it appears incumbent on the applicant to undertake a sequential assessment as the proposal would generate 1,903sqm of internal hotel floorspace. The site lies around 1km from the West Port which is the west-most boundary of St Andrews town centre and, as such, is an out-of-centre location.

2.2.16 The applicant has submitted a Sequential Assessment (Colliers International, February 2019). The assessment only considers St Andrews town centre and sites identified in the LDP for hotel uses as the sequentially preferable locations. Typically, sequential assessments for retail developments must consider other town centre sites in the retail catchment boundary. The applicant limited the assessment to St Andrews only, as this is the market the proposed hotel is intended to serve. The guide to applying FIFEplan Policy 6 set out in the plan at paragraph 6 allows an exception where a development has a specific locational requirement. It is considered a hotel has a specific locational requirement to be in St Andrews to serve this particular market. Therefore, the applicant's approach is considered to be appropriate by the Planning Authority. The Colliers assessment provides details of marketed development properties/ sites in St Andrews

and LDP hotel opportunities. It concludes there are no sequentially preferable sites in the town which allows for consideration of out of centre sites.

2.2.17 Broadly, the Colliers assessment is accepted as there is a clear constraint within the urban fabric of St Andrews town centre to accommodate a 57-bedroom hotel with limited services. The assessment does not consider the potential hotel to be suited to the St Andrews SDA (STA 001) or STA 008: Strathtyrum sites. The applicant has provided a supplementary consideration of LDP hotel sites, including STA 001, St Leonards STA 006, Strathtyrum (STA 008) and Craigtoun Country Park (LWD 021). For STA 001 (18/00280/EIA), the applicant considers this site to be more suitable for a full-service hotel (including, for example, restaurants and bars, swimming pool, a health club and conference facilities), rather than the smaller limited-service hotel proposed in this application. Therefore, due to the different hotel types and locations, it is considered that the proposed development would be ill-suited for the STA 001 location. At the same time, the presence of the proposed smaller limited service hotel is considered unlikely to impact the viability or deliverability of a larger full service hotel in the St Andrews West development. Similarly, the applicant notes the proposal at St Leonards is for an 'economy' hotel (vs the upper midscale hotel targeted for the application site), with a pre-let opportunity to another operator. This proposal (18/02977/FULL) was refused consent by the Council in June 2019, but subsequently allowed at appeal (PPA-250-2330 March, 2020); works have now commenced. A condition was included by the Reporter which set the requirements for the phasing of the development, with the hotel building required to be substantially complete prior to the occupation of the student accommodation block. With the consented hotel now under construction, it is considered that the approval of the current application would not prejudice the delivery of the STA 006 site. STA 008 was also considered, where it is noted that a hotel development is not the intended primary use, rather it would be acceptable on part of the site (presumably as an ancillary development in support of the intended research park use). The viability of any hotel on the STA 008 site would be driven by development of the surrounding research park and proximity to the nearby golf courses, and would therefore have a low sensitivity to the presence of the proposed limited service hotel. For Craigtoun Country Park, the setting would suggest a boutique hotel with upscale facilities would be more appropriate, with the main demand generator for this site is likely to be the Country Park itself. In this regard, it is noted by the Planning Authority that the LWD 021 site is located outwith the settlement boundary of St Andrews. Overall, given the limited service offering of the proposed development, the Colliers assessment concludes that there are no sequentially preferable locations for the proposed hotel within the boundary of St Andrews.

2.2.18 The applicant's analysis addresses the demand aspect of the principle of a hotel in St Andrews and this will be considered in further detail in subsequent sections of this report. However, in sequential terms, none of the LDP opportunity sites are located in a sequentially-preferable location to the application site. The issue of hotel demand aside, in terms of FIFEplan Policy 6, the applicant has sufficiently demonstrated that there are no sequentially-preferable sites in St Andrews to accommodate a hotel. Therefore, an out-of-centre location can be considered. In general, the town centre of St Andrews appears to be in good health and functions well as a vibrant retail and service centre for the town. The hotel proposed here is not expected to detrimentally impact on the character, amenity and health of St Andrews town centre. Regardless, there are doubts about whether a sequential assessment is appropriate for a hotel. The Reporter in PPA-250-2330, proposed hotel and student accommodation at Abbey Park, St Leonards, did not consider a hotel to be a town centre use. In practical terms, hotels can be located in a variety of locations to suit to sector of the market they are aiming to accommodate. It does not seem to be reasonable or practical to direct them to town centres in the same way as retail developments.

So, the applicant has demonstrated there are no sequentially-preferable sites, but even if there were, there would be significant material justification to depart from FIFEplan Policy 6 in this instance.

2.2.19 The loss of the existing retail unit is a material consideration in this case; although, it is not an issue of significant material weight due to the lack of protection for existing retail in this location. In response to community concerns, the planning authority sought assurances from the applicant that the impact of development on existing tenants is being managed. Since the submission of this application, the Garden Mowers & Tools business has been granted planning permission for a new site at Langraw Farm, Feddinch - 19/03283/FULL. Whilst this site is perhaps less accessible, it should be stressed that the lack of policy locus for this type of consideration means it is a matter of limited material weight.

2.2.20 The applicant has provided information on the demand for hotels in St Andrews to support the application. Community concerns about the lack of need for more hotels in the town are noted. Fife Council Tourism team also requested further information of the type of hotel to be operated and how this meets the demand identified in the Fife Hotel Demand Study 2017. Planning officers also expressed concern about the development's impact on the viability of the development strategy of FIFEplan, which allocates development sites where a hotel could be located. The applicant has provided information on the pricing, market position and operational intentions for the proposed hotel. The applicant claims this would operate on an upper midscale basis in terms of pricing and the type of hotel product provided, albeit with limited services. This information has been reviewed by Fife Council Tourism officers. On the basis that type of hotel proposed was identified within the Hotel Demand study for St Andrews and that the Fife Tourism Strategy is to encourage tourism development in Fife, Tourism officers confirmed their support for the application in principle. The proposed hotel would meet an undersupply of tourism accommodation in the town, in accord with the Fife Tourism Strategy. Therefore, the concerns regarding a lack of need/ demand for another hotel in the town are noted but not sustained in this case. It is considered that the type of hotel proposed would not draw significant demand away from existing hotels in St Andrews, rather, as evidenced by the recent Premier Inn development, the proposal has the potential to draw more tourists to the town.

2.2.21 In terms of the wider LDP strategy, the applicant has provided an assessment of other sites allocated for development in the LDP where a hotel could be sited (see Paragraph 2.2.17). The applicant does not consider the new hotel proposed in this application would undermine the viability of other sites promoted in the LDP. This is because the Fife Hotel Demand Study (page 20) notes a jump in demand in 2016 following the opening of the Premier Inn on Largo Road, suggesting this hotel is driving new demand in St Andrews rather than displacing it from existing hotels. The applicant also considers how the proposal in their application differs from other hotel proposals in the LDP. In each case, the applicant contends that a different hotel offer is likely to come forward for each of these sites. Reviewing this assessment, it is considered by the Planning Authority that the proposed hotel development would not undermine the LDP development strategy.

2.2.22 FIFEplan does not provide any development policies to consider the question of hotel demand. SPP (Supporting Business and Employment) encourages the planning system to support sustainable growth in key economic sectors, whilst protecting natural and community assets. Due weight should be given to net economic benefit of proposed development. Again, there is little provision given to considering the impact of a hotel proposal on a wider development strategy. However, the Fife Hotel Demand Study does indicate unmet demand in the area for this type of hotel. On this basis then, the presumption in favour of sustainable growth in key economic sectors

provided by SPP directs the decision taker to accept the applicant's appraisal of the proposal as it sits within the LDP's development strategy. From the evidence provided and the analysis above, this assessment finds that the proposal hotel would not undermine the deliverability of other hotels in St Andrews.

2.2.23 Lastly, the assessment of the principle of development must take account of the provisions of FIFEplan Policy 1 Part B (6). This requires new proposals to protect recreational facilities and the amenity of the local community. The site is bound on the south west by an area of open space and a play park. Some objectors considered the proposal would adversely impact the amenity provided by this area. However, considering the nature of the existing use and the limited extent to which the site abuts this recreational space, it is considered that the relationship between the park and the new hotel development would not undermine the amenity that this space provides. A more detailed regard for amenity considerations is provided in Section 2.6 below. However, in general, the proposal would accord with the requirements of FIFEplan Policy 1 Part B (6).

2.2.24 Taking the above as a whole, the site is not safeguarded for any specific purpose. As it is within the settlement boundary and broadly compliant with the policies for that location, the principle of a hotel development on this site is supported by FIFEplan Policy 1 Part A. The applicant has demonstrated there are no sequentially-preferable sites in St Andrews, in accord with FIFEplan Policy 6, accepting the limited degree to which this policy applies to this case. The applicant has also demonstrated mitigation of the impact of development on the existing occupant of the site to a satisfactory degree. Again, although not required to do so in terms of development plan policy, the points raised by objectors' demand this is considered in this case. The applicant also demonstrates sufficient demand for this type of hotel in St Andrews and have shown that the delivery of this site would not undermine the development strategy of the LDP. The development is also considered to protect the amenity of the adjacent area of open space.

2.2.25 Overall, it is considered that the proposed 57-bed hotel, with its support from Fife Council's Economy, Tourism and Town Centres team, would be acceptable at this location and would not have an adverse impact on the town centre of St Andrews, nor prejudice the delivery of other hotel developments identified in the LDP. The recent hotel demand study carried out by GVA confirms that there is a market for the proposed limited service hotel. In general land use terms, the proposal is therefore considered to meet the requirements of FIFEplan outlined above and is thus deemed to be acceptable in principle. The overall acceptability of the development must however also satisfy other relevant Development Plan policy criteria as identified above.

2.3 DESIGN/VISUAL IMPACT

2.3.1 TAYplan Policy 2: Shaping Better Quality Places aims to deliver better quality development in the TAYplan area. Part A requires design to be place-led and deliver a layout, density and mix of development that is shaped by existing natural and historic assets as well as local context created by the built form of an area. Part B aims to promote development that encourages active and healthy lifestyles, by connecting to existing infrastructure, co-locates well with existing services and can enhance transport networks to reduce unsustainable forms of travel. Part C requires development to be resilient against flood risk, climate change and environmental degradation. Part D requires new buildings to be resource efficient by reducing waste and the consumption of finite resources.

2.3.2 FIFEplan Spatial Strategy promotes an increase in Quality of Place through new development in Fife. FIFEplan Policy 1 Part C (7) requires proposals to demonstrate adherence to the six qualities of successful places. Policy 14 also supports the principles of good placemaking. The six qualities require places to be: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around and beyond. Fife Council will apply the six qualities of successful places to assess a proposal's design. Further guidance on the application of the six qualities is set out in Making Fife's Places Supplementary Guidance (SG). This SG has been adopted by Fife Council as statutory guidance and forms part of the development plan. Therefore, in terms of material weight, it holds the same status as TAYplan and FIFEplan. The SG encourages applicants to demonstrate that the proposal has followed a robust design process. It includes a site appraisal method and evaluation framework to guide the assessment of the design process undertaken.

2.3.3 The six qualities of successful places are supported by SPP, which puts placemaking at the core of the Scottish Planning System. It requires planning to support development that is designed to a high standard. Further details of the qualities are provided in the Scottish Government's Creating Places: A Policy Statement on Architecture and Place for Scotland and Designing Streets. SPP promotes a sustainable pattern of development which should be reflected in the spatial strategies of LDPs. Decisions on individual developments should be guided by a series of principles set out in Paragraph 40. These include: optimising resource capacities by located housing and employment development in areas with infrastructure capacity; promote a mix of uses within settlements to create more compact higher density settlement cores; promote the reuse of brownfield land; and, locate development where investment would lead to benefits for the amenity of local people and the local economy. Finally, SPP advises at paragraph 56 that design is a material consideration in the determination of planning applications. A proposal may be refused solely on design grounds.

2.3.4 The St Andrews Design Guidelines sets design principles for key approach routes in to the historic town centre, including Largo Road. This approach provides distant views from higher ground to the historic skyline with the backdrop of the sea beyond, reflecting the town's coastal setting. This is considered an important quality of the town's physical character. The Largo Road approach is characterised by predominantly post-war housing and some commercial developments. Illustrations of black gables and non-active street frontages on to Largo Road are highlighted as negative features to be avoided in new development. Guideline 4 requires new development to be of sufficient quality to herald the arrival in an outstanding town centre. Guideline 9 relates to new development beyond the town centre, ensuring that it respects the wider setting and does not rise above sightlines of the historic skyline from the approach routes. Guidelines 45 and 46 relates to boundary treatments, to retain existing and adopt high quality materials in new boundaries, avoiding timber fencing on street frontages.

2.3.5 The site is considered to be very prominent within the approach to St Andrews Town Centre, as such, development in this context is expected to contribute positively to the character of the area. Despite the site's location on an important approach road to the town centre, the existing building which occupies the site is not considered to be of historical or architectural merit, and as such its demolition to make way for redevelopment is supported.

2.3.6 The design of the development as was originally proposed was criticised by objectors to the application, including the Community Council. Issues raised include the height of the building, as well as its massing and scale as being out of context with the existing streetscene and constitutes over-development. Others state the design lacks character and the flat roof is not appropriate. More specific issues raised include inappropriate boundary treatments which conflict with the St

Andrews Design Guidelines, impact on the historic skyline and the rounded turret at the north east corner of the building only extending to the ground floor. Some respondents raised the point that a previous scheme of the site had been refused planning permission by the Council, and at appeal. This was because the previous scheme (PPA-250-612) was considered to be too high, out of scale and character with its immediate context and would result in an overly-dominant frontage to Largo Road. After considering this last issue further, officers agreed that the original scheme presented in this application generated the same issues. Therefore, the applicant was invited to reconsider the building's design.

2.3.7 To assess the design of the development, the proposal must be assessed against the six qualities of a successful place as set out in the evaluation method in Section 3.0 of Making Fife's Places. Although primarily focussed on residential developments, many of the principles are applicable to commercial proposals.

2.3.8 The applicant's design response to the development constraints of the site is described in the Design Statement (March, 2020). It describes the site and identifies its constraints. It then presents the design approach and justifies its various aspects against the six qualities of successful places. In terms of distinctiveness, this test requires a proposal to respect a site's context as basis for new development, both at the neighbourhood scale as well as at an individual plot. Contemporary architecture is promoted in historic settings as well as elsewhere and the SG provides many good examples of effective contemporary architectural additions to sensitive locations. The evaluation questions test whether an individual proposal responds appropriate to the site context, makes the most of existing buildings, landscape and habitats and designs a built form to minimise visual impact in sensitive locations.

2.3.9 The applicant's Design Statement considers the proposal against the six qualities. In terms of distinctiveness, the applicant states the building is a contemporary response to the site, one that is well-detailed and considered in its composition without resorting to direct replication of any specific building elements. The site's context of primarily residential properties (2-2.5 storeys) and mid-scale commercial properties (2 and 3 stories in height) to the north is acknowledged. The applicant's choice of a recessed glazed roof is designed to fit the building in to this context, by presenting a frontage that is two-storey in appearance and dimensions, whilst allowing three storeys of accommodation. In terms of materials, the applicant proposes a simple palette of light coloured sandstone, light coloured warm cream long format bricks, metal panelling and windows, off-white smooth render and glazed curtain walling at top floor. It is proposed for the metal panelling of the building to be designed by a local artist, with these features serving as the development's public art contribution. The applicant contends that the cladding would be both a practical element of the building as well as provide an element of the building which can be used to provide the opportunity for public art. The public art contribution is therefore designed to be integral to the building rather than a separate element in the grounds or appearing as an afterthought. Acknowledging that the inherent nature of repetition can in some cases lead to a placeless fenestration and poor façade composition, the design statement sets out how careful detailing and proportioning has been used to emphasise the horizontal nature of the proposal; punctured by appropriately sized (vertically emphasised) window openings and uniquely designed metal panelling.

2.3.10 Consulting with the Planning Authority's Urban Design Officer on the revised submission, it is considered that the building's step, feature metal panelling, and window projections would assist to break up the horizontal emphasis of the building and the previous uniformity of the front elevation. Additionally, it is considered that the introduction of windows that turn the corner on the upper level, alongside metal panelling and window projections, help to add visual interest to the

gables, softening the hard, prominent edges at the corners and enhancing the overall distinctiveness of the building. The metal panelling is a key feature in relation to ensuring a strong element of distinctiveness is integrated within the design. The panelling would be back lit to animate the building at night - helping to define the building, break up the extent of the building mass, potentially reinforcing the building's role as a landmark feature along this principle movement route. It is considered that the unique design of the proposed metal panelling, alongside back lighting, and overall fenestration proposals, would create sufficient visual interest in the building, whilst also breaking up the mass of the building and overcome concerns raised regarding horizontal uniformity. The proposed clay brick in a warm cream colour is considered to have the potential to introduce a strong qualitative and visually robust element to the building, with the contrasting white mortar bedding adding a subtle element of visual quality to the building which assists to gently reduce the visual impact of this large structure, particularly at the gables. The ground floor feature panelling would bring definition to the entrance and provide an illuminated feature at night. Some concerns were raised by the Urban Design Officer regarding the 'busy' rear elevation of the building, however given that views of this elevation would be limited and as it would still ensure the building would not appear over-dominant, it is ultimately considered that detailing of the rear elevation would be acceptable. Overall, it is considered that the proposal has the potential to offer a building of distinctiveness, with massing, design and finishes of a visual quality appropriate to its location on a principle movement route into central St Andrews.

2.3.11 In terms of built form, height and massing, regard must be had to the previous decision taking by the Reporter as described in paragraph 1.2.1 above (PPA-250-612). In this instance, the Reporter considered the physical form of development, which in that case was proposed to be a 2.5 storey pitched roof proposal to be used as flats with ground floor business units. The building was measured at 8m to eaves above ground level rising to 12m to ridge. The Reporter found that this would be substantially higher than the immediately surrounding buildings. These include 39 Largo Road (bungalow to the south), 67 & 69 Spottiswoode Gardens (1.5 storey dwellings), the 2 storey offices to the north, the 2 storey offices to the north east (Slotline House) and the 2 storey houses to the south east (Scooniehill Road). In considering this immediate site context, the Reporter found the building would be out of keeping with its surroundings, with its prominence further emphasised by its proximity to Largo Road. The building would also be relatively deep, with bulky gable ends when viewed from the north and south. The conclusion was therefore that the building would have an overbearing effect on the streetscene of this part of Largo Road. The lack of space within the site meant the effect of the building's massing could not be offset by space around it, with little scope for soft landscaping to reduce the overall visual effect of the building. Finally, the Reporter acknowledged that the wider context of the site did include some higher buildings, but these were set in different contexts to the suburban location in which this site sits. Nevertheless, it was viewed that the building would rise above its immediate surroundings in an obtrusive and incongruous manner. The immediate context of the site was considered to be a matter of critical importance to the Reporter in this case and found that the proposed building was simply too big.

2.3.12 With regard to the 2007 application (07/03061/EFULL), the proposed terraced development was 10.6m in height and 41m in length, with a depth of 13.6m, located 1.6m back from the footway. As well as privacy and road safety concerns, this application was refused by the Planning Authority in the interests of visual amenity, with the scale and height of the building considered to be unacceptable in the context of the urban street scene. Other than a slight reduction in the dimension of the buildings, the application was essentially the same proposal as was previously refused by the Planning Authority and Report, with the same massing, rhythm and detailing of development proposed.

2.3.13 Each planning application should be considered on its own merits and previous decisions cannot bind a decision maker indefinitely. Contexts can change, as do specific policies relating to design and new development and so an assessment must take as its starting point the situation on the ground at the time the application is presented. By comparison, the applicant proposes a hotel building that is 45m long, 15m wide and around 6.5 high to eaves (second floor) and 9.5m high in total. The building would be located on the east portion of the site. In comparing the proposal in PPA-250-612, both are proposed 1.4m from Largo Road, whereas the proposed hotel would be a flat roof, rather than pitch. The height of the proposed hotel would also be lower, with the previously proposed buildings being 8m to eaves and 12m in total (designed to step down in three sections in line with the site's topography). The depth of the two proposals are generally the same.

2.3.14 The immediate site context is also the same as there have been no changes to the urban environment within the immediate proximity of the site. The residential properties of Spottiswood Gardens, Scooniehill Road, the adjacent business units to the north and the bungalow to the South at 39 Largo Road are all the same. The suburban character of the site's immediate context is described in the St Andrews Design Guidelines as being predominantly influenced by post-war suburban housing, which backs up the Reporter's assessment. In response to this point, the applicant notes that the development of the Premier Inn and M&S on the former abattoir site has altered the streetscene of Largo Road to a significant degree. This change, it is contended, is of sufficient materiality to invalidate the Reporter's previous assessment and allow the development of a three-storey building on this site. It is considered by the Planning Authority that the immediate context of the development on the abattoir site varies greatly from the application site in this case. The road widens out to three lanes, to provide a dedicated right hand turn for traffic moving north towards the town. The urban form generally is more commercial, with a motor sales and foodstore opposite and not as comprehensively suburban in character as the context surrounding the current application site.

2.3.15 Whilst the immediate streetscene context of the application and Premier Inn/M&S sites varies, it is considered by the Planning Authority that the recent additions of the three storey Premier Inn building does have a wider impact on the setting of Largo Road on approach towards the town centre. When travelling north along Largo Road, given the curve in the road, the Premier Inn building is now the central focus of the street as far back as the roundabout, with the 2.5 storey office buildings just before the hotel also apparent. With no residential properties located on the west side of Largo Road north of the application site (before the Premier Inn) and with the design of dwellings and road junction of Scooniehill Road presenting the appearance of a contained residential area, it is considered that the application site is well suited to accommodate a commercial building of the size proposed to begin the transition from residential to the larger scale commercial buildings when are viewed beyond. Additionally, given the curve in road and proximity of the proposed building to the footway, similar to the other commercial buildings in this location, it considered that the proposed development would present as a continuation of the larger commercial properties for road users and pedestrians when travelling south along Largo Road. Through its positioning, elongated design, use of finishing materials, vertical emphasis, attractive side gables, step in building line and set back of the upper floor, it is considered that the development would not visually over-dominate the space and would be read as a continuation of the existing larger scale commercial properties which provide the setting for this main approach into St Andrews. Overall, it is considered that the current proposal would be a well-designed contemporary architectural and distinctive building which also responds to its setting by continuing the commercial character of the street.

2.3.16 With regard to the concerns raised regarding the use of front boundary treatments and the set back of the building from the footway, the design approach and landscaping proposed are considered to be acceptable. Examining the context of the streetscene, most notably the office buildings and car parking areas on the western side of Largo Road, it is noted that low level planting is used to provide distinction between public and private spaces where built development encroaches on the pedestrian footway. The proposed development would seek to continue this approach.

2.3.17 Successful places should be safe and pleasant, attractive, well-managed and appropriately scaled places designed to encourage activity and overlooking by surrounding buildings with active frontages. Making Fife's Places asks if a development is of a scale appropriate for the site. Similarly, welcoming places are those where buildings are designed in such a way as to contribute positively to the street. In this regard, as set out above, the interesting design of the proposed hotel development, as well as height, set back upper floors and overall vertical emphasis, it is considered that the proposed development would be appropriate in scale for its location, whilst the step in building line and existing curve in road would ensure the building would not appear over-dominant, with views beyond the site maintained. Therefore, the proposal is not considered to be safe and pleasant nor welcoming.

2.3.18 In terms of connectivity, successful places are those which are easy to move around and beyond. The proposal would widen the footpath along Largo Road to the benefit of pedestrians and cyclists along this route. The internal access arrangements also facilitate easy movement through the site. Places should also be adaptable, to easily accommodate change and reuse by future generations. They should also be resource efficient through improved environmental performance and minimising impacts on the built or natural environment. The applicant confirms the existing building is unsuitable for conversion, thereby justifying its demolition. If the principle of a hotel development is accepted, then it follows that the current building is not fit for conversion. There is nothing in the proposal to suggest that the proposed hotel is not adaptable or resource efficient. The applicant has provided other information in relation to energy efficiency measures through the submitted low carbon checklist. Therefore, the proposal accords with Making Fife's Places SG in this regard.

2.3.19 Turning to TAYplan Policy 2, the design of the proposal is considered to be place-led, driven with due regard to the local context provided by the built form of the place. It is considered that the height and massing of the building would be in-keeping with its immediate context provided by the grouping of commercial buildings between 2.5 and 3 storeys in height. Overall, it is considered that the proposed hotel relative to Largo Road would be a welcomed addition to the streetscene at this location, introducing a contemporary and visually interesting building that is reflective of its positioning on an important route into the heart of St Andrews. The proposal therefore accords with TAYplan Policy 2.

2.3.20 In conclusion, the proposed hotel development is considered to be an acceptable addition to this prominent location on Largo Road as a primary route toward the historic core of St Andrews. The previous refusals on the site have been carefully taken into consideration when designing the proposed development, with the steps taken to reduce the visual massing of the building, ensuring that it would not dominate the streetscene. The contemporary designed building, incorporating uniquely designed metal panel features as a public art contribution, is considered to be acceptable with regard to design and placemaking considerations, complying of SPP, TAYplan Policy 2, FIFEplan policies 1, 10 and 14, Making Fife's Places SG and St Andrews Design Guidelines respectively.

2.4 RESIDENTIAL AMENITY

2.4.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Planning Advice Note (PAN) 1/2011: Planning and Noise, St Andrews Design Guidelines (2011) and Fife Council Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

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

2.4.3 PAN 1/2011 promotes the principle of how noise issues should be taken into consideration with determining an application. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It is recommended that Environmental Health Officers and/or professional acousticians should be involved in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments.

2.4.4 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 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.

2.4.5 Making Fife's Places Supplementary Guidance (2018) notes that when considering the design of outdoor spaces, attention should be paid to lighting. This can enhance the attractiveness and safety of new development. However, they should also ensure that they are designed to mitigate any impacts from light pollution on the amenity of neighbours and residents. Guideline 10 of the St Andrews Design Guidelines (2011) requires new street lighting to avoid spillage to protect the silhouette of the historic skyline after dark.

2.4.6 There were a number objections received expressing concern about the impact of development on daylight/ sunlight reaching neighbouring residential properties. Objectors also expressed concern about privacy impacts, with one objector noting the reasons for a previous refusal on the site was upheld at appeal. Others make general reference to the impact on the amenity of adjacent residences by the development.

2.4.7 From the scaled elevations and assessments submitted, through undertaking relevant 25 degree and 45 degree assessments, it is calculated by the Planning Authority that the proposed hotel building would not give rise to any adverse loss of daylight concerns for existing neighbouring properties to the east, south and west of the site. Further, due to the positioning of the proposed hotel building, location of neighbouring amenity spaces and path of the sun, it is calculated that the proposed development would not result in a material loss of sunlight for neighbouring properties.

2.4.8 With regard to privacy and window to window distances, given the separation between neighbouring properties to the north, east and west of the application site, it is calculated that the proposed hotel development would not give rise to adverse concerns; the rear facing windows of the proposed hotel would be in excess of 28m from windows of neighbouring properties to the west, with the principal elevation in excess of 18m from neighbouring properties to the east. It is noted that the neighbouring residential property to the south of the site features a window in its northern gable approximately 12metres from the proposed hotel, as no bedroom windows are proposed on the southern elevation of the hotel, and as the neighbouring property's window is fully visible from street level and the yard area of the existing business on site, it is calculated that no adverse loss of privacy would arise. Lastly, it is considered that given the positioning of the proposed hotel within the site, design of the set back second floor level, angle of outlook available and location of large trees within neighbouring garden areas, the proposed development would not present opportunities for guests to significantly overlook the private amenity spaces of properties to the west of the site.

2.4.9 The applicant has provided a visualisation showing the effect of external lighting arrangements. These demonstrate that the strength and direction of external lighting would avoid any significant light spill into the surrounding environment, all in accordance with Guideline 10 of the St Andrews Design Guidelines. Therefore, the lighting proposals are acceptable and accord with FIFEplan Policy 10.

2.4.10 In terms of air quality, the applicant proposes good site management measures as a way to mitigate the effects of dust emissions from construction and demolition activities. Environmental Health Officers (EHOs) have also requested that a Scheme of Works is provided by the applicant prior to commencement of development to secure such practices by the applicant's contractors in relation to general construction impacts on amenity. A few objectors raised concerns about amenity impacts generated by the construction period development. However, it is considered that good site management practices can mitigate any short term impacts the construction activities would create. Subject to adherence to these conditions, it is considered the proposal accords with FIFEplan Policy 10 in relation to construction impacts on amenity.

2.4.11 With regard to noise concerns, a noise impact assessment (NIA), prepared by CSP Acoustics, has been submitted as part of this application. The NIA is based on the assumption that the hotel would not be used to host private functions (e.g. weddings). The proposed development has residential dwellings situated along the southern and western boundaries. The NIA considered both plant noise and commercial activities/noise from deliveries to the hotel.

2.4.12 During pre-application discussions with the applicant, Environmental Health Officers (EHOs) advised that the impact of fixed plant, machinery and equipment associated with the development should not exceed NR25 in bedrooms during night time periods: and NR30 during day time periods within all habitable rooms, when measured within any noise sensitive property, with windows partially open for ventilation. With regard to the impact of fixed plant at the proposed development site, the NIA, which considered a worse case scenario as the number and type of

equipment was yet to be finalised, advises that should design noise limits for plant locations be adopted then maximum internal NR 25 criteria from plant noise is predicted to be met within nearby residential dwellings with windows partially open for ventilation. Fife Council's EHO reviewed the finding and confirmed they were satisfied that no adverse impact would arise, however, they did recommend a condition to ensure any fixed plant equipment does not exceed the Council's recommended NR limits.

2.4.13 In considering potential noise from delivery vehicles and activities, the NIA concludes that daytime deliveries are unlikely to have an adverse impact on neighbouring properties, however the levels determined for night-time (23:00-07:00) deliveries indicate an adverse impact could occur. When examining the anticipated delivery schedule provided, it is noted that no deliveries are expected to take place at night-time. The EHO did advise they were concerned that the delivery schedule provided was not final and deliveries could take place at night-time. To prevent potential adverse noise impacts from arising, the EHO recommended a condition to restrict the timing of deliveries to the proposed hotel. This condition is considered to be appropriate and has been included in the recommendation.

2.4.14 In conclusion, the proposed development is not considered to give rise to adverse residential amenity concerns, including noise and light pollution, loss of privacy or loss of daylight and sunlight. Conditions are recommended to control the timing of deliveries and to ensure fixed plant equipment does not exceed with the Council's recommended NR limits. Subject to compliance with the recommended conditions, the proposed development is considered to be acceptable with regard to residential amenity considerations.

2.5 TRANSPORTATION/ROAD SAFETY

2.5.1 SPP, Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance Appendix G) apply with regard to this proposal.

2.5.2 The national context for the assessment of the impact of new developments on transportation infrastructure is set out in SPP (A connected Place). The SPP (Promoting Sustainable Transport and Active Travel) indicates that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. The overarching aim of this document is to encourage a shift to more sustainable forms of transport and reduce the reliance on the car. Planning permission should also be resisted if the development would have a significant impact on the strategic road network. The design of all new development should follow the place-making approach set out in the SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

2.5.3 Policy 1 of FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Policy 10 requires new development to avoid unacceptable impacts on the amenity of an area in terms of traffic movements, outdoor access and green networks. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments.

2.5.4 The application received a number of objections that raised concerns with the proposal on transportation matters. Respondents noted the general busy nature of Largo Road and objected to any further increases in traffic on this route. Cycle safety concerns and safe walking routes to schools were also raised. Further objections queried bin collection arrangements which could block traffic flow on Largo Road and restrict visibility, to the detriment of road safety.

2.5.5 The proposal is to demolish the existing building currently housing Gardens Mowers and Tools on the A915 Largo Road, St. Andrews, and construct a 57-bed hotel. A Transport Statement (TS) has been submitted with the application. The TS was based on the application as originally submitted for a 62 bed hotel; as the number of bedrooms has now been reduced to 57, there will be a very marginal decrease in the traffic figures in the statement. The TS provides a review of existing transport provision and accessibility serving the site, models the expected travel demands of the development and details the access arrangements of the proposal. The TS notes the site's location on Largo Road which provides walking and cycling routes to the town centre and other local amenities, bus stops to St Andrews Bus Station and vehicular access on to Largo Road. The applicant expects the hotel would generate a total of 18 vehicle trips in the morning and 14 in the evening and 35 (AM) and 31 (PM) person trips. The applicant considers the generated vehicle trips would have a negligible impact on the safe operation of Largo Road. The applicant also notes the existing use of the site, as a retail unit, would generate its own vehicle trips. If these trips offset the hotel generated trips then the impact becomes even more slight. The TS reviews the 5-year accident data for Largo Road which records one slight injury accident in July 2016.

2.5.6 The TS confirms that the anticipated vehicle trip generation from the hotel would be 18 in the morning peak and 14 in the afternoon peak. Comparing this to the existing peak hour traffic generated by Gardens Mowers and Tools of 8 trips in the morning peak and 18 in the evening peak hour. Fife Council Transportation Development Management (TDM) Officers are satisfied that the proposed development would result in a negligible increase in peak hour traffic. It should also be noted that the existing building could be reused for a significantly higher traffic generating Class 1 business than it currently is (such a supermarket), or than the proposed hotel will be, without further planning permission.

2.5.7 In accordance with the Fife Parking Standards, set out in Making Fife's Places Appendix G, a total of 57 car parking spaces would be required to serve the proposed development. However, in view of the sustainable location, where public transport is readily available and various facilities and attractions are within walking distance, TDM Officers have confirmed that they would be willing to accept a slight reduction in this instance. The nearest bus stops serving the development are located approximately 125m to the north on Largo Road. Both bus stops include bus shelters. The development site is well served by various bus services including the 9B, 64, 92, and 97, providing direct access to St. Andrews, Leuchars Rail Station and beyond.

2.5.8 50 off-street parking spaces are proposed, of these, 27 spaces would be at surface level, with 23 spaces underground - a vehicle lift will allow access to the underground parking. The applicant states that staff numbers would likely number four, requiring 2 spaces. Access to the parking area, which is to the rear of the proposed hotel, would be via a path under the hotel building, access directly from Largo Road - the proposed access/egress point is currently used as the vehicular exit for the existing retail business on site. Visibility splays of 2.4m x 43m are proposed in both directions. TDM have not raised any concerns regarding the proposed access arrangements, number of off-street parking spaces or vehicle lift, and have confirmed their support for the proposed development. A number of standard road safety conditions have been recommended.

2.5.9 Taking into consideration the findings of the TS, the proximity of the site to the town centre and bus stops, as well as the comments from TDM, the proposed 57-bed hotel development is considered to be acceptable in road safety terms, notwithstanding the small shortfall in the number of off-street parking spaces proposed. The conditions recommended by TDM are considered to be appropriate and have been included in the recommendation.

2.5.10 The consultee response from TDM notes that the parking spaces proposed within the pend area would not have sufficient turning space. It was therefore recommended that this part of the proposal be reconsidered. Since the publication of TDM's comments, a revised layout plan has been submitted which confirms a 6m wide road would be provided through the pend to ensure vehicles have sufficient space to turn.

2.5.11 With regard to refuse collection, the developer has indicated that refuse collection will be taken from Largo Road rather than refuse lorries entering the site. A bin store area, outwith public view, is proposed to the rear of the site. It has been advised that hotel staff would remove the bins from the bin store and take them to the street for collection, returning them to the bin store once refuse collection has taken place. This is considered to be an acceptable solution.

2.5.12 In conclusion, the proposed development, by virtue of its sustainable location, is considered to be acceptable in road safety terms and would not lead to an adverse increase in peak hour traffic through St Andrews. The proposed development is therefore considered to comply with SPP and Policies 1, 3 and 10 of FIFEplan (2017) with regard to transportation and road safety.

2.6 LOW CARBON FIFE

2.6.1 Fife Council promotes sustainable development and consideration of this is set out within Policies 1 and 11 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) and the Fife Council Low Carbon Fife Supplementary Guidance (January 2019).

2.6.2 FIFEplan Policy 11: Low Carbon states that planning permission will only be granted for new development where it has been demonstrated that: 1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020; 2. Construction materials come from local or sustainable sources; 3. Water conservation measures are in place; 4. Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and 5. Facilities are provided for the separate collection of dry recyclable waste and food waste.

2.6.3 The Fife Council Low Carbon Fife Supplementary Guidance (January, 2019) provides that applications for local developments are required to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into the proposal. Appendix B of this guidance provides a Low Carbon Sustainability Checklist which must be completed and submitted with all planning applications.

2.6.4 Information required by Fife Council's Low Carbon Sustainability Checklist for Planning Applications has been submitted as part of this application. The information submitted details that the proposed development would adopt a 'fabric first' approach. The proposed development would be constructed to meet current building standards for thermal efficiency and air tightness, with energy efficient appliances used to minimise energy consumption. Energy efficient lighting,

heating and cooling would also be utilised. Materials would be locally sourced which is welcomed. There would be sufficient internal and external spaces for the storage of mixed recycling facilities consistent with current Building Standards. An appropriate SuDS would be installed on site to manage surface water. An air quality impact assessment has been submitted which confirms the proposed development would be acceptable in this regard. With regard to travel and transport, the development is considered to be in a sustainable location, where public transport is readily available and various facilities and attractions are within walking distance; local bus would provide direct access to St. Andrews, Leuchars Rail Station and beyond.

2.6.5 In conclusion, it is considered that the proposed development, would comply with the above noted FIFEplan policies and Supplementary Guidance with respect to sustainability

2.7 CONTAMINATED LAND AND AIR QUALITY

2.7.1 PAN 33: Development of Contaminated Land (2000), PAN 51: Planning, Environmental Protection and Regulation (2006), Policies 1 and 10 of FIFEplan Local Plan (2017) and Fife Council's Air Quality in Fife Advice for Developers (2020) apply with regards to land stability and air quality in this instance.

2.7.2 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. PAN 51 aims to support the existing policy on the role of the planning system in relation to environmental protection regimes as set out in the SPP. Policy 10 of FIFEplan advises development proposals involving sites where land instability or the presence of contamination is suspected, the developer is required to submit details of site investigation to assess the nature and extent of any risks presented by land stability or contamination which may be present and where risks are known to be present, appropriate mitigation measures should be agreed with the Council.

2.7.3 Fife Council's Air Quality in Fife Advice for Developers (2020) sets out that air quality impact assessments are required for all developments which will introduce more than ten new parking spaces.

2.7.4 The application site has formerly been used as a fuel filling station licensed by Trading Standards until at least May 2004. A Phase I Environmental Desk Study was submitted as part of this application. The report is considered to present a comprehensive review of the information available for the site. Fife Council's Land and Air Quality Officers advised that they concur with the reports recommendation "that the site area should be subject to further intrusive investigation in order to update the site risk assessment and to ascertain if the concentrations of hydrocarbons on the site have altered ... where possible the works should target the location of the buried fuel tanks and also the location of the above ground fuel storage." In line with the report findings, Land and Air Quality Officers recommended that the Council's standard contaminated land conditions be included should the application be approved. These conditions would set the requirement for the development to undertake further site investigations prior to the commencement of development, informing the Council of any findings.

2.7.5 Given the scale of the proposed development, an air quality impact assessment was submitted, concluding that air quality was not considered a constraint during the construction and operation of the proposed development. Land and Air Quality Officers confirmed that they were satisfied with the methodologies and conclusions of the report. The dust suppression measures proposed should be secured by condition. This could be captured within a Construction and

Environmental Management Plan (CEMP). It is therefore accepted that the proposed development would be acceptable with regard to air quality.

2.7.6 In conclusion, the proposed development is considered to be acceptable with regard to contaminated land and air quality considerations.

2.8 FLOODING AND DRAINAGE

2.8.1 SPP (Managing Flood Risk and Drainage, Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

2.8.2 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

2.8.3 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a number of criteria, including that they will not individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. The Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' sets out the Council's requirements for information to be submitted for full planning permission to ensure compliance. Finally, CAR requires that SuDS are installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.8.4 The development site is not shown to be at risk of flooding on SEPA's flood map. The Drainage Assessment Report submitted proposes that all surface water runoff from the development would be infiltrated to ground via the parking/hardstanding area, with a pervious surface proposed. Soakaway tests have been carried out, with calculations and infiltration rates presented. Fife Council's Structural Services Officers have reviewed the drainage information submitted and confirmed their satisfaction. The proposed soakaway is thus considered to be an appropriate form of SuDS to serve the proposed development, ensuring that all surface water is effectively managed on site.

2.8.5 It is proposed to connect to the existing public drainage and water supply networks. The applicant will require consent from Scottish Water to make these connections. This approval process is independent from the planning process and the granting of planning permission does not guarantee connection.

2.8.6 In conclusion, the application has been supported by calculations which confirm the proposed SuDS/below ground soakaway would effectively manage surface water runoff. No concerns have been raised regarding the submitted drainage information by the Council's Structural Services Officers. The proposed development is considered to be acceptable with regard to flood risk and drainage infrastructure.

2.9 NATURAL HERITAGE

2.9.1 Policies 1, 10 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), Wildlife and Natural Environment (Scotland) Act (2011), and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.9.2 Policy 13 of the FIFEplan (2017) states that where a proposed development will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. 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. 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.

2.9.3 A Bat Survey Report, prepared by an independent specialist, has been submitted as part of this application. The Bat Survey Report confirms that the existing building on site, which is proposed to be demolished, was inspected for bat roost potential. The report confirms that the building was checked internally and externally, with no signs of bat use (e.g. droppings, stains, carcasses, etc.) being recorded. The structure of the building was considered to be unlikely to provide bat roost potential. Fife Council's Natural Heritage Officer reviewed the report and did not raise any concerns with the findings or recommendations. The Planning Authority is therefore satisfied that the proposed development would not have an adverse impact on bats.

2.9.4 With regard to biodiversity enhancement, the site at present does not feature any notable landscape or ecological features. It is proposed that the hotel development would feature an extensive light weight planted/green roof system, with areas of soft landscaping to be planted along the eastern site boundary and to the rear, with grass, native semi-mature trees and shrubs such as Rowan, Crab Apple and Bell Heather proposed. Integrated swift boxes are also proposed to be incorporated on the western elevation. In addition to the biodiversity net gain of the green roof and landscaping, it is considered that the proposed landscaping along the eastern site boundary would add visual interest to the area, continuing the pattern of development along Largo Road - noted for buildings and car parking areas being set behind low level planting. Conditions are included for the landscaping and green roof to be secured and appropriately maintained.

2.9.5 In conclusion, the proposed development would not give rise to any adverse natural heritage or protected species impacts, whilst proposing suitable biodiversity enhancement. The proposed development is therefore considered to be acceptable in this regard.

2.10 DEVELOPER CONTRIBUTIONS

2.10.1 Policies 1 and 4 of FIFEplan Local Development Plan (2017), Fife Council's Planning Obligations Framework Supplementary Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements, apply with regard to the planning obligations required of developments.

2.10.2 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.

2.10.3 Policy 1, Part B, of the FIFEplan advises that development proposal 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 will be exempt from these obligations if they proposals for affordable housing.

2.10.4 Fife Council's Planning Obligations Supplementary Guidance (2017) 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 sets out when planning obligations will be sought, where exemptions will apply and how methodologies will be applied when considering the impact a proposed development may have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art and employment land. This document, approved by Fife Council's Executive Committee, provides up to date calculations and methodologies with regard to existing infrastructure.

2.10.5 Policy 4 of FIFEplan (2017) and Fife Council's Planning Obligations Supplementary Guidance (2017) also advises that planning obligations will not be sought for (amongst others) Town Centre redevelopment, development of brownfield sites (previously developed land) or development of affordable housing. The Supplementary Guidance (2017) further sets out that where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required.

2.10.6 Section 3.3 of Fife Council's Planning Obligations Supplementary Guidance (2017) sets out that developer contributions will be calculated on the basis of whole sites identified in the Local Development Plan. Applications for parts of allocated sites will pay a proportion of the total site contributions. The matter relating to the impact the proposed development would have on current infrastructure are considered in detail below.

2.10.7 DEVELOPER CONTRIBUTIONS: PUBLIC ART

2.10.8 Policy 4 of the FIFEplan (2017) states that a contribution towards on-site public art will be sought in relation to major and prominent housing and retail proposals. Further guidance regarding this is set out in the Planning Obligations Supplementary Guidance (2017) and Making Fife's Places Supplementary Guidance (2018).

2.10.9 The Planning Obligations Supplementary Guidance (2017) and Making Fife's Places Supplementary Guidance (2018) state that contributions will be sought from major applications for housing. In these cases, the required contribution would be £300 per unit. This includes market units only, affordable units would be exempt from this requirement. This can be in the form of pieces of physical art, enhanced boundary treatment, enhanced landscaping etc. The Planning Obligations Supplementary Guidance (2017) sets out that once the financial contributions have been established, the public art element of the development should in general be integrated into the overall design of the proposal rather than providing a sum of money to be spent separately.

2.9.10 Making Fife's Places Supplementary Guidance (2018) advises that public art is about creative activity that takes place in public spaces. Public art may:

- o help to reveal or improve existing features of a local place;
- o refer to our heritage or celebrate the future;
- o be conceptual or highlight a specific issue;
- o lead to a temporary performance, event or installation, or to a permanent product;
- o engage a range of senses including smell and touch;
- o extend the fine arts such as painting or sculpture, or use applied art and design;
- o feature architectural craftwork or bespoke street furniture;
- o extend landscape design into land art, planting or paving schemes;
- o relate to site infrastructure such as bridge design or Sustainable Urban Drainage features;
- o use technology to project sound, light or images.

2.10.11 Public art that is commissioned for a particular site must be relevant to the context of that location and to its audience - the public or community who occupy, use or see into that space. 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.

2.10.12 In terms of public art, the site is located on a prominent route and so a contribution to good placemaking from some form of public art would be appropriate in this instance. The Planning Obligations Supplementary Guidance states that for hotels, a public art budget of £10 per sqm is appropriate.

2.10.13 Rather than provide a financial contribution towards public art, the applicant proposes to incorporate a public art feature into the design of the building. The main conceptual consideration is for the art to be complementary to the architecture and enhance the merit of the architectural design, whilst avoiding any additional maintenance issues or impeding the building's functionality. It is proposed that the art panelling to be both a practical element of the building as well an artistic expression, with the symbiotic relationship between these two functions giving the art project an integral role in the aesthetic of the building. This approach to public art provision is supported by the Planning Authority.

2.10.14 Located in St Andrews, the applicant has advised that it is intended to use artistic language which would evoke local associations. The material of the panelling would be metal, cut and shaped to the patterns inspired by the local landscape. The top floor curtain walling would also be utilised for public art, adding interest, with the cladding panels printed on with abstracted shapes that evoke images of clouds, birds in flight, waves or sand ripples. During the daytime, the travelling sun would provide moving shadows. As natural light subsides, the proposed light sensors would turn on the LED lighting behind the panelling, changing the outlines of light and shadows, giving the panelling a moving, lively and ever-changing quality. It is considered that the unique design of the proposed panelling and cladding would add visual interest to the building. With the artwork being evocative of the local environment, it is considered that this would be a sensible design choice for the hotel use of the building which would provide a gateway to St Andrews. The final design of the cladding and panelling is yet to be realised as an artist is yet to be appointed. A condition is included in the recommendation of the final design to be submitted to the Planning Authority for written approval prior to its addition to the building.

2.10.15 In conclusion, the inclusion of public artwork on the proposed building is considered to be an acceptable design solution which would satisfy the applicant's public art contribution requirements.

CONSULTATIONS

Archaeology Team, Planning Services	Should consent be granted, no archaeological works will be required.
Built Heritage, Planning Services	There would be no significant adverse impact on the special architectural or historic character or appearance of the conservation area.
Strategic Policy And Tourism Policy And Place Team (North East Fife Area)	Support proposed hotel. No comments.
Land And Air Quality, Protective Services Structural Services - Flooding, Shoreline And Harbours	No objections. Conditions recommended. Site not located within flood risk area. SuDS proposed acceptable. No objections.
Environmental Health (Public Protection)	Noise impact assessment acceptable. Conditions recommended to control plant noise and deliveries. CEMP condition recommended.
Natural Heritage, Planning Services	Bat report methodology and conclusions acceptable. To maximise biodiversity native species of native origin should be specified for landscaping and a landscaping plan should be submitted via condition.
Trees, Planning Services	No comments.
Transportation, Planning Services	TS conclusions acceptable. No objections, conditions recommended.
Community Council	Object as statutory consultee.

REPRESENTATIONS

A total of 45 objections have been received in response to this application, including one submitted by the Royal Burgh of St Andrews Community Council as a statutory consultee. The concerns raised, and the Planning Authority's response to these, are set out below.

1. Loss of employment land
 - The application site is not allocated for employment use in FIFEplan.
2. Loss of valuable local retail business
 - This matter is addressed in Section 2.2 of this report, with it noted that the retail business has now found an alternative location.
3. Design and height of building does not address concerns raised by Reporter
 - The design and height of the proposed development are considered to be appropriate for the location. See Section 2.3 of this report for further information.
4. Flat roof design not appropriate
 - The design of the proposed development is considered to be appropriate for the location. See Section 2.3 of this report for further information.
5. Scottish Water confirmed no capacity to accommodate development
 - The applicant will require consent from Scottish Water to make connections to their network. This approval process is independent from the planning process and the granting of planning permission does not guarantee connection.
6. No justification/need for additional hotel in St Andrews
 - As set out in Section 2.2 of this report, the most recent hotel demand survey confirms that there is a market demand for the type of hotel proposed.
7. Site is not allocated for hotel development
 - This does not prevent the Planning Authority from considering the principle of a hotel development on the site.
8. Increased traffic from development would be detrimental to road safety
 - A Transport Statement has been submitted which, giving consideration to the current retail use, confirms that the proposed development would not give rise to a significant increase in vehicular traffic. See Section 2.5 of this report for further information.
9. Insufficient number of parking spaces proposed
 - Whilst short of the number requested in the current guidelines, the proposed number of parking spaces is considered to be acceptable given the sustainable location of the site. See Section 2.5 of this report for further information.

10. Transport Statement is based on previously proposed 62-bedroom hotel
 - Whilst this is noted, it is considered that the reduction in number of bedrooms now proposed would not give rise to additional road safety concerns not covered in the Transport Statement.
11. No staff accommodation proposed
 - There is no planning requirement for the developer to provide staff accommodation.
12. No geo-technical or site investigation reports submitted
 - This matter is addressed in Section 2.7 of this report. Conditions are included for appropriate investigations to be undertaken.
13. Development may require overhead lines to be re-routed
 - The applicant would be required to discuss this matter directly with the operators of the overhead lines.
14. Development would overshadow neighbouring properties
 - This matter is addressed in Section 2.4 of this report, where it is concluded the proposed development would not give rise to adverse concerns.
15. Scale of development not suited to location and would dominate streetscene
 - The design and height of the proposed development are considered to be appropriate for the location. See Section 2.3 of this report for further information.
16. Demolition works will give rise to noise and odour concerns
 - A condition is included for a scheme of works to be submitted to ensure adverse residential amenity concerns do not arise during construction.
17. Noise from cars late at night would give rise to residential amenity concerns
 - It is considered that the sustainable location of the application site would encourage hotel guests to walk or take public transport to/from the town centre, limiting late night car use at the site.
18. Development would overlook neighbouring properties
 - This matter is addressed in Section 2.4 of this report, where it is concluded the proposed development would not give rise to adverse concerns.
19. No mention of asbestos in existing building - no demolition should take place until safely removed
 - Should asbestos be encountered, the developer would be required under environmental legislation to remove and dispose of it safely
20. Noise report does not consider movement of bins outwith collection times
 - As a dedicated store is proposed, it is considered unlikely that bins would be moved outwith collection times.
21. Impact on business of existing hotels in town
 - As set out in Section 2.2 of this report, the most recent hotel demand survey confirms that there is a market demand for the type of hotel proposed.
22. Proposed turret feature (previous design) is not appropriate
 - This feature has since been removed from the proposal.

23. Scotsman hotel is proposed for Gibson House
- No planning application was ever submitted for this perspective development.
24. Existing streetlights would be removed
- If the existing streetlights are to be removed, the applicant shall require separate consent from Fife Council's Roads Services.
25. Height of development would impact on St Andrews skyline
- The design and height of the proposed development are considered to be appropriate for the location. See Section 2.3 of this report for further information
26. Bins would occupy the street for long periods of time - footway is not wide enough to accommodate bins and pedestrians
- The applicant has advised that refuse bins would be located on the footway for a short period of time on the day of collection before being returned to the stores at the rear of the site. This method of collection is considered unlikely to give rise to significantly adverse concerns.
27. COVID-19 pandemic impacts findings of previous hotel demand survey
- The survey is considered to be the most up to date position of hotel demand in Fife.
28. Noise report submitted without knowing final location of plant equipment
- The noise report considered a worse case scenario with regard the location of plant noise. Additionally, a condition is included to ensure noise from any plant does not adversely impact neighbouring properties.
29. No plans detailing ventilation of basement provided
- Ventilation details are included on the submitted floor plans.
30. Landownership information not accurate - site owner(s) not notified by applicant
31. Neighbours not re-notified following changes
- Two additional neighbour notification periods were undertaken following alterations to the development.
32. Application does not take into account approved hotel development and Abbey Park
- The development at Abbey Park is considered in the applicant's sequential assessment.
33. Application should have been advertised as a 'Schedule 3 development'
- Hotels are not included in the list of Schedule 3 developments within The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
34. No tree information or surveys provided
- There are no trees within the application site boundary.
35. No ecology information provided
- A bat survey was submitted which confirms that no evidence of bats was recorded.
36. Development could prejudice delivery of hotel identified in FIFEplan
- This matter is addressed in Section 2.2 of this report.

37. Development should be subject to developer contributions
- Developer contributions are addressed in Section 2.10 of this report, with the developer agreeing to incorporate public art in the design of the development.
38. Hotel demand survey and applicant do not consider rise of “Airbnb’s” in St Andrews
- The Planning Authority would not expect applicant to consider impacts of “Airbnb’s” given as these are currently unregulated within the planning system.
39. No cycle storage proposed
- Cycle storage has been proposed and a condition is included for it to be provided.

CONCLUSIONS

The proposal is considered to be acceptable in meeting Policies 1, 2, 3 and 5 of TAYplan Strategic Development Plan (2017), Policies 1, 2, 3, 5, 6, 10, 11, 13 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), Planning Obligations Supplementary Guidance (2017) and relevant National Guidance and Fife Council Guidelines. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the amenity of the surrounding area, and is therefore considered to be acceptable.

RECOMMENDATION

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

1. 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.

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

2. 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 1. 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.

3. 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.

4. The total noise from all plant, machinery or equipment (including vehicle lift) associated with the hotel (hereby approved) 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, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: In the interests of residential amenity; to ensure adjacent residential dwellings are not subjected to adverse noise from plant equipment.

5. Commercial delivery loading and unloading operations at the site shall be not take place outwith: 0700 - 2100 hours Monday to Friday; 0800-2100 hours Saturday; and 0800-2000 hours Sunday. In addition, delivery hours on Scottish bank holidays shall not be permitted before 0800 hours.

Reason: In the interests of residential amenity; to ensure delivery of goods does not take place at unreasonable hours.

6. PRIOR TO ANY WORKS COMMENCING ON SITE, a Construction Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority for approval in writing. The CEMP shall include a pollution protection measures to avoid an impact on the environment, as well as a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted.

It shall provide the following details:

- Site working hours;
- Adherence to good practise in protecting the environment and ecology;
- Dust, noise and vibration suppression; and
- Protection of water environment.

Reason: To ensure the environment in and around the site and residential amenity is protected during construction.

7. Prior to the occupation of the development, there shall be provided within the site a total 50 no. off-street parking spaces. These parking spaces shall be retained on site for the lifetime of the development.

Reason: To ensure the provision of adequate off-street parking provision.

8. Prior to the occupation of the development, there shall be provided within the site cycle storage facilities in accordance with the current Parking Standards contained within the SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations. Thereafter, the cycle storage facilities shall be retained on site for the lifetime of development.

Reason: To ensure the provision of adequate cycle parking provision.

9. Prior to the occupation of the development 2 no. electric vehicle charging points shall be provided within the site in accordance with the current Parking Standards contained within the SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations. Thereafter, the electric vehicle charging points shall be retained on site for the lifetime of development.

Reason: To ensure the provision of adequate parking provision for electric vehicles.

10. Prior to the occupation of the development, there shall be provided within the site disabled parking spaces in accordance with the current Parking Standards contained within the SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations. Thereafter, the disabled parking spaces shall be retained on site for the lifetime of development.

Reason: To ensure the provision of adequate parking provision.

11. Prior to commencement of works on site adequate wheel cleaning facilities to be provided and maintained throughout the construction of the development so that no mud, debris or other deleterious material is carried by vehicles onto the public roads. Details of the proposed wheel cleaning facilities shall be provided for the written approval of this planning authority prior to installation on site.

Reason: In the interest of road safety; to ensure that public roads are kept free of mud, debris , etc.

12. Prior to the commencement of construction on site, visibility splays of 2.4m x 45m shall be provided at the junction of the proposed hotel access with Largo Road. The splays shall be maintained clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level, in accordance with the current Fife Council Transportation Development Guidelines for the lifetime of the development.

Reason: In the Interest of road safety; to ensure the provision of adequate design.

13. A traffic management (TM) plan for the development shall be submitted for written approval of this planning authority prior to commencement of any works on site. The TM plan will contain details of delivery routing and timing of deliveries to site, site operatives parking area, traffic management required to allow off site operations such as public utility installation, etc. The approved traffic management plan shall thereafter be implemented for the duration of the construction works.

Reason: In the interest of road safety; to ensure minimum disruption to residents in the vicinity of the site.

14. Prior to the commencement of construction on site, samples of the external construction materials finishes of the hotel (in particular relating to the roof, windows, walls and cladding) shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the hotel shall be constructed and finished in full accordance with the agreed samples prior to occupation.

Reason: To define the terms of this permission and ensure that the hotel is in-keeping with the character of the surrounding area.

15. Unless otherwise agreed in writing with the Council as Planning Authority, the approved surface water drainage scheme as detailed in approved documents shall be implemented in full **PRIOR TO THE OCCUPATION OF HOTEL** and thereafter maintained in full working order for the lifetime of the development.

Reason: In the interests of ensuring appropriate handling of surface water.

16. Prior to the occupation of the development, there shall be provided within the site bin storage facilities large enough to accommodate all of the bins associated with the hotel use. Thereafter, the bin storage facilities shall be retained on site for the lifetime of development.

Reason: To ensure satisfactory waste collection arrangements are in place.

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

FOR THE AVOIDANCE OF DOUBT, the scheme of landscaping shall include details of the green roofing.

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

18. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

FOR THE AVOIDANCE OF DOUBT, the management details shall include details of the green roofing.

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

19. Prior to the occupation of the development, integrated swift boxes shall be installed on the western elevation of the building, with confirmation of their installation submitted for the written approval of the Planning Authority. Thereafter, the installed swift boxes shall be retained for the lifetime of the development.

Reason: In the interests of safeguarding nesting birds.

20. Prior to its inclusion on the building, the final design of the public art contribution shall be submitted for the written approval of Fife Council as Planning Authority. Thereafter, the public art works shall be carried out entirely in accordance with the details approved under this condition.

Reason: To ensure the development contributes to the quality of the environment and meets the terms of the Council's guidance on public art.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance:

Scottish Planning Policy (2020)

PAN 1/2011: Planning and Noise

PAN 2/2010: Affordable Housing and Housing Land Audits

PAN 51: Planning, Environmental Protection and Regulation (2006)

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Scottish Government Designing Streets (2010)

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

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

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

Development Plan:

TAYplan Strategic Development Plan (2017)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Planning Obligations Supplementary Guidance (2017)

Other Guidance:

Fife Council Economic Strategy 2017 - 2027

Fife Council Local Outcome Improvement Plan (2017),

Fife Tourism Strategy 2014 - 2024

GVA Consultancy Fife Hotel Demand Study (2017)

Fife Council Transportation Development Guidelines

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

Fife Council Planning Customer Guidelines on Garden Ground (2016)

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

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

Fife Council St Andrews Design Guidelines (2011)

Fife Council Air Quality in Fife Advice for Developers (2020)

Fife Council Planning Customer Guidelines: Development and Noise (2021)

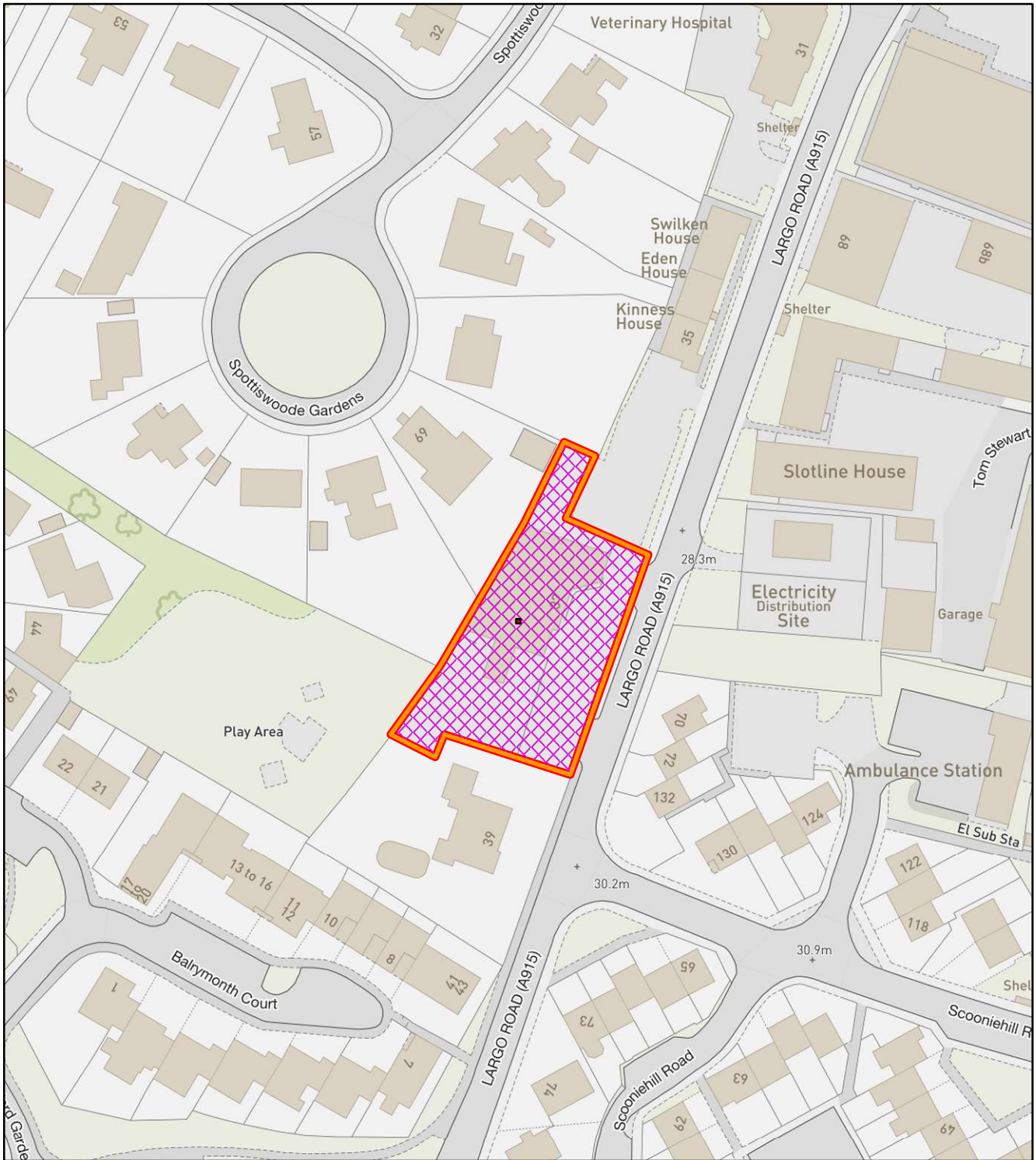
Report prepared by Bryan Reid

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 24/5/21.

Date Printed 21/05/2021

19/01371/FULL

37 Largo Road St Andrews

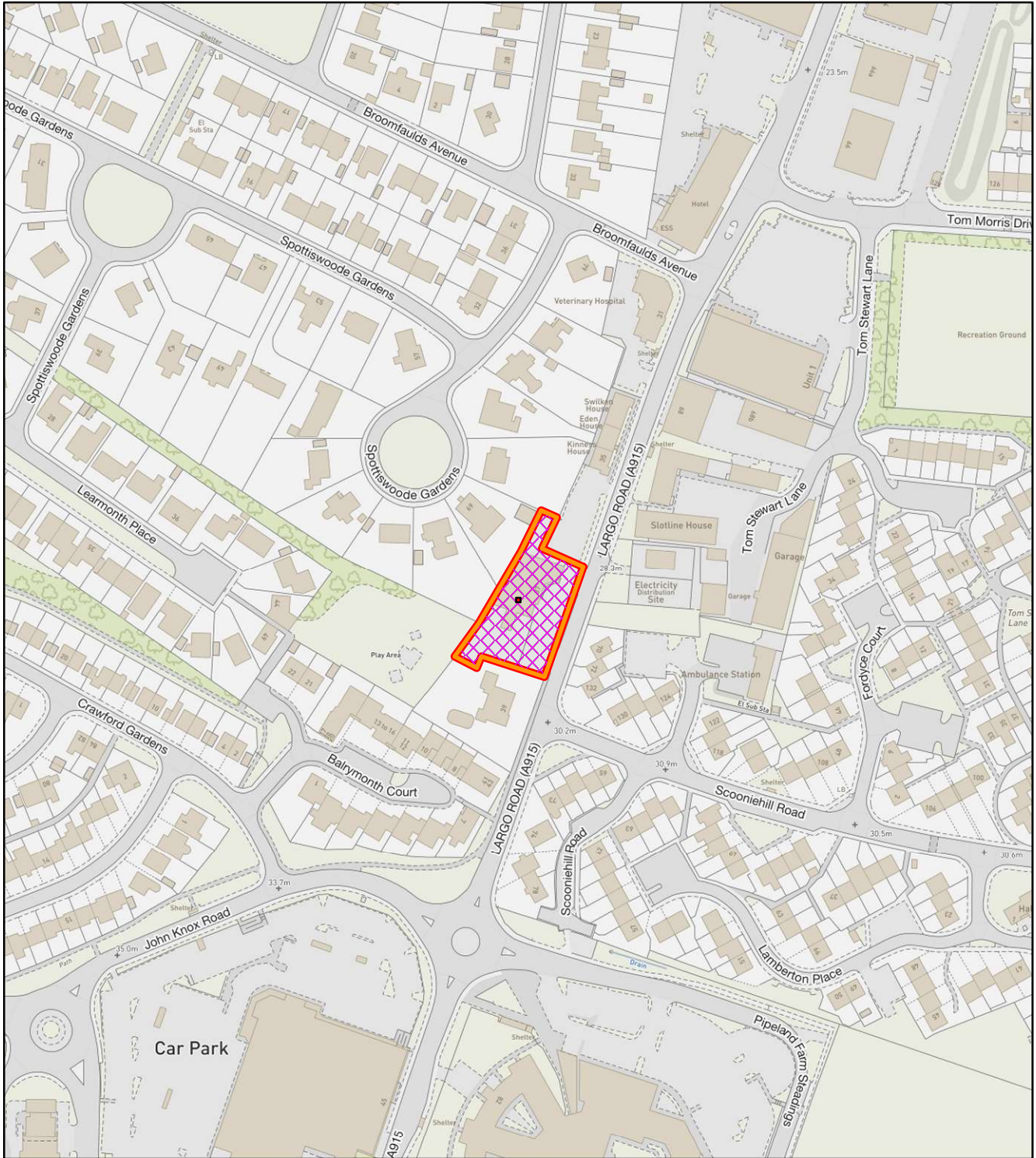


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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 5

APPLICATION FOR APPROVAL REQUIRED BY CONDITION(S) REF: 20/03233/ARC

SITE ADDRESS: SITE TO WEST OF CHURCH STREET LADYBANK

PROPOSAL : APPROVAL REQUIRED BY CONDITION OF PLANNING PERMISSION 99/00991/EOPP FOR ERECTION OF 60 RESIDENTIAL UNITS WITH ASSOCIATED INFRASTRUCTURE (REVISION TO 04/01863/EARM TO AMEND HOUSETYPES AND LANDSCAPING)

**APPLICANT: MR GORDON POWELL
0 BLACKWOOD ROAD GLENROTHES UK**

WARD NO: W5R16
Howe Of Fife And Tay Coast

CASE OFFICER: Bryan Reid

DATE REGISTERED: 21/01/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than five letters of representation have been received which are contrary to the Officer recommendation.

SUMMARY RECOMMENDATION

The application is recommended for:

Conditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

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

1.0 BACKGROUND

1.1 This application relates to an agricultural field, approximately 4.5 hectares in area, which is located to the west of Church Street, Ladybank. There are existing houses a short distance to the north of the site and also abutting the southern and eastern boundaries. The site is accessed via a new road layout to the north east (planning application reference 03/01257/EARM), via Church Street, which was formally occupied by a residential property. Church Street is predominantly residential in character incorporating a mix of traditional detached, semi-detached and terraced housing.

1.2 This application is for reserved matters for a revision to 04/01863/EARM to amend housetypes and landscaping. Application 04/01863/EARM was reserved matters for erection of 60 dwellings, formation of access road and play area following the approval of 99/00991/EOPP. The proposed development would incorporate a mix of detached, semi-detached and terrace properties incorporating low level hipped and pitched roofs clad with concrete roof tiles, drydash walls and modern UPVC windows. The layout would incorporate a sweeping road layout leading into 3 small cul-de-sacs and incorporating a central area of public open space. The site would be bounded by landscaped planting to the west, with a mixture of existing and propose fences and walls to the north, east and south. The development would also incorporate public footpath links to Church Street to the south east and to recently constructed affordable housing development to the north (10/00451/PPP / 10/04014/ARC. A soakaway for surface water drainage is proposed to be located to the southern corner of the site, which would also be used as public open space.

1.3 The variations proposed to the approved development comprise of substitution of the housetypes to incorporate semi-detached and terraced units, as well as one-and-a-half and two storey properties, minor changes to the site boundary treatments, and the re-distribution of the open spaces areas to reflect the changes proposed in the layout whilst maintaining the road pattern. A more detailed overview of the proposed amendments is set out in Paragraph 2.2.6 of this report.

1.4 The application site is allocated in FIFEplan Local Development Plan (2017) as site LAD003, described as a housing opportunity site for 60 units. The Green Network Priorities for the site include:

Deliver high quality landscape and access links through the site – fronted and overlooked by a good development edge – to provide good connectivity north-south and east-west:

Connect into the new housing to north;

Connect east-west into Edens Muir

Connect east-west along the southern part of the site and develop a high quality development frontage, which overlooks this route.

1.5 PLANNING HISTORY

1.5.1 The application site has undergone a number of planning applications and subsequent appeals for residential development.

1.5.2 The most recent outline consent was granted under appeal in June 2001 (application reference no. 99/00991/EOPP) for 60 houses. Conditions were imposed relating to the provision of open space, landscaped areas on the edges of the site, the provision of pedestrian links through the site and confirmation that the development would not lead to flooding. There was no requirement for the developer to provide any financial contributions.

1.5.3 Following the approval of the above in principle application, two reserved matters applications were submitted and approved by Fife Council. The first for the demolition of the existing house (retrospective), formation of access roadway and parking bays (03/01257/EARM), and the second for erection of 60 dwellings, formation of access road and play area (04/01863/EARM). There was no requirement for the developer to provide any financial contributions.

1.5.4 The works detailed in application 03/01257/EARM were carried out in full by the developer. As works have commenced on site, this is considered to secure the development indefinitely, meaning further construction could take place at any time.

1.6 PROCEDURAL ISSUES

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

1.6.2 The site has Planning Permission in Principle (PPP) for a residential development, which was allowed on appeal in 2000 (ref: 99/00991/EOPP). Part of the original outline planning permission was constructed under reserved matters consent ref: 03/01257/EARM (construction of access road and demolition of house). The Planning Permission has therefore been implemented. A further reserved matters consent was issued in 2004 for the construction of 60 units (ref: 04/01863/EARM) but no works were ever started on the dwellinghouses. Conditions imposed by a reserved matters application are conditions subject to which the PPP had been granted. The 2000 PPP has been accepted as having been implemented and a reserved matters application is an application for an alteration of the PPP that has been implemented. The reserved matters application (04/01863/EARM) cannot expire unless it contained timelines attached to the conditions it was regulating. In this instance, the reserved matters consent did not contain any timelines attached to the conditions.

1.6.3 As noted above, as the original in principle application was approved without the need for the developer to provide any financial or affordable housing contributions, the Planning Authority cannot request any contributions through this application.

2.0 ASSESSMENT

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

- Design and Layout
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Land and Air Quality

2.2 DESIGN AND LAYOUT

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

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

2.2.3 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This reflects the emphasis of Scottish Planning Policy, Designing Streets and Creating Places in the qualities it requires development to achieve in making successful places. 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. It also requires that development 'reflects the pattern of the local settlement form'.

2.2.4 Condition 3 of 99/00991/EOPP set the requirement for the final site layout to include the provision of an area of open space/play area, with condition 4 requiring landscaped areas on the edges of the site to be provided. Condition 5 of 99/00991/EOPP required that the layout of the site be designed to provide for pedestrian links through the site; connecting in the existing known pedestrian footpaths adjacent to the site boundaries.

2.2.5 Application 04/01863/EARM was considered to comply with the design requirements of 99/00991/EOPP, with the development incorporating a sweeping road layout leading into 3 small cul-de-sacs, featuring a central area of public open space. The development would be bounded by landscaped planting strips on the north, south and west and would incorporate public footpath links to Church Street to the south east and to existing lock-up garages to the north. At the time of consideration of 04/01863/EARM, it was considered that both the design and layout of the scheme met with the relevant development plan policies and would not have a detrimental impact upon the site's countryside setting to the west. The formation of cul-de-sacs within the scheme was considered to create an intimate and interesting visual layout, when combined with the proposed landscaping and open space, and when contrasted against the more conventional row of detached housing. Whilst the proposed dwellings were considered to be modern in design

terms, the variety of housetypes and materials proposed were deemed to be in-keeping with the character of Ladybank.

2.2.6 The variations proposed to the approved development comprise:

1. Re-distribution of the open spaces areas to reflect the changes proposed in the layout whilst maintaining the road pattern. A centrally located 2191 square metre public open space has been added to the development, as well as a 657 square metre public open space at northern boundary (running parallel to the footpath connecting the application site to land to the north). The approved 'toddler's play area' has been removed.
2. Minor changes to the site boundary treatments. It has been advised that landscaping has been restricted to reflect the adjacent development arrangements with 1.80m high close boarded fencing installed along the site boundary lines to the North, East and Southern section of the development. Rather than the approved timber fencing, the boundary to the West of the site is proposed to be planted out with a new hedgerow between two post and wire fences – this would maintain the open aspect to the field and woodland beyond the site to the West.
3. Substitution of the housetypes. Whereas all of the units approved previously were detached and single storey, featuring little variation, it is proposed to incorporate semi-detached and terraced units, as well as one-and-a-half and two storey properties.

2.2.7 Fife Council's Urban Design and Transportation Development Management (TDM) Officers were consulted on this application, both of whom raised concerns with the proposed single point of access, the length (and straightness) of the main north/south internal road and cul-de-sac layout, advising that the proposed development was not in-keeping with current urban design guidelines/recommendations for residential developments. The Urban Design Officer also raised concerns regarding the general uniformity of building lines, set back of houses (with lack of front boundary treatments) overlooking of public open spaces, SuDS area and footpaths. The Urban Design Officer further advised they did not consider the proposed development to meet the green network requirements for the site – as set out in the FIFEplan (2017) allocation for the application site (LAD003).

2.2.8 Whilst the concerns of the consultees are noted, and it is recognised that the proposed development does not meet current Making Fife's Places recommendations or urban design guidelines, as this application is for an amendment to a previously approved layout which could still be built, and as changes proposed are not a significant departure from the previously approved layout, these concerns can largely be set aside. The assessment of this application rests on whether the proposed development complies with the conditions of 99/00991/EOPP and how the proposed layout compares to what was approved as part of 04/01863/EARM.

2.2.9 With regard to compliance with the conditions of 99/00991/EOPP (summarised in paragraph of 2.2.4), it is considered that the proposed development would incorporate the necessary open space/play areas, landscaping and pedestrian links. Indeed, it is determined that the proposed development would actually represent an improvement over the approved scheme with regard to these features, with larger and more usable public open spaces proposed, and with the pedestrian links/footpaths and open spaces being better overlooked to encourage passive surveillance.

2.2.10 In addition to improvements to open space and pedestrian links, it is considered by the Planning Authority that the variations in housetypes proposed across the site would represent a betterment in comparison to the approved layout. By incorporating higher density two storey terraced and semi-detached buildings at the north of the site, with one-and-a-half storey properties along the western boundary, it is considered that this would assist to create a gradual

step down in building height from the two storey properties located to the north of site, to the single storey (more traditional) properties to the east and south. Furthermore, the incorporation of dormers on the rear elevations of properties along the southern and western boundaries would present a degree of visual activity and distinctiveness to the site edges (whilst also facilitating passive surveillance). The proposed finishing materials would include buff coloured roughcasting, red, brown and grey concrete roof tiles, red or buff coloured facing bricks (to add visual interest to design features such as bay windows), red or buff coloured precast quoins, white uPVC windows, white coloured composite DMG3 doors and white garage doors. This simple palette of materials is considered to be sympathetic to the specific context of this site and would be consistent with what was previously approved. Though the use of finishing materials, variety in the house types/sizes and the orientation of properties, the layout of the proposed development would avoid excessive uniformity. The general form, massing, layout and architectural style, as well as the mix of housetypes, of the proposed units would represent a positive change to the previously approved housetypes on the site and as such are supported.

2.2.11 In conclusion, whilst the proposed layout of the residential development would not be consistent with current urban design recommendations, in comparison to what was previously approved on the site (and could still be implemented), it is considered that the proposed amendments would represent a visual betterment. The general form, massing, layout and architectural style, as well as the mix of substituted housetypes, are supported by the Planning Authority, as are the minor layout modifications to incorporate improved public open spaces and footpaths.

2.3 RESIDENTIAL AMENITY

2.3.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017) and Fife Council Customer Guidelines on Daylight and Sunlight (2018), Minimum Distances between Window Openings (2011) and Garden Ground (2016) apply in terms of residential amenity.

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

2.3.3 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 daylight as a consequence of a development. This guidance 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.

2.3.4 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.

2.3.5 In this particular case, it is calculated that the proposed substituted housetypes, through their massing, available outlook/window positions and positioning within the plots, would ensure that each of the properties would be in compliance with the distances set out within Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings. The proposed development not giving rise to any adverse daylight and sunlight concerns for existing neighbouring properties, nor for each of the proposed plots. Where applicable, additional windows have been added to specific plots to increase the overlooking of open space areas.

2.3.6 With regard to private amenity spaces, the garden areas for the proposed substituted housetypes would largely be in-keeping with the sizes and ratios approved as part of the 2004 application.

2.3.7 A condition was included on application 04/01863/EARM for all construction activity associated with the development, which is audible at the site boundary or which will involve the arrival or departure of HGVs, to take place on the site only between the hours of 9 am and 6 pm Monday to Friday and 9 am and 5 pm on a Saturday, with no activities taking place at any time on a Sunday. The applicant has requested that this condition be removed, however, with no justification submitted for this, the condition is once again included. An additional condition has been included for the developer to submit a construction environmental management plan prior to the commencement of works – this is in-line with the Planning Authority's current requirements for developments of the scale proposed.

2.3.8 In conclusion, it is determined that the proposal is deemed to meet the terms of residential amenity as set out through FIFEplan policy, and appropriate guidelines detailed above. The proposed development would not give rise to any significant residential amenity concerns for neighbouring properties, whilst ensuring future occupants of the proposed dwellinghouses would not be adversely impacted by their surroundings.

2.4 TRANSPORTATION/ROAD SAFETY

2.4.1 Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017) and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to this proposal.

2.4.2 Policy 1 of FIFEplan states that development proposals must provide the required onsite infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments including visibility splays.

2.4.3 Condition 5 of 99/00991/EOPP required that the layout of the site be designed to provide for pedestrian links through the site; connecting to the existing known pedestrian footpaths adjacent to the site boundaries. Conditions 10 and 11 set the requirement for all visibility splays and accesses within curtilage of the site, as well as all roads, footways, accesses, cycle paths and associated works to be designed and maintained per Fife Council's specifications. Condition 14 of 99/00991/EOPP set the requirement for an area of off-street car parking spaces to be provided within the part of the site [previously] occupied by 46 Church Street. Conditions 7 and 12 set the requirement for traffic and construction traffic to access the site via the land previously occupied by 46 Church Street.

2.4.4 Part of the original outline planning permission was constructed under reserved matters consent re: 03/01257/EARM, consisting of the demolition of a house and construction of access road. As per the conditions of 99/00991/EOPP, a roundabout was also formed. This work constituted the commencement of the development. As the general layout was designed many years ago, it is considered that it does not conform to modern standards set out in 'Designing Streets' - there is only one point of vehicular access, and the general layout consists of a series of cul-de-sacs. Both these features are now considered impediments to good street design.

2.4.5 In their consultation response, Fife Council Transportation Development Management (TDM) Officer noted the fact that the proposed development was not in-keeping with current street design recommendations. However, aware that the layout has previous approval which cannot expire, TDM limited their comments to amendments to the layout and car parking.

2.4.6 With regard to off-street parking, TDM advised that, with the exception of the parking allocation for housetype 'Drummond', the application met current parking standards. The proposed Drummond housetype has four bedrooms and, therefore, requires three off street parking spaces, however, whilst each Drummond plot includes two parking spaces and a garage, the garages would be less than the 21m² required in accordance with the current Fife Council parking standards. In response to this, it is noted that the 2004 application was approved containing 11no 'Shetland' four bedroom housetypes each of which included integral garages with an area of 18m². With only 9no Drummond housetypes proposed, it is considered that the substitution of these housetypes would represent an overall improvement in road safety terms.

2.4.7 Giving consideration to the layout alterations, TDM expressed concerns regarding the vehicular access arrangements to Plots 56 to 60, with the hard landscaped area potentially creating an odd expanse of hard surfacing with a footway in the middle of it. Similar concerns were also raised by the Case Officer with regard to Plots 49-52. In response these concerns, revised proposals were submitted, with the hardstanding areas in question removed. The general layout was also reconfigured to improve the setting and layout proposals; the revisions extended the private gardens of the Plots and incorporated adjustments to the parking provision. The revisions also resulted in further design improvements, with an area of public open space between Plots 52 and 53 introduced. Overall, it is considered that the revisions to the initially submitted plans would address the concerns raised. The proposed layout of the residential development is therefore considered to be acceptable in road safety terms.

2.4.8 In conclusion, whilst the proposed layout of the residential development would not be consistent with current designing street recommendations, in comparison to what was previously approved on the site (and could still be implemented), it is considered that the proposed amendments would be acceptable in road safety terms.

2.5 FLOODING AND DRAINAGE

2.5.1 Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

2.5.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a number of criteria, including that they will not individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. The Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) sets out the Council's requirements for information to be submitted for full planning permission to ensure compliance. Finally, CAR requires that SuDS are installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.5.3 The application site is not located within an identified flood risk area. With regard to surface water, a condition was included on application 04/01863/EARM for Sustainable Drainage System (SuDS) techniques to be used to manage runoff. This condition requested that full details of the methods to be employed, including where appropriate calculations, along with details of how these measures will be maintained, to be submitted for approval in writing of Planning Authority. The guidance documents referred to in the condition (condition 12) are however considered to be out of date and the condition has been suitably reworded to ensure current best practice is adhered to and the information submitted meets current standards.

2.5.4 It is explained in the report of handling for application 04/01863/EARM that a condition was included to ensure the development was constructed in a phased manner given sewer capacity concerns raised by Scottish Water at the time. Whilst condition 1 of 04/01863/EARM does require details of phasing to be submitted to the Planning Authority, sewer capacity concerns are not included. Condition 1 has therefore been amended to ensure that evidence of Scottish Water consent for sewer connection for each phase of development is submitted to the Planning Authority.

2.5.5 In conclusion, the proposed development is considered to be acceptable with regard to flood risk and drainage. A condition is included to ensure additional drainage information is submitted prior to the commencement of development.

2.6 LAND AND AIR QUALITY

2.6.1 PAN 33: Development of Contaminated Land (2000), Policies 1 and 10 of FIFEplan Local Plan (2017), Low Carbon Fife Supplementary Guidance (2019) and Air Quality in Fife: Advice for Developers guidance document apply with regards to land stability and air quality in this instance.

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

2.6.3 FIFEplan Policy 10 also requires development proposals to demonstrate that they will not lead to a significant detrimental impact on air quality with particular emphasis on the impact of development in designated Air Quality Management Areas (AQMA). Appendix D of Low Carbon Fife Supplementary Guidance (2019) and the Council's guidance document on air quality sets out that air quality impact assessments are requirement for development of more than 10 residential units.

2.6.4 Fife Council Land & Air Quality Officers were consulted on this application, requesting that an air quality impact assessment be submitted given the scale of development. Notwithstanding the provisions of Appendix D of Low Carbon Fife Supplementary Guidance (2019), the applicant was not requested to submit such an assessment by the Case Officer given the extant permission on the site. Land & Air Quality Officers additionally requested, given as the site has previously been used for sand quarrying and it is believed landfilling with unknown material has taken place on part of the site, that an appropriate contaminated land site-specific risk assessment be undertaken to ensure the site would be developed safely. It was recommended that conditions be included to secure the necessary assessment(s). Again however, as this application is an amendment to an extant consent that permits the applicant to develop the site without undertaking a risk assessment, no such conditions have been included in the recommendation.

2.6.5 In conclusion, given the extant permission in place, for which this application is an amendment to, there is no requirement for the applicant to undertake air quality and site-specific risk assessments.

CONSULTATIONS

Natural Heritage, Planning Services	No comments.
Urban Design, Planning Services	Do not support cul-de-sac layout.
Land And Air Quality, Protective Services	Conditions recommended.
Housing And Neighbourhood Services	No affordable housing requirement.
Structural Services - Flooding, Shoreline And Harbours	Requested to be consulted on compliance with condition 12.
Transportation, Planning Services	Comments provided. Layout improvement recommended.

REPRESENTATIONS

22 objection comments and 2 general comments have been received for this application. The concerns raised in the submitted representations, and the Planning Authority's response to these, is set out below.

1. Understood that previous application was approved with condition restricting movement of construction traffic to enter the site from the north (via Cupar Road, Beech Avenue then Church Street) (and also leave this way).
 - Condition 12 of 99/00991/EOPP set the requirement for all construction traffic to enter the site via the land occupied by 46 Church Street. The developer is still required to comply with this condition, however it does not require construction traffic to follow a set route.
2. Previous development on site has failed due to high water table level – proposed development may increase flood risk for neighbouring properties.
 - A SuDS is proposed as part of the development to manage all surface water runoff from the development on site. A condition is included to ensure this would be fit for purpose.
3. Proposed development may restrict access to maintain neighbouring property's fence.
 - This is considered to constitute a private legal matter between the applicant and property owner.
4. Ladybank has poor water pressure which may be further impacted.
 - This matter is considered to be outwith the control of the Planning Authority and would be for Scottish Water to consider when a connection application is submitted to them by the applicant. The approval of planning permission does not guarantee connection.
5. Increase in height of dwellings from single to two storey will lead to loss of privacy and overlooking.
 - The proposed development is considered to be sufficiently distant from neighbouring properties to ensure adverse residential amenity concerns do not arise. See Section 2.3 of this report for further information. No conditions were included on outline permission to limit the height of dwellings.
6. Proposed footpath connections will bring increased footfall near boundaries of existing properties, leading to antisocial behaviour and privacy concerns.
 - This footpath was approved as part of the 2004 application and is considered to be suitably overlooked by existing and proposed two storey properties.
7. Proposed footpath to south east would encourage footfall over Monkstown, a privately maintained road.
 - This footpath was approved as part of the 2004 application, whilst it is noted that there is nothing to prevent any members of the public from freely walking along Monkstown at present.

8. Location of site compound and access could give rise to residential amenity issues.
 - A condition is included to ensure a CEMP is submitted which shall include a pollution protection measures to avoid an impact on the environment, as well as a scheme of works designed to mitigate the effects on sensitive premises/areas.
9. Existing and proposed roads not suitable to accommodate traffic from proposed development.
 - The impact on the road network as a consequence of the proposed development has previously by considered through the assessments of 99/00991/EOPP and 04/01863/EARM.
10. Proposed development would lead to increase in antisocial behaviour.
 - This claim is considered to be unfounded.
11. Proposed development would feature a vehicular through route to the north west (leading to Alan Crawford Wood).
 - The road in question would not be through route, rather it would exist as the end of a cul-de-sac. Should the applicant plan to connect a future phase of development, a new planning application would be required and assessed on its own merits.
12. Local school and GP do not have sufficient capacity to serve the development
 - As the original in principle application was approved without the need for the developer to provide any financial contributions towards local infrastructure, the Planning Authority cannot request any contributions through this substitution of housetype application.
13. Does Ladybank have sufficient water, sewage, electricity and gas connections to serve the development?
 - As above, this matter is considered to be outwith the control of the Planning Authority and would be for utility providers to consider when a connection application is submitted to them by the applicant. The approval of planning permission does not guarantee connection.
14. Future residents of proposed units along southern site boundary may seek to create vehicular accesses to the rear of their properties, over the privately maintained road.
 - In the first instance, this would require the agreement of the landowners of the privately maintained road.
15. Proposed development would result in loss of green space and impact on wildlife.
 - Given the nature of the substitution of housetype application, the Planning Authority is not in a position to reconsider the potential natural heritage impacts of the development.
16. Applicant has fenced off part of previously constructed road and parking spaces, giving rise to road safety concerns (contrary to condition 14 of 99/00991/EOPP).
 - This potential breach shall be investigated by the Planning Authority, however, it does prevent a decision being made on this application.
17. No affordable housing proposed
 - As no such provision was included on the original approval, there is no requirement for the applicant to provide affordable housing.

18. Can buses which use Church Street (No.94 and 94A) be re-routed to reduce congestion?
- As this is an amendment application for detailed matters of previously approved scheme, the wider road safety implications of the development cannot be considered as part of this application.
19. Provision should be included in title deeds of properties proposed along southern boundary for no pedestrian gates to be formed given the abut a private road
- This considered to be a private legal matter which the Planning Authority has no recourse over.
20. Staggered set of footpath hand rails should be installed at where proposed footpath meets Monkstown to prevent members of public being endangered by traffic when leaving the footpath
- The volume of traffic over this private access road is not considered to be significant enough to warrant the need for the installation of pedestrian calming measures.
21. A full risk assessment on traffic to and from the development should be submitted
- As this is an amendment application for detailed matters of previously approved scheme, there is no requirement for a transport assessment to be carried out as the road safety implications have previously been considered.
22. Safety of roundabout should be reconsidered
- As this is an amendment application for detailed matters of previously approved scheme, there is no requirement for the safety of the roundabout to be reconsidered during the assessment of this application. The safety implications of the installed roundabout were fully considered during the determination of previous applications.
23. Development blocks of a pedestrian path which runs along the rear boundaries of Church Street properties – this should be retained.
- This application is for amendments to an extant permission, with the loss of this path to accommodate the development previously approved. The extant permission could yet be implemented.
24. Development impact another planning application which was recently approved - 21/00385/FULL: application for single dwellinghouse to the rear of 44 Church Street, Ladybank, Cupar.
- From reviewing the approved 2004 layout (which could still be implemented), it is considered that the housetype proposed for Plot 1 would have no greater impact on the dwellinghouse to be constructed by the neighbouring property owner.
25. Tress at site entrance removed, contrary to condition 6 of 99/00991/EOPP
- Condition 6 of 99/00991/EOPP set the requirement for trees within the garden ground of 46 Church Street (now demolished), to be retained if possible and incorporated into the development. The applicant has advised that the trees and overgrown landscaping were removed to make the area safe and accessible. Fife Council Enforcement Officers have previously investigated this matter. It is also noted that tree planting and landscaping is proposed at the site entrance.

26. Number of housetypes detailed on site plan do not tally
- A revised plan has since been submitted which rectifies this error.
27. Site investigations for contamination should be carried out and submitted to Fife Council
- As detailed in Paragraph 2.6.3 of this report, the applicant is not required to submit such an assessment on this occasion given the extant permission on site.
28. No justification to remove condition 11
- The condition in question has not been removed.
29. Air quality impact assessment required
- As detailed in Paragraph 2.6.3 of this report, the applicant is not required to submit such an assessment on this occasion given the extant permission on site.
30. Details of SuDS required before start of works
- A condition is included in the recommendation for SuDS details to be provided.
31. Individual housetypes not of high design quality
- As detailed in Paragraph 2.2.10 of this report, giving consideration to those previously approved, the design of the proposed dwellinghouses is considered to be acceptable.
32. Proposed garages would not be used for parking
- Whilst the Planning Authority cannot enforce the use of garages, as detailed in Paragraph 2.4.6 of this report, the proposed parking arrangements are considered to be an improvement over the previously approved plans.
33. Existing large tree within site restricts daylight to neighbouring property – should be removed
- No condition has been included on previous approval which requires the applicant to remove the tree in question.
34. Access road is within falling distance of large tree
- This application is for amendments to an extant permission, the access road for which would be unchanged.
35. Scale of amendments proposed outwith scope of original ARC application and contrary to conditions of 99/00991/EOPP
- The Planning Authority is satisfied that this application complies with the conditions of the 1999 outline permission, with the amendments proposed not significant enough to warrant a new full planning application.

CONCLUSIONS

The proposal is considered to be acceptable in terms of design, scale and layout. It is considered that the proposed dwellinghouses would integrate well within the residential surroundings, would protect residential amenity and would not cause any detrimental impacts to road safety. The development is therefore considered acceptable and would comply with FIFEplan policies and other related guidance.

RECOMMENDATION

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

1. Exact details of the proposed phasing of the development shall be submitted for the prior written approval of Fife Council as Planning Authority before works commence on site. This information shall include evidence of Scottish Water consent for sewer connection for each phase of development and details of the road network, housing layout and landscaping.

Reason: In the interests of the proper planning of the development and visual amenity.

2. BEFORE ANY WORKS START ON SITE, exact details of the specification and colour of the proposed external finishes for each house type shall be agreed in writing by the Planning Authority.

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

3. BEFORE ANY RESIDENTIAL UNIT ON SITE IS OCCUPIED, a scheme of landscaping indicating the siting, spacing, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted within both the landscaped boundaries of the site and the proposed open space, and the extent and profile of any areas of earthmounding, shall be agreed in writing with the Planning Authority. The scheme as approved shall be implemented in a phased manner agreed by the Planning Authority under the terms of Condition 1 above, and shall be implemented in full prior to the occupation of the 60th residential unit on the site.

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

4. The further landscaping schedule referred to in condition 3 above, shall include a more comprehensive schedule of informal planting throughout the site and between plots which shall only include native species. The planting within both the landscaped boundaries of the site and the proposed open space shall include 30% evergreen and 70% broadleaf species and should comprise Birch, Willow, Rowan, Hawthorn, Blackthorn, Cherry, Holly and Scots Pine. The landscaped boundary treatment to the north of the site shall also incorporate an element of Oak.

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

5. BEFORE ANY RESIDENTIAL UNIT ON SITE IS OCCUPIED, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. These details shall include consideration of the various habitats proposed on site and shall incorporate measures to promote biodiversity. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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.

6. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period, any plants that are dead, damaged, missing, and diseased or fail to establish shall be replaced annually.

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

7. BEFORE ANY WORK STARTS ON SITE, exact details of all boundary treatments within/between the housing plots, including elevation details, shall be submitted for the prior written approval of the Planning Authority.

Reason: To ensure adequate and appropriate means are used in the disposal of surface water.

8. All roads, footways, footpaths, accesses, cycle paths and associated works shall be designed and constructed fully in accordance with the current Fife Council Roads and Transportation Development guidelines.

Reason: To ensure adequate standard of road layout and construction and to ensure an adequate detailed layout design.

9. All garage doors shall be located a minimum of 6 metres from the rear edge of the public footway.

Reason: In the interests of road safety and to minimise on street parking.

10. BEFORE ANY WORKS START ON SITE, off street parking spaces shall be provided in accordance with the current Fife Council Roads Parking Standards contained within the Transportation Development Guidelines and thereafter maintained and kept available as such.

Reason: In the interests of road safety and to ensure adequate off street parking is available.

11. All construction activity associated with the development hereby approved, which is audible at the site boundary or which will involve the arrival or departure of HGVs shall take place on the site only between the hours of 9 am and 6 pm Monday to Friday and 9 am and 5 pm on a Saturday. No activities shall take place at any time on a Sunday.

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

12. Surface water from the site shall be dealt with using Sustainable Urban Drainage System techniques as advocated in CIRIA C753: The SuDS Manual 2015. Full details of the methods to be employed, including where appropriate calculations, along with details of how these measures will be maintained, shall be submitted for approval in writing by this Planning Authority prior to the commencement of any works on site.

Reason: To ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained.

13. Details, including elevations, of the boundary treatment proposed at the public footpath links within the site shall incorporate a 1.8 metre fence or wall, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of residential amenity.

14. PRIOR TO ANY WORKS COMMENCING ON SITE, a Construction Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority for approval in writing. The CEMP shall include a pollution protection measures to avoid an impact on the environment, as well as a scheme of works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration from construction of the proposed development. The use of British Standard BS 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities" should be consulted.

It shall provide the following details:

- Site working hours;
- Adherence to good practise in protecting the environment and ecology;
- Dust, noise and vibration suppression; and
- Protection of water environment.

Reason: To ensure the environment in and around the site and residential amenity is protected during construction.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance:

Scottish Planning Policy (2020)

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

Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Other Guidance:

Fife Council Transportation Development Guidelines

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

Fife Council Planning Customer Guidelines on Garden Ground (2016)

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

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

Fife Council Planning Customer Guidelines: Development and Noise (2021)

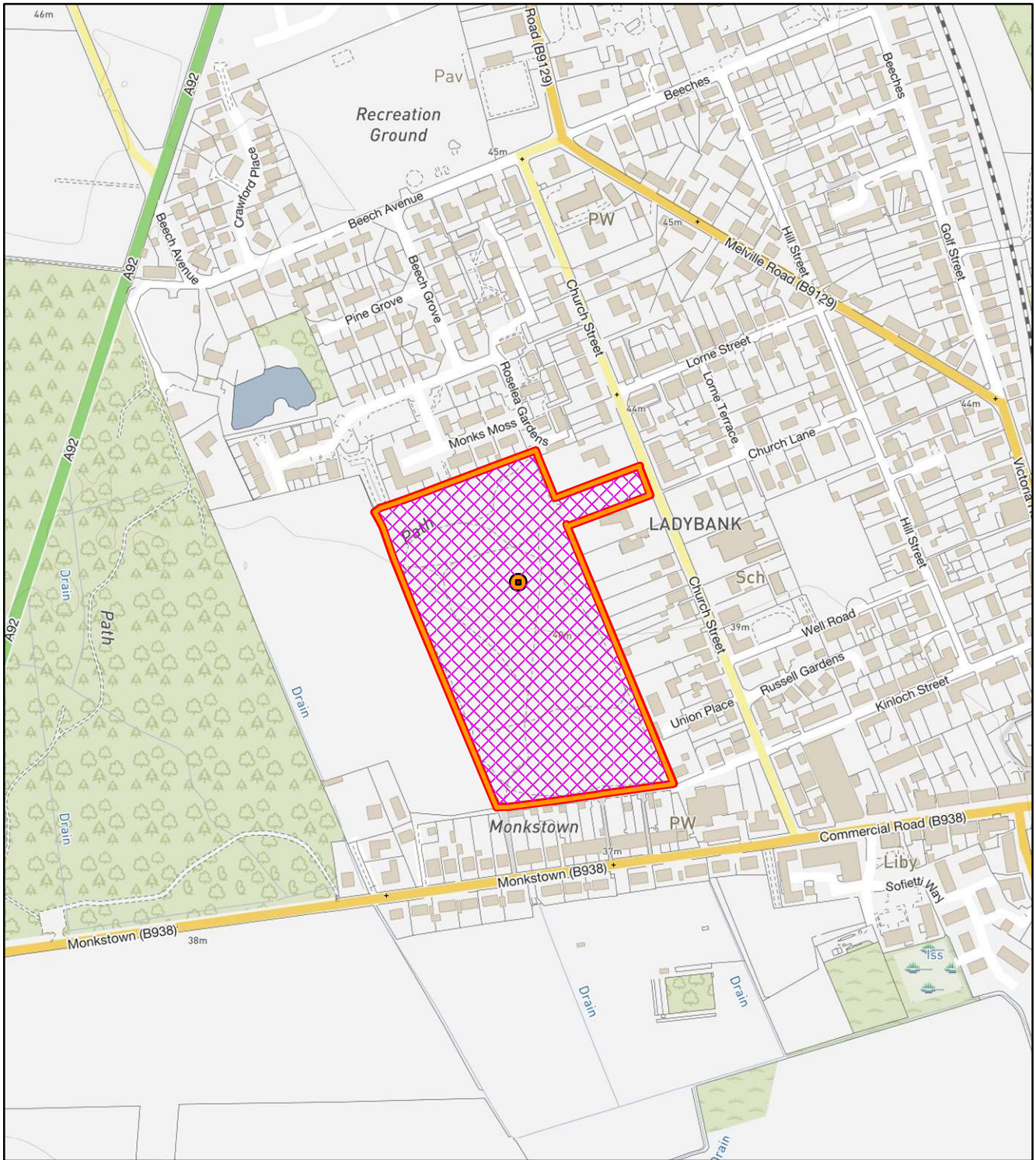
Report prepared by Bryan Reid, Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 24/5/21.

Date Printed 19/05/2021

20/03233/ARC

Site To West Of Church Street Ladybank



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Legend	
 Application Boundary	
	
 Economy, Planning & Employability Services	

ITEM NO: 6

APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00123/FULL

SITE ADDRESS: STREET RECORD CUPAR ROAD NEWBURGH

PROPOSAL : ERECTION OF 34 AFFORDABLE DWELLINGS AND ASSOCIATED ACCESS ROAD AND SUDS

**APPLICANT: A & J STEPHEN LTD
STEPHEN HOUSE EDINBURGH ROAD PERTH**

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

CASE OFFICER: Bryan Reid

DATE REGISTERED: 16/02/2021

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The application contains a Development Framework for a larger development of up to 275 dwellings, 1ha. of employment land, 1.2ha. of land for a cemetery extension and 0.6ha of land allocated for a primary school extension, covering a total area of 13.5ha., which the Council considers should be referred to Committee for determination in terms of section 43A(6) of the Town and Country Planning, etc. (Scotland) Act 1997.

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.

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

1.0 BACKGROUND

1.1 The application site relates to an agricultural field which forms the eastern edge of the defined settlement boundary of Newburgh, bound by Abbey Road to the north, Lindores Distillery to the north east, farmland, Lindores Abbey (Category A Listed Building and Scheduled Ancient Monument) and Pow of Lindores (watercourse) to the east, Cupar Road to the south, and residential properties to the west. Per the Adopted FIFEplan Local Development Plan (2017), the application site forms part of the land identified as NEB002, an effective site allocated for the development of 50 residential units. Part of the application site strays into land considered to be outwith the settlement boundary (deemed as countryside land). The application site is also identified as forming part of the Newburgh Hills & Clatchard Craig Quarry Green Network in FIFEplan (NEBGN02) and Taycoast Local Landscape Area (LLA). Green Network Priorities are included in the FIFEplan site allocation. The application site is located within Fife Council's defined area of archaeological importance for Newburgh and is classified under the James Hutton Institute's land capability map for agriculture as class 3.1 agricultural land (considered to be prime). The site is generally flat, with a drop in level towards the east down to the watercourse. Vehicular access would be taken from Cupar Road.

1.2 The application has been submitted with a Development Framework which sets out a masterplan for future phases of development by the applicant. The Development Framework/masterplan encompasses the remainder of the NEB002 allocated site and the entirety of the land allocated as NEB001 in FIFEplan (2017).

1.3 The application is for planning permission for the erection of 34 affordable housing units with associated access, drainage, parking and landscaping. The proposed 34 units would comprise of a mixture of detached, semi-detached and terraced buildings, including single and two storey properties. A total of 30 dwellinghouses and 4 flatted dwellings (4 in a block) are proposed. A single point of vehicular access is proposed to be taken directly from Cupar Road, with two cul-de-sacs proposed. Pedestrian access points are proposed onto Cupar Road and Abbey Road (with a connecting through route). Finishing materials proposed include white and buff drydash, grey and brown concrete roof tiles, uPVC doors (assortment of colours), fascias (white) and windows (white), silk grey and buff margins and cills, silk grey and white timber fascias, soffits and cladding, grey paving slabs and bracken coloured block paviours. Timber fences are proposed to divide rear gardens, with a timber fence featuring stone piers proposed along the rear boundary treatments of plots 25-34. The eastern site boundary would comprise of a thick tree belt. Tree planting and landscaping is proposed throughout the site). The proposed development also includes a circular SuDS basin to the north east of the dwellings.

1.4 Other than its inclusion in FIFEplan (2017) as an allocated housing site, there is no recorded planning history associated with this site.

1.5 The application is not classed as a 'Major Development' per The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 given the area of the site is less than 2ha. and the number of units proposed is less than 50. However, as part of the FIFEplan Local Development Plan (2017) requirements for the development of the application site (NEB002), a Development Framework covering sites NEB001 and NEB002 is required to be prepared by the

developer for Fife Council approval with input from all land owners and following consultation with the local community. The Development Framework submitted as part of this application details future phases of development across sites NEB001 and NEB002. The proposals contained within the submitted Development Framework includes up to 275 dwellings, 1ha. of employment land, 1.2ha. of land for a cemetery extension and 0.6ha of land allocated for a primary school extension. The applicant therefore carried out Pre-Application Consultation (PAC) by holding public information events (Ref: 17/02027/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application. Two events were undertaken, both were held at the Tayside Institute Community Centre, 90-92 High Street, Newburgh. The public events were advertised in The Courier, with leaflets also delivered to and displayed at various public buildings and shops throughout Newburgh. The manner of public consultation was therefore acceptable.

1.6 The wider masterplan, contained within the submitted Development Frameworks, shows development for the entirety of sites NEB001 and NEB002. The masterplan confirms the locations for the required employment land, cemetery extension and primary school extension. The layouts/street patterns presented in the masterplan are indicative only, with no detail on the types of buildings which might be developed, whilst no indicative layout has been presented for the proposed employment land. The applicant has indicatively proposed a total of 209 residential units across the two allocated sites, however, this could potentially increase to 275. The phasing plan submitted with the application shows the two allocated sites being delivered in four phases. The first phase as applied for; the second phase would comprise of housing to the south of Cupar Road; the third phase of development would see additional housing south of Cupar Road and the delivery of the cemetery extension (eastern extent of NEB001), and employment land at the north of NEB002; the final phase 4 would see further housing delivered at the western extent of NEB001. The Development Framework sets out that the employment land would be delivered by Lindores Distillery as an extension to their existing operation.

1.7 The application is supported by a range of technical documents to inform consideration of the proposal. These assessments cover both the application site and additional land identified in the Development Framework. These include a Design and Access Statement, Heritage Assessment, Planning Statement, Noise Impact Assessment (and addendum), Air Quality Assessment, Railway Vibrations Survey, Preliminary Ecological Assessment, Protected Species Survey, Ecology Survey Report, Flood Risk Assessment, Surface Water Drainage Strategy, Transportation Statement and a Low Carbon Sustainability Statement. The conclusions of these documents are examined in the relevant sections of this report.

1.8 This application was previously included on the 7th April agenda of the North East Planning Committee with a recommendation of refusal. The application was however withdrawn from consideration on the day as the applicant sought an extension of time request to vary the proposed development and address the Officer's recommended reasons for refusal. The three reasons for refusal were all in the interests of visual amenity and placemaking. The subsequent alterations made to the development included the addition of a thick tree belt along the eastern site boundary, inclusion of two pedestrian access points with a connecting thoroughfare, and amendments to the rear boundary treatments of the proposed dwellings.

2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Design and Layout/Visual Impact
- Impact on Historic Environment
- Transportation/Road Safety
- Loss of Prime Agricultural Land
- Residential Amenity
- Low Carbon Fife
- Contaminated Land
- Flooding and Drainage
- Trees
- Natural Heritage
- Affordable Housing
- Developer Contributions
 - Education
 - Open Space and Play Areas
 - Public Art
- House in Multiple Occupation (HMO)
- Archaeology

2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Scottish Planning Policy (2014), Policies 1 and 4 of TAYplan Strategic Development Plan (2017), Policies 1, 2, 5 and 7 of the Adopted FIFEplan Local Development Plan (2017), Fife Council's Strategic Housing Investment Plan 2021/22 - 2025/26, Housing Land Audit 2019 and Local Housing Strategy 2020-2022 apply with regard to the principle of development for this proposal.

2.2.2 Scottish Planning Policy (SPP) (2020) seeks to promote successful sustainable places with a focus on low carbon place; a natural, resilient place; and, a more connected place. The SPP promotes the use of the plan-led system with plans being up-to-date and relevant, thus reinforcing the provisions of Section 25 of the Act. The SPP (Promoting Rural Development), amongst other criteria, states that in areas of intermediate accessibility and pressure for development, Development Plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan. It elaborates that in accessible or pressured rural areas, plans and decision making should generally guide most new development to locations within or adjacent to settlements and should promote economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced. The SPP (Enabling the Delivery of New Housing) also requires the Development Plan to identify a generous supply of housing land, within a range of attractive, well designed sites that can contribute to the creation of successful and sustainable places. The Development Plan is the

preferred mechanism for the delivery of housing / residential land rather than individual planning applications.

2.2.3 An errata to SPP was published on Friday 18/12/2020 as a result of changes to paragraphs 28, 29,30, 32, 33 and 125. Paragraph 125 now states:

"Proposals that do not accord with the development plan should not be considered acceptable unless material considerations indicate otherwise. Where a proposal for housing development is for sustainable development and the decision-maker establishes that there is a shortfall in the housing land supply in accordance with Planning Advice Note 1/2020, the shortfall is a material consideration in favour of the proposal. Whilst the weight to be afforded to it is a matter for decision-makers to determine, the contribution of the proposal to addressing the shortfall within a five year period should be taken into account to inform this judgement. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29."

2.2.4 Policy 1 of TAYplan (2017) sets out a spatial strategy to deliver a sustainable pattern of development which says where development should and should not go in order to deliver the vision and the outcomes which underpin it. Most new development will be built in principal settlements. These are the TAYplan area's cities and towns where most people live and most jobs, services and facilities are already located. They can have significant land and infrastructure capacity to accommodate future development. Policy 1 (C) considers development outside of principal settlements (such as Newburgh), advising that Local Development Plans may also provide for some development in settlements that are not defined as principal settlements (Policy 1A). This is provided that development can be accommodated and supported by the settlement, and in the countryside; that the development genuinely contributes to the outcomes of this Plan; and, it meets specific local needs or does not undermine regeneration of the cities or respective settlement. Proposals for development in the countryside should be assessed against the need to avoid suburbanisation of the countryside and unsustainable patterns of travel and development.

2.2.5 TAYplan Policy 4 Homes states that Local Development Plans will plan for the average annual housing supply targets and housing land requirements illustrated in Map 4 to assist in the delivery of the 20 year housing supply target of 38,620 homes between 2016 and 2036. For the first 12 years up to year 2028 the total housing supply target is of 23,172 homes across TAYplan. In the period 2028 to 2036 a housing supply target in the order of 15,448 homes may be required, subject to future plan reviews. To achieve this, Local Development Plans will identify sufficient land within each Housing Market Area to meet the housing land requirement. Policy 4/Map 4 plans for housing supply targets of 1,931 new homes per year across the TAYplan area. This is 23,172 over the first 12 years of this plan (2016-28) and approximately 38,620 homes over the whole 20 year period. Within the TAYplan area of Fife, noted as "North Fife" the housing supply target from 2016 to 2028 is 295 (74 affordable) and the housing land requirement is 325, for the Greater Dundee Housing Market Area (HMA) (where this extends to the most northerly part of Fife) this equates to a housing supply target of 40 and a housing land requirement of 44.

2.2.6 There is a requirement on the Local Development Plan to ensure that the mix of housing type, size and tenure meets the needs and aspirations of a range of different households throughout their lives, including the provision of an appropriate level of affordable housing based on defined local needs. For the whole of the TAYplan area this will be an approximate ratio of 25% affordable to 75% market homes but may vary between housing market areas and Local Authorities.

2.2.7 The Adopted FIFEplan Local Development Plan (2017), Policy 1: (Development Principles) considers that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. 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 the Local Development Plan.

If the proposal does not meet either of the above criteria, the principle of development may be supported if the development is for:

- a) housing on a site which is not allocated for housing in this Plan but which accords with the provisions of Policy 2: Homes; or
- b) employment land for industrial or business use in a location where there is clear evidence of a shortfall in supply.

Development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C. In the instance of housing development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; Policies 2 and 7.

2.2.8 Under Part B of Policy 1, development proposals must address their development impact by complying with relevant criteria and supporting policies listed in the plan. In the case of housing proposals, they must mitigate against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure (see Policy 3 Infrastructure and Services, and Policy 4 Planning Obligations). Proposals must also protect Fife's existing and allocated employment land (see Policy 5 Employment Land and Property).

2.2.9 Part C of Policy 1 requires development proposals to be supported by information or assessments which demonstrate that the proposal will comply with criteria and supporting policies relevant to the specific development.

2.2.10 Policy 2 (Homes) of FIFEplan (2017) supports housing development to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply;

1. on sites allocated for housing in the Plan; or
2. on other sites provided the proposal is compliant with the policies for the location.

Where a shortfall in the 5 year effective housing land supply is shown to exist within the relevant Housing Market Area, housing proposals within this Housing Market Area will be supported subject to satisfying each of the following criteria:

1. the development is capable of delivering completions in the next 5 years;
2. the development would not have adverse impacts which would outweigh the benefits of addressing any shortfall when assessed against the wider policies of the plan;
3. the development would complement and not undermine the strategy of the plan; and
4. infrastructure constraints can be addressed.

Policy 2 additionally sets out that all housing proposals must: meet the requirements for the site identified in the settlement plan tables and relevant site brief; and include provision for appropriate screening or separation distances to safeguard future residential amenity and the continued operation of lawful neighbouring uses in cases where there is potential for disturbance.

2.2.11 Fife Council's most recent Housing Land Audit (2019) identifies that in the Greater Dundee LHSA, there is an expected shortfall of 24 units (all tenure) in the five year housing land supply target (2019-2024). This shortfall was calculated using the housing supply target figures within TAYplan (40 units per annum). In accordance with the recent 'Gladman decision', using TAYplan's housing land requirement figure (44 units per annum), it is recognised that the expected (all tenure) shortfall in the five year land supply increases to 50 units. Per the updated Paragraph 125 of the SPP, the housing shortfall is a material consideration in favour of the proposal during the Planning Authority's determination of the application.

2.2.12 As identified through the combined HNDAs (2018-2030), Fife Council's Strategic Housing Investment Plan 2021/22 - 2025/26 (SHIP) identifies that the Greater Dundee HMA has an annualised affordable housing need of 16 units (80 units over the 5 year plan period). The SHIP identifies that 160 units might be delivered over the 5 year plan period; it is noted that the SHIP does include an overprovision of around 25% included to prepare for any slippage in the programme and to take advantage of any additional funding that may be available. The identified 160 units includes the 34 units proposed in this application. The Local Housing Strategy 2020-2022 identifies that the combined TAYplan HMAs (Cupar & North-West Fife, St Andrews & North East Fife and Greater Dundee Fife) require 26% of Fife's overall annual housing requirement which is greater than the 20% of households located within area.

2.2.13 Policy 5 of FIFEplan sets out that all existing employment areas, and those allocated in this Plan, identified on the Proposals Map, will be safeguarded for continued industrial and business use. Development for industrial or business uses in these areas will be supported only if:

- 1.it is an employment use class consistent with existing or proposed employment activity on the site or neighbouring site; or
- 2.it will not restrict the activities of existing or future businesses on the site or neighbouring employment sites

2.2.14 Policy 7 of the Adopted Local Plan stipulates that development in the countryside will be supported where it, is required for agricultural, horticultural, woodland, or forestry operations; will diversify or add to the above land-based businesses to bring economic support to the existing business; is for the extension of established businesses; 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; is for facilities for access to the countryside; is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or is for housing in line with Policy 8 (Houses in the Countryside). Additionally, 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.

2.2.15 The application site is allocated in FIFEplan (2017) as NEB002 for residential development of approximately 50 units. FIFEplan (2017) includes specific requirements for the development of the NEB002 site, including details of how the Planning Authority will assess any future application. These requirements are set out below:

o A Development Framework covering sites NEB001 and NEB002 should be prepared by the developer for Fife Council approval with input from all land owners and following consultation with the local community. This will identify the limits and phasing of development.

o The Development Framework for these sites will be a vehicle to deliver the mix of uses required and the infrastructure to secure implementation. The land areas specified for these uses are indicative only. It is anticipated that subsequent planning approvals may be subject to appropriate planning obligations to secure full implementation.

o Primary access off the A913 with junction also serving development to south of Cupar Road. Secondary access required. Transport Assessment required.

o Design and layout must ensure that there is no adverse impact on the nearby Category A Listed Lindores Abbey, which is also a Scheduled Ancient Monument.

o Development proposals will be tested against the 6 qualities of successful places established in the Scottish Government's Designing Places policy. Fife Council's Making Fife's Places Supplementary Guidance also provides further information on: the site appraisal process to be undertaken; the design principles which apply to all developments in Fife; and, how Fife Council will evaluate if a proposal meets the 6 qualities of successful places.

2.2.16 With regard to NEB001, the FIFEplan (2017) allocation of this site proposes 225 dwellings, 1ha. of employment land, 1.2ha. of land for a cemetery extension and 0.6ha of land allocated for a primary school extension

2.2.17 As set out above, Development Framework has been submitted as part of this application which covers sites NEB001 and NEB002 which contains a masterplan, setting out the vision for future developments across the two allocated sites, including the phasing. The Development Framework/masterplan also identifies specific areas of land for each of the differing land uses proposed as part of the NEB001 site allocation. In this regard, it is noted that the Development Framework proposes to divide the 1.9ha. NEB002 site between 34 affordable dwellings (subject of this application) and 1ha. of employment land to the north of this. The Development Framework sets out that the applicant envisions for the employment land to be delivered by Lindores Distillery as an extension to their existing operation located east of the site. Noting that the land areas specified for the varying uses with the FIFEplan proposals is only indicative and given the intension for the employment land to be taken over/delivered by Lindores Distillery, a principal employer in Newburgh and north west Fife, the Planning Authority is supportive of the principle of locating the necessary 1ha. of employment land to the north of the current application site. The application therefore complies with the requirements of policy 5 of FIFEplan (2017). Fife Council's Economic Development Officers confirmed that they were satisfied with the positioning of the proposed employment land, however noting that no evidence of a formal agreement with Lindores Distillery to develop the land had been presented to the Planning Authority, they recommended conditions to ensure the land identified is made available for general employment use, and is fully serviced and delivered upon the completion of the 50th residential unit or two years from the start of the development (whichever comes first). A further condition was recommended for the employment land to have a direct frontage onto Abbey Road. Whilst the conditions recommended by Economic Development are noted, it is considered that their restrictive nature would not align with the applicant's proposed phasing or intension for the employment land to be delivered by the distillery, whilst it may also not be viable for the applicant to deliver the employment land after completing just 16 market units. It is considered

that it would be more appropriate to include a condition for the timing of the delivery of the employment land to be agreed as part of any future phase 2 application.

2.2.18 Whilst the location of the employment land would reduce the land availability for the 50 units identified for NEB002, the applicant would be able to provide additional land for residential development in the NEB001 site. Whilst only one access point is proposed, it is noted that a secondary, independent, access point would be provided for the proposed employment area to the north. The locations identified for the cemetery and primary school extensions are considered to be acceptable. Overall, it is considered that the submitted Development Framework and indicative masterplan, including proposed land use allocations, for the development of sites NEB001 and NEB002 in FIFEplan (2017) is acceptable in principle. A condition is recommended for the Development Framework and masterplan to be updated upon the submission of each subsequent application.

2.2.19 Turning to the 34 affordable units proposed in this application, given as the application site is allocated for housing development, with completion expected in next five years, the proposal is considered to be acceptable in principle in simple land use terms. Additionally, Fife Council Housing Services have confirmed that the housing mix presented reflects the needs for affordable housing identified in the Taycoast Local Housing Strategy Area (LHSA).

2.2.20 It is noted that the application site boundary would stray outwith the allocated site boundary into countryside land. However, as this additional area of land is for a proposed SuDS basin, this is considered to be acceptable in this instance as the proposed SuDS basin would represent essential infrastructure for the residential development and it is accepted that there would be no alternative location for this infrastructure given as it is proposed within the masterplan to provide employment land to the north of the current application site.

2.2.21 As established above, there is a small housing shortfall identified in the Greater Dundee HMA (housing supply target shortfall of 24 units and a housing land requirement shortfall of 50 units). SPP and Policy 2 of FIFEplan (2017) set out that the identified housing shortfall in the HMA is a material consideration in favour of approval of the proposal. In this regard, whilst the proposed site layout is not considered to fully comply with FIFEplan policies and urban design guidance (as shall be explored in detail later in this report), as the proposed 34 units would be the first phase of a much larger development across two allocated residential development sites which would assist to address the housing shortfall in the HMA, on balance, the Planning Authority is supportive of the development in principle.

2.2.22 Overall, it is considered that the residential proposal largely meets the terms of allocation NEB002 in that the requirements of the site allocation have been met where it is considered to be proportionate and appropriate for the first phase of development of NEB001 and NEB002. The straying of the application site into the countryside to accommodate a SuDS basin is considered to be acceptable. Whilst a masterplan for a total of 209 residential units, employment land, cemetery and primary school extensions has been submitted across the two allocated sites, only 34 residential units could be built through any consent given through this planning application. Future applications (containing updates to the masterplan) would still need to satisfy the additional requirements of site allocations NEB001 and NEB002.

2.2.23 In conclusion, the Planning Authority is satisfied that the proposed development meets the requirements of Scottish Planning Policy (2014), Policies 1 and 4 of TAYplan (2017), Policies 1, 2 and 5 of FIFEplan (2017). Subsequently, the proposed development is considered to comply with Policies 7 and 8 of FIFEplan (2017). The proposed development is thus considered to be acceptable in principle. The overall acceptability of the development must however also satisfy other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

2.3 DESIGN AND LAYOUT/VISUAL IMPACT

2.3.1 As a result of the settlement edge location and Green Network Policy Area designation, further consideration must be given to the visual impacts of the development. SPP, Designing Streets (2010), TAYplan Strategic Development Plan (2017), FIFEplan Local Development Plan (2017) Policies 1, 7, 10, 13 and 14, and Making Fife's Places Supplementary Guidance (2018) apply with consideration to the design and layout of the proposed development.

2.3.2 SPP paragraph 42 sets out that a pleasant, positive sense of place can be achieved by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement. Paragraph 194 promotes positive change that maintains and enhances distinctive landscape character. In addition, SPP paragraph 202 states that development should be designed to take account of local landscape character and the potential effects on landscapes, including cumulative effects. The SPP directs Planning Authorities to adopt a precautionary approach when considering landscape impacts, but also to consider the ways in which modifications to a proposal could be made to mitigate the risk (paragraph 204).

2.3.3 Designing Streets (2010) is the Scottish Government's Policy Statement for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. This document sets out that street design must consider place before movement, whilst street design is a material consideration in determining planning applications. Street design should meet the six qualities of successful places. Furthermore, it is advised that street design should be based on balanced decision-making and must adopt a multidisciplinary collaborative approach.

2.3.4 TAYplan (2017) Policy 2 aims to deliver better quality development and places which respond to climate change, Local Development Plans, design frameworks masterplans/briefs and development proposals should be:

- a) Place-led;
- b) Active and healthy by design;
- c) Resilient and future-ready; and
- d) Efficient resource consumption.

2.3.5 FIFEplan (2017) Spatial Strategy promotes an increase in Quality of Place through new development in Fife. FIFEplan Policy 1 Part C requires proposals to demonstrate adherence to the six qualities of successful places. Policy 14 provides more detail on these principles of good placemaking. The six qualities require places to be: distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and, easy to move around. Fife Council will apply the six qualities of successful places in order to assess a proposal's adherence to these principles.

2.3.6 Policy 7 of FIFEplan (2017) advises that development proposals 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. Policy 10 (Amenity), requires proposals to demonstrate that development would not result in a significant detrimental impact on amenity in relation to visual impact. Policy 13 (Natural Environment and Access) aims to protect natural heritage and access assets and encourages the enhancement of designated sites of local importance, including Local Landscape Areas as well as landscape character and views more generally. 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. Policy 14 additionally sets out that developments are expected to achieve the six qualities of successful places.

2.3.7 FIFEplan (2017) Policy 13: Natural Heritage and Access states that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas. Where adverse impacts on existing assets are unavoidable, the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. Making Fife's Places Supplementary Guidance sets out the level of site appraisal an applicant is expected to undertake as part of the design process. This includes consideration of the landscape setting, character and the topography of the site. This consideration is particularly important when determining proposals at the edge of a settlement. The appraisal process may also require an assessment of the townscape character of the site context, where appropriate. Applicants are encouraged to demonstrate that the proposal has followed a robust design process. Making Fife's Places includes an evaluation framework to guide the assessment of the design process undertaken. Appendix B of the Supplementary Guidance sets out the detailed site appraisal considerations in relation to landscape change.

2.3.8 The FIFEplan (2017) green network requirements for the site are relevant:

- o Establish a high quality development frontage on to A913, through an appropriate boundary solution and new tree planting which reflects the wider rural character of the approach to Newburgh from the east as a key entrance to the village; and
- o Create strong landscape edge along the eastern boundary of the site to provide a setting for the development and Newburgh, and to prevent future coalescence with Burnside.

2.3.9 With regard to the green network requirements for the site, it is recognised that the proposed development includes a dense tree belt along the eastern site boundary, with the properties fronting on to Cupar Road set behind low hedges. The proposed eastern boundary tree belt was added to the proposal by the applicant following concerns raised by the Case Officer and the Council's Urban Design Officer regarding the visual impact on the development on approach to Newburgh from the east, as well as impacts on the setting of the LLA. Concerns were raised regarding the orientation and density of properties proposed which would form the new visually prominent eastern boundary of Newburgh; the timber fence proposed for the eastern boundary was also considered to be inappropriate. The inclusion of the proposed tree belt would however assist to screen the residential development and provide a defined green edge to the settlement. As well as the biodiversity enhancements, it is considered that the proposed tree belt would form a defined landscape edge, creating a welcoming and gradual rural to urban transition on approach to Newburgh from the east. Presently, when travelling along Cupar Road (before and after Burnside), the land to the north (identified as the Den Burn and Eastern Approach Green Network and Taycoast LLA) is noted for its strong rural character which is significant in shaping and defining the approach to the settlements, with distant views of the River Tay also possible. This open aspect is considered to greatly contribute to the setting of

Newburgh (and Burnside), with views of the Tay, fields, farm buildings and houses beyond contributing to the gradual transition from rural to urban. It is considered that the north/south tree belt would reflect the wider rural character of the eastern approach to Newburgh as a key entrance to the village, providing a defined edge to the settlement whilst ensure important views over the village and of the Tay are maintained. Whilst the Urban Design Officer's consultee response highlights that tree planting should not solely be used to hide developments from view, it is considered in this instance that the proposed tree belt along the eastern boundary complies with the green network requirement identified for the site in FIFEplan. Overall, it is considered that the green network requirements for the site would be met through the inclusion of tree planting along the eastern boundary and low hedges along the southern. The proposed development would represent a positive, green, rural to urban transition as the new settlement edge of Newburgh, avoiding future coalescence with Burnside. The proposed development is therefore considered to accord with Policies 1, 10, 13 and 14 of FIFEplan (2017), Making Fife's Places Supplementary Guidance (2018) as well as the 'Distinctive' and 'Welcoming' principles of the six qualities of successful places which seek to ensure the relationship between new development and the countryside is sensitively handled. Conditions are included to ensure the tree and hedgerow planting takes place and are suitably maintained.

2.3.10 Given consideration to the design, massing and finishing materials of the proposed dwellings themselves, it is considered that they would be suited to the urban surroundings and there is nothing to suggest to the Planning Authority that the units would not be constructed to a standard comparable to market housing. The fronting of the semi-detached and terraced properties on to Cupar Road, set behind low hedges, is also welcomed. Notwithstanding the general acceptable appearance of the proposed dwellings (and views directly from the public road), the internal layout of the site, comprising of two cul-de-sacs, is not considered to an optimal design solution. The Planning Authority previously raised significant concerns regarding the layout of the development, contributing to the previous refusal recommendation, with one of the key aspects of SPP and the six qualities of successful places being that streets – in particular those in residential areas – should not be designed to principally serve vehicles. Development proposals should include principles to address how the design of any shared surface streets (or internal roads) balances out the needs of people (for walking, socialising, play etc) with vehicular movements – through design, materials, street furniture etc. It was considered that the previous iteration of the proposed development failed to incorporate the above principles, with no pedestrian thoroughfares and internal streets overcome by views of high timber fences and long rows of parked cars, contrary to the essential requirements of the 'Safe and Pleasant' principle within the six qualities of successful places.

2.3.11 Taking on board the Planning Authority's concerns, the applicant has altered the site layout, with a pedestrian route, connecting Cupar Road with Abbey Road to the north, now incorporated, as well as improved rear property boundary treatments for Plots 25-34. Whilst the proposed cul-de-sac layout would not reflect the recommendations of 'Designing Streets' as in general as a design solution they are traditionally seen as restrictive and catering to the needs of vehicles above people, it is considered that the inclusion of the north/south pedestrian link, located at the western side of the development, would assist to better integrate the development with its surroundings by providing connectivity and a choice of movement routes for pedestrians. Furthermore, whilst concerns were previously raised by the Planning Authority regarding the public realm of the development, most notably the east/west cul-de-sac which would have subjected pedestrians to be enclosed by a long row of parked cars and high timber fences, it is noted that the addition (and location) of the pedestrian access points would no longer require the east/west cul-de-sac to serve as the only available movement route. In addition to this, it is considered that the inclusion of reconstituted brick walls would assist to break up the monotony

of the previously proposed continuous timber fence along the rear boundaries of Plots 25-34. Notwithstanding the improvements introduced, it is noted that the proposed green amenity space (SuDS basin) would be located on the edge of the development and would not be well overlooked by the dwellings, whilst the proposed 450mm 'timber knee rail fences' are also not considered to be a visually attractive or robust front boundary treatment. Additionally, the concerns regarding the visual dominance of parked cars throughout the site remain. Notwithstanding the layout concerns raised, the Planning Authority do note the site constraints imposed given the optimal location of the proposed employment land to the north of the site (explored in detail below), a significant material consideration in the determination of this application.

2.3.12 Further to the above, during discussions with the applicant, it was made clear that the Fife Council Housing Service (who would take over the site) wished for the development to conform to the 'Secured by Design' accreditation principles. The 'Secured by Design' accreditation principles restricted the ability to make large scale alterations to the site layout as it seeks to ensure a limited number of routes out of the site. Whilst the Planning Authority is sympathetic of the desire to adhere to 'Secured by Design' accreditation principles, it is considered that these principles, initially established in 1989 by the police in an attempt to improve the security of buildings and their immediate surroundings to provide safe places to live, work, shop and visit by limiting neighbourhood permeability, are no longer supported by current urban design and Designing Street recommendations (for example the six qualities of successful places).

2.3.13 In their consultation response, the Council's Urban Design Officer suggested that the visual dominance of parked cars throughout the public realm of the site may be a result of overdevelopment. In this regard, it is noted that the approximately proposed 15 units per acre would be greater than the 10 units per acre envisioned for the site in the FIFEplan (2017) allocation (50 units over 1.9ha.) Notwithstanding this, it is considered that the proposed housing density would be largely consistent with other housing developments recently approved by the Planning Authority.

2.3.14 As is highlighted throughout the submitted Development Framework and design statement, the proposed site layout is stated as being a direct design response to incorporating 1ha of employment land to the north, reducing the area of land available to deliver housing in the NEB002 site. In this regard, whilst the employment land requirement is identified for the NEB001 site, given as it is proposed for the employment land to be taken up by Lindores Distillery (a key economic and tourism driver for the village and beyond) as part of their expansion plans, it is considered by the Planning Authority that it makes economic and practical sense to locate the 1ha. of employment land next to the existing distillery buildings. A consequence of this is a reduction in the space available to deliver housing on the NEB002 site, whilst it also limits the ability to provide additional pedestrian and vehicular accesses for the residential development. The applicant contends that the proposed cul-de-sac layout is the most appropriate solution for the site to ensure the employment land can be delivered in an optimal location. The proposed development would also ensure a well-designed frontage faced onto Cupar Road.

2.3.15 As set out previously in this report, there is an identified housing shortfall in the local HMA. Given the scale of this shortfall of between 24 and 50 units (depending on HST vs HLR method) over five years, whilst Fife Council's Housing Service has also identified a need for additional affordable housing in this part of Fife. SPP directs that housing shortfalls are a material consideration in favour of approval of the proposal. Taking the housing shortfall and identified affordable housing need into consideration, positive landscape edge proposed, and the economic, tourism and practical benefits of providing land adjacent to the distillery to enable

expansion, and weighing these against the concerns raised regarding the internal layout of the proposed housing development, it is considered by the Planning Authority that these material considerations tip the balance of this recommendation towards approval.

2.3.16 With regard to the Development Framework and masterplan, whilst no detailed site layouts have been included as this stage, indicative street hierarchies have been set out and consideration given the principles of designing successful places. It is considered that there is sufficient space within the NEB001 site (not restricted by having to set aside land for employment uses) for the applicant to design the proposed future phases of residential development in a way which could be supported. Through future detailed proposals, the application of the design principles identified at this stage can help ground future development in its place and make a positive contribution to the sites' design and development. Detailed Design and Access Statements will require to be submitted in order to support future applications for the identified uses which would need to demonstrate compliance with the overall masterplan design principles.

2.3.17 In conclusion, whilst it is recognised that the layout does not achieve the optimum design requirements set out in Making Fife's Places and Designing Streets, it is recognised that this is largely a result of the impact arising from the location of the proposed employment land. The proposed positioning of the employment land within the masterplan is supported by the Planning Authority. It is also noted that the proposed development would meet the green network priorities for the site, provide a positive frontage onto Cupar Road and include pedestrian links to the north. Overall, given the material benefits in favour of development, including the identified housing shortfall and economic and tourism benefits of accommodating an expansion to the distillery, the Planning Authority is supportive of the proposed development, with the material benefits outweighing the shortfall in the design/layout of the development.

2.4 IMPACT ON HISTORIC ENVIRONMENT

2.4.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018), the Newburgh Conservation Area Appraisal and Management Plan (2018) and Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019) and Managing Change in the Historic Environment: Setting apply with regard to this proposal.

2.4.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall 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. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application, the Planning Authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Design and materials which will affect a conservation area or setting of a listed building shall be appropriate to both the character and appearance of the building or area and its setting.

2.4.3 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It advises that development should

enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use. Section 145 of Scottish Planning Policy (2014) notes that 'Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances'.

2.4.4 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Additionally, Policy 10 of FIFEplan (2017) advises that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported, whilst also setting out that developments are expected to achieve the six qualities of successful places; distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond.

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

2.4.6 Fife Council's Newburgh Conservation Area Appraisal and Management Plan (2018) provides a detailed conservation review of the town's Conservation Area boundaries. Further to this, it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the conservation area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019).

2.4.7 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment. HES Managing Change in the Historic Environment: Setting; recognises the importance setting has on the historic environment, including listed buildings and conservation areas. 'Setting' is the way the surroundings of a historic asset contribute to how it is understood, appreciated and experienced. The guidance notes that buildings and gardens are designed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Setting is therefore unrelated to modern landownership, often extending beyond immediate property boundaries into the wider area. The setting of a historic asset can incorporate a range of factors, including: views to, from and across or beyond the historic asset; the prominence of the historic asset of place in views throughout the surrounding area, bearing in mind that sites need to be visually prominent to have a setting; general and specific views including foregrounds and backdrops; and relationships with other features.

2.4.8 The FIFEplan (2017) requirements for the development of NEB002 sets out that the design and layout of proposals must ensure that there would be adverse impact on the nearby Category A Listed Lindores Abbey, which is also a Scheduled Ancient Monument. In their initial consultation responses on this application, both the Council's Built Heritage Officer and HES set out that further information was required to confirm that there would be no adverse impact on the historic asset.

2.4.9 The Scheduled Ancient Monument comprises the upstanding and buried remains of Lindores Abbey, its precinct and associated walls. This Tironensian Abbey was founded in the latter half of the 12th century AD and is located on the south shore of the River Tay at approximately 5m above sea level. Today, the footprint of the Abbey is bisected by a modern road (Cupar Road) which runs NE-SW, meaning that there are two scheduled areas: North of the Road; and South of the Road. The area south of Cupar Road (adjacent the application site) is described by HES in their consultation response as follows:

"The scheduled area of the monument comprises a section of walling and the buried remains of associated buildings, thought to include a monastic barn or granary. The upstanding wall is L-shaped on plan, approximately 1.5m thick, and originally formed part of a substantial rectangular building, measuring a minimum of 20m by 6m. The wider abbey complex south of the road is contained within the paddocks of an equestrian steading, while the upstanding remains of the abbey and precinct north of the road lie within the garden grounds of the adjoining residential property."

2.4.10 HES advised that they did not object to the proposed development given as the principle of development had already been established through the identification of application site for development in FIFEplan (2017). With regard to potential indirect impacts on the Abbey, HES advised that although outward views from the main part of the Abbey complex (north of the road) are restricted to an extent by the enclosing wall, some views in the direction of the proposed development may still be possible from certain areas, whilst the proposed development would likely be highly visible from the wall (south of the road).

2.4.11 Following these initial concerns from the Council's Built Heritage Officer and HES, a Heritage Impact Assessment was submitted. This assessment explored the potential impacts of the proposed development on the Abbey, giving reference to HES's Historic Environment Policy for Scotland and Managing Change in the Historic Environment: Setting publications. The assessment examines the historical importance of the Abbey and is supported by photographs taken from various positions within and surrounding the site and Abbey, as well as key viewpoints from the Core Path Network and on entry to Newburgh. The assessment concludes that given the lack of indivisibility between of the application and Abbey, the proposed development would have a neutral impact on the setting of the Category A Listed Building/Scheduled Ancient Monument. The assessment additionally sets out how the proposed dwellings would be separated from the Abbey by the large landscaping/SuDS area which would assist to protect the setting of the building's remains.

2.4.12 Upon further consultation with the Council's Built Heritage Officer, it was agreed that the findings and conclusions of the Heritage Impact Assessment, and the viewpoints which were considered, were appropriate. The Planning Authority is therefore satisfied that the FIFEplan (2017) requirements for the site have been met and the proposed development would not have a significant direct or indirect impact on Lindores Abbey, including its setting. The proposed development is thus considered to be acceptable with regard to its impact on the historic environment.

2.4.13 In conclusion, the proposed development would be located within close proximity to the remains of Lindores Abbey, Category A Listed Building/ Scheduled Ancient Monument. The information submitted in support of this application confirms that the proposed development would have a neutral impact on the setting of the Abbey. The proposed development is therefore considered to be acceptable with regard to its impact on the historic environment.

2.5 TRANSPORTATION/ROAD SAFETY

2.5.1 SPP, Policies 1, 3 and 10 of the Adopted FIFEplan Local Development Plan (2017), Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) and Scottish Government Designing Streets (2010) apply with regard to this proposal.

2.5.2 The national context for the assessment of the impact of new developments on transportation infrastructure is set out in SPP (A connected Place). The SPP (Promoting Sustainable Transport and Active Travel) indicates that the planning system should support patterns of development which optimise the use of existing infrastructure and reduce the need to travel. The overarching aim of this document is to encourage a shift to more sustainable forms of transport and reduce the reliance on the car. Planning permission should also be resisted if the development would have a significant impact on the strategic road network. The design of all new development should follow the place-making approach set out in the SPP and the principles of Designing Streets, to ensure the creation of places which are distinctive, welcoming, adaptable, resource efficient, safe and pleasant and easy to move around and beyond.

2.5.3 Policy 1 of FIFEplan states that development proposals must provide the required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 of FIFEplan advises that such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Transportation Development Guidelines set out the minimum parking standards for developments, as well as standards for roads developments.

2.5.4 Designing Streets is the Scottish Government's policy statement for street design. The premise upon which the document is based is that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets does not, thus, support a standards-based methodology for street design but instead requires a design-led approach that assists to create a sense of place for users. Designing Streets advocates that new development should have multiple access points to connect the proposed development to existing settlement, rather than creating a stand alone development with poor connectivity to the existing built up area.

2.5.5 The application is for 34 affordable dwellings, accessed by a single vehicular junction off the A913/Cupar Road. At this location the speed limit on Cupar Road is 30mph. With no secondary pedestrian routes proposed, the junction with Cupar Road would serve as the only vehicular and pedestrian route to the site. The proposed single point of vehicular/pedestrian access is considered to be contrary to Designing Streets which advocates that new development should have multiple access points. The single point of access for pedestrians was highlighted as an area of concern by Fife Council's Transportation Development Management (TDM) and Urban Design Officers in their initial consultation responses on this application.

2.5.6 FIFEplan (2017) sets the requirements for two points of vehicular access to serve the NEB002 site. Whilst only access point is proposed, it is considered that this would be acceptable to serve a development of 34 units, with the submitted masterplan detailing that the proposed employment land to the north of the application site would be served by its own access on to Abbey Road. This requirement for two vehicular accesses to NEB002 within FIFEplan (2017) is therefore considered to have been complied with. FIFEplan (2017) also sets out that a Transport Assessment is required.

2.5.7 Concerns were raised in the submitted objections regarding the ability of Cupar Road to accommodate the increase in vehicular traffic from the proposed development and wider masterplan. A Transport Assessment (TA), prepared by Mott MacDonald, has been provided to support the application. The TA covers the traffic generated by the overall masterplan area, concluding that there is likely to be a negligible impact on the surrounding road network. The TA was reviewed by TDM Officers who did not raise any concerns with its findings or conclusions.

2.5.8 During discussions with the applicant, the Planning Authority expressed their desire for pedestrian accesses to be provided on to Cupar Road and Abbey Road to the north. The failure to include such pedestrian provisions was one of the contributing factors of the previous recommendation of refusal, however as a north/south thoroughfare has now been incorporated, the Planning Authority's concerns have been somewhat reduced.

2.5.9 In addition to the above concerns regarding lack of pedestrian access points, it is considered that the proposed road layout, comprising of two cul-de-sacs, would not reflect the requirements of 'Designing Streets', resulting in a restrictive, introverted layout which fails to integrate with its surroundings and does not promote pedestrian permeability. This lack of pedestrian permeability is highlighted by routes through the site facing onto enclosed back gardens (notably the east/west road) and long rows of parking spaces positioned perpendicular to the internal roads. This has resulted in the site layout appearing visually dominated by parked cars and pedestrians being considered secondary to vehicles, contrary to Design Streets and the six qualities of successful. It was suggested to the applicant that a continuous internal loop road or shared surface arrangement could have resulted in a more positive street layout and user hierarchy which would have placed pedestrians above private motor vehicles, however (as highlighted above) the constraints of the site by accommodating the employment land prevented this. Similar to the considerations set out previously in this report, the Planning Authority considers that the material benefits in favour of the development outweigh the concerns raised regarding the internal site layout and connectivity. It is also noted that TDM Officers provided their support for the development.

2.5.10 With regard to the proposed car parking arrangements, 61 spaces are proposed, the majority of which would be communal, laid out in perpendicular rows between the internal roads and dwellings or around the turning heads of the cul-de-sacs. TDM have confirmed that the proposed parking arrangements are acceptable for an affordable housing development – it is noted that the Transportation Development Guidelines support a reduced number of parking spaces for affordable housing developments.

2.5.11 In their final consultation response, Fife Council TDM Officers advised that whilst they had concerns relating to the site layout and in particular connectivity to the surrounding residential area, weighing the positives of the affordable housing development and the site's proximity to local amenities and public transport, and as no concerns were highlighted in the TA, they ultimately supported the proposed development. TDM recommended a series of conditions

were the application to be approved. The recommended conditions and considered to be appropriate and have been included.

2.5.12 In conclusion, the improved pedestrian connectivity proposed addresses some of the concerns previously raised by the Planning Authority, however the proposed cul-de-sac layout would not reflect current Designing Streets recommendations which seek to promote connectivity between developments and their surroundings. Nevertheless, the Planning Authority is prepared to recommend the approval of the application given as some form of pedestrian connectivity would be provided and as the material benefits in favour of development outweigh the concerns raised regarding the use of cul-de-sacs at this location.

2.6 LOSS OF PRIME AGRICULTURAL LAND

2.6.1 SPP (Promoting Rural Development) and Policies 1 and 7 of FIFEplan Local Development Plan (2017) apply with regard to the loss of prime agricultural land.

2.6.2 SPP (Promoting Rural Development) recommends that development on prime agricultural land, or land of lesser quality that is locally important should not be permitted except where it is essential:

- o as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- o for small-scale development directly linked to a rural business; or
- o for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

2.6.3 Policy 1 of FIFEplan sets out that in the case of proposals in the countryside or green belt, development must be a use appropriate for its location. Policy 7 sets out that development on prime agricultural land will not be supported except where it complies with the requirements of SPP.

2.6.4 The application site is classified under the James Hutton Institute's land capability map for agriculture as class 3.1 agricultural land (considered to be prime). Nevertheless, it is noted that the majority of the application site is allocated in FIFEplan for residential development and is therefore considered to comply with the requirements of SPP and Policy 7 of FIFEplan with regard to development of prime agricultural land. Whilst the proposed SuDS basin would be located outwith the area allocated for development in FIFEplan (2017), this is considered to be acceptable in this instance as the proposed SuDS basin would represent essential infrastructure for the residential development and it is accepted that there would be no alternative location for this infrastructure given as it is proposed to provide employment land to the north of the application site.

2.6.5 In conclusion, as the proposal would involve the development of an allocated site within FIFEplan (2017) and provide essential infrastructure, it is considered that the loss of prime agricultural land would be acceptable on this occasion.

2.7 RESIDENTIAL AMENITY

2.7.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise, REHIS Briefing Note 017 Noise Guidance for New Developments, WHO's Guidelines for Community Noise, BS 6472-1:2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings and Fife Council Customer Guidelines on Daylight and Sunlight (2018), Garden Ground (2016) and Minimum Distances between Window Openings (2011) apply in terms of residential amenity.

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

2.7.3 PAN 1/2011 promotes the principle of how noise issues should be taken into consideration with determining an application. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development. It is recommended that Environmental Health Officers and/or professional acousticians should be involved in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments. The PAN recommends that Noise Impact Assessments (NIAs)/acoustic reports are submitted to aid the planning authority in the consideration of planning applications that raise significant noise issues. The purpose of a NIA is to demonstrate whether any significant adverse noise impacts are likely to occur and if so, identify what effective measures could reduce, control and mitigate the noise impact. Fife Council's recommended noise limits are:

- o Internal daytime (07:00-23:00) - 35db
- o Internal night-time (23:00-07:00) in bedrooms - 30db
- o External amenity areas - 50db

2.7.4 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.

2.7.5 The scope of WHO's Guidelines for Community Noise document is to consolidate actual scientific knowledge on the health impacts of community noise and to provide guidance to professionals trying to protect people from harmful effects of noise in non-industrial environments. WHO recognises that uninterrupted sleep is a prerequisite for good physiological and mental functions, and that a lack of sleep as a consequence of noise can have adverse health implications. WHO advises that for a good night's sleep, the equivalent sound level should not exceed 30dB. Section 3.3 of this document further sets out that 'for a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night', i.e. residents should not be subjected to individual noise events through the night exceeding 45 dB more than 10-15 times between 23:00-07:00. With regard to external areas, the WHO advises that to avoid people from becoming seriously

annoyed during the daytime, the average sound pressure level should be below 55dB (referred to as the upper limit), whilst to ensure people are not moderately annoyed during the daytime, the average sound pressure level should be below 50dB (referred to the lower limit).

2.7.6 BS 6472-1:2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings provides guidance on the assessment of human exposure to vibration sources other than blasting, such as vibration due to rail movements. The standard recommends thresholds of vibration dose value (VDV) relating to the probability of adverse comment. The vibration dose value is calculated from frequency weighted acceleration measurements, with frequency weightings derived by human response to vibration in both the horizontal and vertical planes.

2.7.7 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 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.

2.7.8 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.

2.7.9 The proposed layout for the application site and masterplan within the Development Framework were informed by a NIA and railway vibration survey, both carried out by EnviroCentre and submitted as part of this application. The NIA and railway vibration survey were carried out before a final site layout for the application site was realised and makes recommendations to inform a final layout. An addendum to the NIA, which specially considers the proposed layout presented in the application has also be submitted. The NIA reports predicted noise levels at the proposed noise sensitive receptor (NSR) locations associated with transport (road and rail) and industrial/commercial noise sources. Noise monitoring surveys were carried out with both daytime and nighttime periods considered; internal and external noise levels are reported.

2.7.10 The modelled noise levels reported in the NIA illustrated that several of the (indicative) plots facing the Cupar Road and Abbey garage would fail to achieve the recommended WHO daytime noise levels for external garden areas and internal nighttime levels (with windows partially open for ventilation). To effectively mitigate exceedances in external levels, the NIA recommended that the properties facing the Cupar Road should have the gardens re-oriented to behind the buildings, whereby the buildings would act as a shield to provide the additional attenuation required. In addition, a recommendation was also made for the erection of a barrier

(in the form of a close-boarded timber fence with a surface density of at least 20 kg/m²) around the garden boundary of the properties facing Abbey Garage (Plots 21-24).

2.7.11 The addendum to the NIA, which considers the detailed design and layout of the proposed 34 units, calculates that by locating that garden areas of Plots 25 - 34 (directly fronting Cupar Road) Road, as was recommended in the NIA, the external amenity spaces for these Plots would achieve the WHO target criterion of 50 dB. For these Plots to comply with internal noise level recommendations however, the NIA and addendum set out that a closed window solution would be required. Additionally, with regard to the rear amenity spaces of Plots 21-24, the NIA addendum contradicts the recommendations of the NIA by stating that a noise barrier would not be required given as the noise levels predicted in these areas would be approximately 55.4dB, describing this measurement as being "marginally above the level below which the majority of the population will be protected from being highly annoyed, as described by WHO".

2.7.12 Fife Council's Environmental Health Officers (EHOs) were consulted on this application, providing comment on the methodology and conclusions of the NIA and addendum. Upon review, the EHO did not raise any concerns regarding the submitted noise information with regard to internal noise levels for the proposed 34 units, however requested that the proposed closed window solution be specified. Additionally, they advised that the Planning Authority should be satisfied that the REHIS exceptional circumstances had been met. With regard to external noise levels, specifically Plots 21-24, the EHO advised they had concerns that the noise barriers recommend in the NIA had not been included in the final design of the proposed development. Failure to comply with recommended noise levels could ultimately prejudice the neighbouring business.

2.7.13 In response to the EHOs comments, as the application site is allocated in the development plan, it is considered that the exceptional circumstances criteria within the REHIS Briefing Note 017 would be met. A closed window solution is therefore deemed to be acceptable on this occasion. It has also been confirmed that the proposed dwellinghouses would be fitted with surface mounted sound attenuator vents and high performance double glazing; such mitigation measures are considered to be appropriate. With regard to the external noise level concerns raised by the EHO, the Planning Authority share these concerns. Whilst the exceedance of the WHO upper limit is marginal (<1dB), it is nonetheless above the upper limit and could lead to future residents being seriously annoyed during the daytime. Furthermore, the anticipate noise level would be more than 5dB above the WHO recommended lower limit of 50dB. As above, Fife Council's recommends that external areas within developments adhere to the lower 50dB limit. The agent of change principles require the Planning Authority did give consideration to existing business which may produce noise when determining new residential applications nearby. In this regard, the Planning Authority is concerned that a relaxation of its noise recommendation in this instance could have a prejudicial impact on the existing neighbouring business, Abbey Garage. As set out in the NIA however, this is a matter that could be overcome through the installation of an appropriate noise barrier. A condition has been recommended for an appropriate close boarded fence to be installed in the interests of residential amenity.

2.7.14 With regard to the indicative masterplan and Development Framework for the future Phases 2, 3 and 4, the Planning Authority would be satisfied for a similar approach to be taken as with the current application, i.e. further addendums to the NIA which consider the specifics of each part of the development once final layouts have been realised. An alternative NIA would however be required for the proposed employment land part of the masterplan. This further NIA shall consider the potential impacts of employment based land uses on existing neighbouring

properties and the 34 units proposed in this application. Planning conditions shall be used to secure this.

2.7.15 The submitted railway vibration survey undertook an assessment of the railway over a period of 3 hours 50 minutes. Using the collected results, the survey predicts a worst case 24 hour period for future residents using timetable information. Given the proximity of the application site to the railway line, the vibration survey is not considered to be directly relevant to the assessment of the current application, however its findings are pertinent to any future Phases 2, 3 and 4 of development as described in the Development Framework. In this regard, the vibration survey's calculated VDV's for a worst-case day indicated a low probability for adverse comment (per the values set out in BS 6472-1:2008). Neither Fife Council's EHO or a Network Rail Technician raised any concerns regarding the submitted survey. Network Rail confirmed they have no comments/objections to this application as they considers that it would have no impact on railway infrastructure.

2.7.16 With regard to privacy/window-to-windows 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 or permanent boundary treatments to prevent direct views between windows and into private garden areas. Additionally, it is calculated that, given the distance between the proposed dwellings (as well as area of open space) and existing properties, with intervening boundary treatments, the privacy of neighbouring properties would not be adversely impacted by the proposed development. Furthermore, it is calculated that 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, it is considered that neighbouring properties would not be subjected to material loss of sunlight.

2.7.17 Lastly, with regard to garden ground provision, 4 of the proposed 12 detached/semi-detached dwellinghouses would be served by private amenity spaces of more than 100 square metres (Plots, 12, 13, 17 and 18). The remaining 8 detached/semi-detached dwellinghouses would be served by private amenity spaces averaging approximately 70 square metres. On average, the proposed terraced and flatted dwellings would be served by private amenity spaces of approximately 62 square metres, greater than the 50 square metre recommendation of the guidelines. None of the proposed properties would be in-keeping with the recommended building footprint to garden space ratio of 1:3. Overall, whilst the 8 of the proposed 12 detached/semi-detached dwellinghouses would fall short of the garden ground recommendations set out in the Customer Guidelines, the Planning Authority would be prepared to relax the recommendations on this occasion given as the proposal would be for affordable housing. Given the indicative nature of the masterplan presented in the Development Framework, it is not possible at this stage to consider the garden ground provisions for proposed future phases of development.

2.7.18 In conclusion, the proposed development, and proposed future phases of development as indicatively detailed in the submitted masterplan/ Development Framework, is not considered to give rise to adverse residential amenity concerns, subject to the installation of a closed window alternative ventilation system and a noise barrier. Further information would be required to be submitted alongside future applications for Phases 2, 3 and 4 as detailed in the Development Framework to confirm the acceptability of these, however the Planning Authority is satisfied that development could take place without giving rise to residential amenity concerns.

2.8 LOW CARBON FIFE

2.8.1 Fife Council promotes sustainable development and consideration of this is set out within Policies 1 and 11 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) and the Fife Council Low Carbon Fife Supplementary Guidance (January 2019).

2.8.2 FIFEplan Policy 11: Low Carbon states that planning permission will only be granted for new development where it has been demonstrated that: 1. The proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 15% of these savings from 2016 and at least 20% from 2020; 2. Construction materials come from local or sustainable sources; 3. Water conservation measures are in place; 4. Sustainable urban drainage measures will ensure that there will be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment; and 5. Facilities are provided for the separate collection of dry recyclable waste and food waste.

2.8.3 The Fife Council Low Carbon Fife Supplementary Guidance (January, 2019) provides that applications for local developments are required to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into the proposal. Appendix B of this guidance provides a Low Carbon Sustainability Checklist which must be completed and submitted with all planning applications.

2.8.4 Information required by Fife Council's Low Carbon Sustainability Checklist for Planning Applications has been submitted as part of this application. The information submitted details that the proposed development would contain solar PV panels, whilst the generally north-south orientation would allow properties to benefit from natural solar gain. The information submitted details that the proposed development would adopt a 'fabric first' approach, making use of high levels of insulation to minimise heat loss. This approach would reduce the energy consumption of the dwellings to a minimum, with the small amount of energy required to heat the buildings partly produced using low carbon technologies, namely solar PV panels. The proposed solar panels would contribute to the 20% CO₂ emissions reduction target. To off-set the closed panel construction and low infiltration rates, the proposed dwellings would feature centralised mechanical extract units, strategically located trickle ventilators and extract points and, in some case, individual constantly running extract units. This ensures that the ventilation and extract rates are accurately controlled, provide a comfortable indoor environment, and contribute to the energy efficiency of the dwellings. There would be sufficient internal and external spaces for the storage of mixed recycling facilities consistent with current Building Standards. With regard to travel and transport, it is acknowledged that the application site is located within close proximity to bus stops along Cupar Road and is within walking distance to the town centre and local amenities, including the primary school. Lastly, the submitted information contains supporting calculations to confirm that it would not be viable to install a heat work to serve the proposed development given the low output from the neighbouring distillery which was identified as potential source; the Planning Authority is accepting of these calculations.

2.8.5 In conclusion, it is considered that the proposed development, would comply with the above noted FIFEplan policies and Supplementary Guidance with respect to sustainability.

2.9 CONTAMINATED LAND

2.9.1 PAN 33: Development of Contaminated Land (2000), PAN 51: Planning, Environmental Protection and Regulation (2006) and Policies 1 and 10 of FIFEplan Local Plan (2017) apply with regards to land stability in this instance.

2.9.2 PAN 33 advises that suspected and actual contamination should be investigated and, if necessary, remediated to ensure that sites are suitable for the proposed end use. PAN 51 aims to support the existing policy on the role of the planning system in relation to environmental protection regimes as set out in the SPP. Policy 10 of FIFEplan advises development proposals involving sites where land instability or the presence of contamination is suspected, the developer is required to submit details of site investigation to assess the nature and extent of any risks presented by land stability or contamination which may be present and where risks are known to be present, appropriate mitigation measures should be agreed with the Council.

2.9.3 The application site is not previously developed land and is considered unlikely that it has been subject to past contamination. Fife Council's Land and Air Quality Officers were consulted on this application (considering only the land within site boundary), advising that for a development of this size, even on previously undeveloped land, consideration of the possibility of land contamination is recommended. The Land and Air Quality Officer therefore recommend a suspensive condition that would require the developer to stop all works in the event that unexpected contamination being encountered on site. The applicant advised however that they would not support the inclusion of this condition on any approval, indicating that they would prefer to carry out ground investigations prior to the commencement of development. The applicant has confirmed they would be satisfied for conditions to be included for such investigations to be undertaken. The Planning Authority would not have any concerns regarding this arrangement and it is recommended that should Members approve this application, conditions be included which would set the requirement for the developer to carry out ground investigations prior to the commencement of works, and for a remediation strategy to be submitted if required.

2.9.4 The ground conditions of the other areas of land detailed in the Development Framework would be considered upon the submission of a planning application for these areas.

2.9.5 In conclusion, the applicant has confirmed that they would be satisfied for conditions to be included should the application be approved for ground investigations to be undertaken prior to the commencement of development.

2.10 FLOODING AND DRAINAGE

2.10.1 SPP (Managing Flood Risk and Drainage, Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

2.10.2 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures.

Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

2.10.3 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SuDS. Policy 12 of FIFEplan states that development proposals will only be supported where they can demonstrate compliance with a number of criteria, including that they will not individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere. The Council's 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note' sets out the Council's requirements for information to be submitted for full planning permission to ensure compliance. Finally, CAR requires that SuDS are installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.10.4 Per the most recent SEPA flood maps, neither of the NEB001 or NEB002 land allocations are identified as being at risk of flooding. The grassland to the east of NEB002, where it is proposed to install a SuDS basin, is identified as being at high risk of flooding from the Pow of Lindores, a small watercourse which flows close to the eastern boundary of the site before passing under Abbey Road and north before entering the River Tay. Flood risk concerns were raised in the submitted objections given the potential for increased flow into the Pow of Lindores. A Flood Risk Assessment (FRA), conducted by Kaya Consulting, was submitted as part of this application, exploring the risks from the Pow of Lindores, surface water runoff from higher ground, surcharging of local drainage system and from groundwater. 2D modelling was undertaken to inform the FRA.

2.10.5 Levels within the site vary from around 7m AOD adjacent to the Pow of Lindores, sloping up to approximately 10m AOD adjacent to Abbey Road. Levels continue to increase from Abbey Road towards the south at first gently and then more steeply reaching around 20m AOD adjacent to the cemetery and then sloping up towards the railway line along the southern site boundary at around 32m AOD.

2.10.6 The submitted FRA includes several recommendations to ensure the two allocated sites are developed without giving rise to flood issues. Recommendations include no dwellings being proposed in the flood plain of the Pow of Lindores (east of NEB002), finished floor levels of dwellings proposed along Cupar Road adjacent to the eastern site boundary in the NEB001 site being raised a minimum of 0.6m above the adjacent 1 in 200-year plus climate change flood level, and overland flow pathways being maintained with ground levels designed to shed surface water away from the development (with finished floor levels raised above the overland flow pathway).

2.10.7 With no dwellings proposed within the flood plain of the Pow of Lindores, the recommendations of the FRA, with regard to the application site, are considered to have been met. With regard to the recommendations for development within the NEB001 site, it is considered that there is sufficient scope for the applicant to design a scheme which fully incorporates the recommendations. The masterplan presented in this application for the development of NEB001 is therefore considered to be acceptable - detailed consideration would be given to how the FRA recommendations were incorporated into the development should a future application be submitted.

2.10.8 Fife Council's Structural Services Officers were consulted on this application. With regard to the submitted FRA, the Structural Services Officer did not raise any concerns with the findings, conclusions or layout of the proposed development, however they did note completed FRA compliance and independent check certificates (contained within Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)) had not been provided. The Planning Authority would normally request that this information be provided prior to determination, given Structural Services' acceptance of the FRA, the Planning Authority is satisfied for updated certificates to be submitted prior to the commencement of development through the use of a planning condition.

2.10.9 Structural Services Officers have also provided information on the submitted drainage information and proposed SuDS basin. No concerns were raised in the consultation response, however it was requested that drawing(s) which includes a section through the attenuation basin, levels of the basin, a detail of the outfall headwall at the watercourse, pipe sizes and runs be submitted for Structural Services' records. The Planning Authority is satisfied for this information to be submitted through the use of a planning condition.

2.10.10 In conclusion, the application has been supported by a FRA which confirms the proposed development would not be at risk of flooding, nor give rise to an increased risk of flooding for neighbouring land. A SuDS retention basin is proposed to manage surface water runoff. No concerns have been raised regarding the submitted flooding and drainage information by the Council's Structural Services Officers, however FRA compliance and independent check certificates and scaled drawing for the SuDS basin were requested. Members shall be informed verbally at the committee meeting regarding the submission of the certificates.

2.11 TREES

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

2.11.2 Policies 10 and 13 of FIFEplan set out that development proposals will be only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Policy 13 states that where development is proposed on a site where trees are present, consideration will be given to whether, and in what form, development should be supported, having regard to the desirability of retaining and protecting mature and semi-mature trees, and other examples likely to be become attractive in amenity terms, or of a rare species.

2.11.3 Making Fife's Places Supplementary Guidance Document (2018) details that where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height. The purpose of the stipulation within Making Fife's Places Supplementary Guidance with regard to development within the falling distance of trees is primarily to safeguard the health of trees and make sure that trees are retained on site in the long-term. By ensuring that new developments are located outwith the falling distance of semi-mature/mature trees, this significantly reduces the future possibility of trees (regardless of whether or not they are protected) being pruned back or felled in the interests of residential amenity given the perceived (and actual) threat of trees (or large branches) falling which accompanies living in close proximity of large trees. These threats can

however be reduced by orientating proposed properties to remove any perceived overbearing impacts from the trees.

2.11.4 BS 5837:2012 Trees in relation to Design, Demolition and Construction provides advice on the formation of hard surfaces within the Root Protection Areas (RPAs) of trees, suggesting the use of appropriate sub-base options such as three-dimensional cellular confinement systems.

2.11.5 Category (Cat.) A and B trees are expected to be retained and are considered by Fife Council to be site constraints. Cat. C is a lower classification and is not generally seen as a constraint to development. Cat. U trees are those which it is considered cannot realistically be retained as living trees. The Planning Authority does not raise any concerns regarding the removal of Cat. U trees. If tree felling is proposed, the Planning Authority would expect suitable replacement planting to take place (native species).

2.11.6 There are no trees located within the application site, however a small row of trees form the eastern boundary of the neighbouring residential property to the west of the application site. Given the anticipated RPAs of the neighbouring trees, it is reasoned by the Planning Authority that the proposed development would not have an adverse impact on the health of these trees. A condition is included for protective fencing to be erected during the construction period to ensure the neighbouring trees are not accidentally damaged. With regard to falling distance, it whilst Plots 21-24 of the proposed development would be within the anticipated falling distance of neighbouring trees to the west of the application site, it is considered by the Planning Authority that the height and crown density of the trees would not present an overbearing presence for the proposed Plots, nor would they be a barrier to sunlight. Thus, it is considered that the neighbouring trees would not negatively impact on the residential amenity of future residents of Plots 21-24, limiting future pressure on their removal. The proposed development's relationship with neighbouring trees is therefore considered to be acceptable.

2.11.7 With regard to the additional land identified for development in the submitted Development Framework, it is noted that a belt of mature trees forms the southern boundary of the NEB001 site, with individual trees located at the north western and eastern site boundaries. This tree belt provides screening of the railway line to the south. Scattered broadleaved trees area also located centrally with the NEB001 site, following the along the route of a stone retaining wall. No trees are located within, or bound, the land identified for employment land. The indicative masterplan presented in the Development Framework proposes the removal of the tree located within the centre of NEB001. These unprotected trees are not considered to be of any particular landscape or amenity value, and it is reasoned that their proposed loss could be mitigated by appropriate native species planting throughout the development. The Planning Authority would request that a tree survey be submitted to investigate the heath, type and category of each of the trees which would be removed. The trees which bound the NEB001 site, particularly the tree belt to the south, are considered to be important in the setting of Newburgh by screening the railway line. The height and crown density of the trees along the southern boundary are considered to make them a potential barrier to sunlight, whilst they could also give rise to a sense of overbearing. The Planning Authority would therefore expect a reasonable buffer zone to be maintained between development and the southern tree belt. The masterplan presented in the Development Framework proposes such a buffer and is thus deemed to be acceptable in this regard. Similarly, given the location of individual neighbouring trees with regard to the masterplan layout presented, it is considered that there is sufficient scope for future detailed planning applications for the site to be locate development outwith the RPAs and falling distances of neighbouring trees.

2.11.8 In conclusion, the proposed development and masterplan are deemed to be acceptable with consideration to existing trees within and surrounding the allocated sites. Conditions have been included to ensure protective fencing is erected to protect neighbouring trees during construction works, and for appropriate buffers to be maintained between development proposed in the masterplan and trees surrounding the NEB001 site.

2.12 NATURAL HERITAGE

2.12.1 Policies 1, 10 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), Wildlife and Natural Environment (Scotland) Act (2011), and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.12.2 Policy 13 of the FIFEplan (2017) states that where a proposed development will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. 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. 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.

2.12.3 An Extended Phase 1 Habitat Survey and Protected Species Survey were both undertaken in 2016 during the preparation on Development Framework and have been submitted as part of this application. An updated Ecology Survey Report has also been submitted which confirmed the findings of the previous surveys and considered alterations to the site boundaries and layout. These documents cover the entirety of the masterplan site.

2.12.4 The application site was identified as an area of improvement grassland. There are mature sycamore (*Acer pseudoplatanus*) and ash (*Fraxinus excelsior*) trees growing adjacent to the site boundary, on the banks of the watercourse.

2.12.5 No protected species, or field signs of protected species, were observed during the initial or follow up site investigations. The Ecology Survey Report concludes that there would be no requirement for protected species licences at the present time, however, further survey work to confirm the presence/absence of roosting bats would be required if any construction works are to take place within 30m of the wall along the southern site boundary (boundary of NEB001). In addition, pre-works checks will be required for breeding birds, brown hare, hedgehog and reptiles.

2.12.6 Given the lack of evidence of protected species or notable natural heritage assets within the application site, the Planning Authority is satisfied that the proposed development of 34 dwellings would not give rise to adverse natural heritage concerns. The recommendations of the Ecology Survey Report for pre-works checks could be secured via planning condition.

2.12.7 With regard to biodiversity enhancement, the FIFEplan (2017) green network requirements for the site are relevant:

- o Establish a high quality development frontage on to A913, through an appropriate boundary solution and new tree planting which reflects the wider rural character of the approach to Newburgh from the east as a key entrance to the village; and
- o Create strong landscape edge along the eastern boundary of the site to provide a setting for the development and Newburgh, and to prevent future coalescence with Burnside.

As discussed in detail earlier in this response, the proposed development would include a row of mature trees along the eastern site boundary. It is considered that the proposed tree belt and landscaping throughout the application site would result in biodiversity enhancement of the site in comparison to the existing grassland. Detailed landscaping proposals and a maintenance schedule could be secured via planning conditions.

2.12.8 With regard to the FIFEplan (2017) green network requirements for the development of the NEB001 site, it is considered that if this application were recommended for approval, there is sufficient detail within the Development Framework and accompanying masterplan that such requirements can be met and fully incorporated into the wider development. The requirements consist of:

- o Deliver a multi-functional green network which runs east-west through the site and successfully incorporates landscape and habitat enhancement, access and high quality SUDS provision, fronted and overlooked by a good development edge;
- o Ensure there is scope to connect the green network to the existing cemetery and to the restored Clatchard Craig Quarry path network in the future, via the existing railway underpass;
- o A cemetery extension will be required in the future - consider the development of a cemetery park, where the site could offer additional recreational greenspace, habitat and landscape value, given the green network's important landscape setting role. Depending on the location of the cemetery extension investigate potential to establish a north-south connection through the future cemetery site to link to the underpass and provide access to the Clatchard Craig Quarry path network, when it is restored, and to link to the Den Burn Green Network; and
- o Establish a high quality development frontage on to A913, through an appropriate boundary solution and new tree planting which reflects the wider rural character of the approach to Newburgh from the east as a key entrance to the village.

2.12.9 In conclusion, the proposed development would not give rise to any adverse natural heritage of protected species impacts, whilst proposing suitable biodiversity enhancement which meets the green network requirements for the site. The proposed development is therefore considered to be acceptable in this regard. Conditions are included to secure the formation and maintenance of the landscaping and trees.

2.13 AFFORDABLE HOUSING

2.13.1 PAN 2/2010: Affordable Housing and Housing Land Audits, Policies 1 and 2 of FIFEplan and Fife Council's Approved Supplementary Guidance on Affordable Housing (2018) will be taken into consideration with regard to affordable housing provision.

2.13.2 PAN 2/2010: Affordable Housing and Housing Land Audits provides advice on how the planning system can support the Government's commitment to increase the supply of affordable housing. Policy 1 of FIFEplan (2017) states that development proposals must meet the requirements for affordable housing. Policy 2 of FIFEplan sets out that open market housing

developments must provide affordable housing at the levels for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. Such affordable housing units must be fully integrated into development sites and be indistinguishable from other housing types. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted. Off-site contributions shall be sought for developments comprising of 10-19 units in urban areas. Fife Council's Supplementary Guidance on Affordable Housing (2018) sets out that housing proposals must accord with the Fife Local Housing Strategy (2015-2020). The Supplementary Guidance further sets out that affordable housing units provided on site should be fully integrated into the development and be visually indistinguishable from market housing, with an approximate density of 30 units per hectare.

2.13.3 Policy 2 sets out affordable housing contributions will not be sought for development proposals for open market housing which involve: fewer than 10 houses in total; remediation of contaminated land; redevelopment of long term vacant or derelict land; or building conversions where it can be demonstrated that the contribution to affordable housing would make the conversion unviable. The Supplementary Guidance provides further clarity on these matters. As per Policy 2 and the Supplementary Guidance, housing developments in the Cupar HMA, within which Newburgh is located, are expected to provide an affordable housing contribution of 20% of the total number of units proposed. The Supplementary Guidance provides details on how the developer should deliver the affordable units and set out the Council's affordable housing 'credit system', where development can forgo their affordable housing contributions for a site providing they provide the required number of units on an alternative development site.

2.13.4 Fife Council's Housing and Neighbourhood Service reviewed the application and confirmed that the development of the site for affordable housing was consistent with the Fife Strategic Housing Investment Programme. The mix and types of homes proposed has been agreed with applicant and the Council's Housing team. There is no need for additional affordable housing to be provided at this stage. The allocation of Scottish Government funding for this project has been planned through the Strategic Housing Investment Plan (SHIP) and Strategic Local Programme (SLP).

2.13.5 The proposals therefore comply with Policy 2 and the associated supplementary guidance with regard to affordable housing. In order to ensure that the homes are made available for those eligible for affordable housing, and to ensure no homes are available for private sale, a planning condition has been included in the recommendation.

2.13.6 Using the affordable housing credit system, given the affordable housing contribution of 20% for the Cupar HMA, the erection of the proposed 34 affordable units would enable the applicant to provide up to 170 market units on site NEB001 before any additional affordable units would be required were this application to be approved. It is recommended that a condition be used to ensure the Development Framework is updated as part of each future application, this would allow the Planning Authority to control the delivery of market housing and ensure additional affordable housing is provided if required.

2.13.7 In conclusion, as the proposed development is for affordable housing, the mix and type of which has been agreed with Housing Services, there would be no requirement for the applicant to provide additional affordable housing contributions at this time if this application were to be approved. Additional affordable housing units would be required if more than 170 market units were delivered by the applicant.

2.14 DEVELOPER CONTRIBUTIONS

2.14.1 Policies 1 and 4 of FIFEplan Local Development Plan (2017), Fife Council's Planning Obligations Framework Supplementary Guidance (2017) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements, apply with regard to the planning obligations required of developments.

2.14.2 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.

2.14.3 Policy 1, Part B, of the FIFEplan advises that development proposal 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 will be exempt from these obligations if they proposals for affordable housing.

2.14.4 Fife Council's Planning Obligations Supplementary Guidance (2017) 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 sets out when planning obligations will be sought, where exemptions will apply and how methodologies will be applied when considering the impacts a proposed development may have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art and employment land. This document, approved by Fife Council's Executive Committee, provides up to date calculations and methodologies with regard to existing infrastructure.

2.14.5 Policy 4 of FIFEplan (2017) and Fife Council's Planning Obligations Supplementary Guidance (2017) also advises that planning obligations will not be sought for (amongst others) Town Centre redevelopment, development of brownfield sites (previously developed land) or development of affordable housing. The Supplementary Guidance (2017) further sets out that where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required.

2.14.6 Section 3.3 of Fife Council's Planning Obligations Supplementary Guidance (2017) sets out that developer contributions will be calculated on the basis of whole sites identified in the Local Development Plan. Applications for parts of allocated sites will pay a proportion of the total site contributions. The matter relating to the impact the proposed development would have on current infrastructure are considered in detail below.

2.14.7 DEVELOPER CONTRIBUTIONS: EDUCATION

2.14.8 The Planning Obligations Supplementary Guidance (2017) 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. Affordable housing is exempt from contributions towards education unless there is a critical capacity risk within a school in the catchment. Critical capacity is defined as where there is an expected shortage of school places within two years from the date of the education assessment, due to the cumulative impact of development within the relevant school catchment. In these instances, where critical capacity is an issue, the Council may have to refuse an application unless the capacity issue can be addressed through the provision of planning obligations in line with the methodologies included in the Planning Obligations Framework Supplementary Guidance (2017).

2.14.9 As discussed previously in this report, FIFEplan sets the requirement for the development of site NEB001 and NEB002 to set aside 0.6ha of land for the expansion of the local primary school to accommodate the expected increase in pupils as a consequence of development. The submitted Development Framework allocates 0.6ha of land within the north west corner of NEB001 for a primary school extension.

2.14.10 The application site is located in the catchment area for: Newburgh Primary School; St Columba's Roman Catholic Primary School; Bell Baxter High School; and St Andrew's Roman Catholic High School. This site is also within the Howe of Fife local nursery area. In accordance with Fife Council Planning Obligations Framework Supplementary Guidance 2017, planning obligations may be required for affordable housing developments to contribute towards additional school capacity where there is a critical capacity risk at a school within the catchment. Education Services were consulted on this application to assess and provide comment on the impact on catchment schools. Education Services have used a first completion date of 2021 to assess impacts. The assessment conducted by Education Services included the 34 units proposed in this application, as well as the indicative 175 units currently proposed by the applicant for the NEB001 site (total of 209 units).

Newburgh Primary School

At the Pupil Census there were 142 pupils on the school roll organised in 6 classes in accordance with class size regulations. The school has 7 class areas available which provide capacity for a maximum of 215 pupils, only if all classes are 100% full at all stages across the school. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at Newburgh Primary School.

Bell Baxter High School

At the Pupil Census there were 1459 pupils on the school roll and the school has capacity for a total of 1696 pupils. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at Bell Baxter High School.

St Columba's Roman Catholic Primary School

At the Pupil Census there were 237 pupils on the school roll organised in 9 classes in accordance with class size regulations. The school has 10 class areas available which would provide capacity for a maximum of 292 pupils only if all classes are 100% full at all stages across the school. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at St Columba's Roman Catholic Primary School.

St Andrew's Roman Catholic High School

At the Pupil Census there were 802 pupils on the school roll and the school has a maximum capacity for 1137 pupils. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at St Andrew's Roman Catholic High School.

Howe of Fife local nursery area

Local nursery areas were approved by Fife Council's Education and Children's Services Committee in September 2019. This site is within the Howe of Fife local nursery area. From August 2020 the Scottish Government and Fife Council are committed to increasing the funded entitlement to Early Learning & Childcare for all 3 and 4 year olds and eligible 2 year olds, from 600 hours to 1140 hours. This development site has not been factored into the programme to deliver the Scottish Government's expansion of 1140 hours for nursery pupils. A review of the capacity across the nursery local area has indicated there are sufficient nursery places to accommodate nursery aged pupils this development across the wider local area.

2.14.11 From the assessment undertaken by Education Services, it is concluded that the proposed affordable housing development, and the wider development, would not give rise to any capacity issues at local schools. Whilst FIFEplan (2017) sets out that an extension would be required at Newburgh Primary School, this was estimated using previous school roll projection during the creation of FIFEplan given the indicatively allocated 275 units across NEB001 and NEB002. With a total of 209 units currently proposed by the applicant, Education Services have calculated that an extension would not be required at this time. Nevertheless, were this application (and accompanying Development Framework) to be approved, Education Services would continue to monitor the situation at Newburgh Primary School and have advised that should a future application be submitted for additional housing at the NEB001 site (above 175 units currently proposed), the solution to mitigate any capacity risk would require the addition of one permanent primary school classroom, increasing the number of classrooms from 7 to 8. The estimated cost of this building is £270,000 and would be required to be fully funded from developer contributions.

2.14.12 DEVELOPER CONTRIBUTIONS: OPEN SPACE AND PLAY AREAS

2.14.13 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 (2017) ensures that new development makes provision for infrastructure requirements to support new development; including green infrastructure and green network requirements such as open space and amenity space. As detailed in The Planning Obligations Supplementary Guidance (2017), open space provides one part of the strategic green infrastructure requirement for a site, it is space designed for people to undertake recreational activity. Green infrastructure also includes structural landscaping, amenity planting, sustainable drainage systems, paths, and community growing spaces.

2.14.14 Making Fife's Places Supplementary Guidance (2018) sets out that the requirement for open space provision should be assessed on a case by case basis taking into account any existing greenspaces, play areas and sports facilities which may serve the proposed development. If there are existing open space facilities located within easy walking distance, along a safe and attractive route; then it may be more appropriate for a new proposal to contribute to improvements to existing nearby spaces and facilities rather than providing additional open space onsite.

2.14.15 Making Fife's Places Supplementary Guidance (2018) sets out the open space requirements for developments located outwith a 250 metre walking distance of an existing open space are required to provide 60 square metres of open space per dwelling on site. If the development is within a 250 metre walking distance to an area of open space, an alternative financial contribution towards existing open space is required. The open space provided should be able to accommodate informal activities such as play, walking, sitting, picnics, communal gardening, informal sports and recreation.

2.14.16 Making Fife's Places Supplementary Guidance (2018) states that open space needs to be usable space. It will generally be green in character with a significant proportion of soft landscaping although it can include elements of hard landscaped public spaces such as squares and plazas or people friendly (very low traffic) streets and courts. Some elements of SuDS may also be included as part of the open space requirement if they are fully accessible. Open space is space designed for people to undertake recreational activity. This will generally be informal activity such as play, walking, sitting, picnics, communal gardening, social/community gatherings, informal sports and recreation. Open spaces should have paths and routes passing through them but narrow, connecting greenways and corridors should not be included as part of the open space requirement. Amenity planting and structural landscaping would only be included as part of the open space if it is accessible for people to pass through it (such as paths through a woodland). Small areas of greenspace which have limited usage will not be included as part of the open space requirement.

2.14.17 As the application site is not within 250m of an existing area of useable open space, per Making Fife's Places there is a requirement for the applicant to provide 60 square metres of open space on site per unit; a minimum of 2,040 square metres is therefore required. The proposed development would include a large SuDS and open landscaped area to the north east of the dwellings. This space would be approximately 5,300 square metres in area and would be accessible to residents, featuring a circular path. Whilst the area would not be well overlooked by the proposed dwellings, it is considered that it would be suitably enclosed to provide a safe, useable, space for informal recreational activities to be undertaken.

2.14.18 It is noted that Making Fife's Places Supplementary Guidance (2018) sets additional open space and play provision requirements for developments of more than 200 units, including for a fully equipped play area to be provided if the site is more than 500 metres from an existing play park. Such contributions towards open space and play provision would be considered during the assessment of any future planning applications submitted for planned future phases of development (as detailed in the masterplan).

2.14.19 DEVELOPER CONTRIBUTIONS: PUBLIC ART

2.14.20 Policy 4 of the FIFEplan states that a contribution towards on-site public art will be sought in relation to major and prominent housing and retail proposals. Further guidance regarding this is set out in the Planning Obligations Supplementary Guidance (2017) and Making Fife's Places Supplementary Guidance (2018).

2.14.21 The Planning Obligations Supplementary Guidance (2017) and Making Fife's Places Supplementary Guidance (2018) state that contributions will be sought from major applications for housing. In these cases, the required contribution would be £300 per unit. This includes market units only, affordable units would be exempt from this requirement. This can be in the form of pieces of physical art, enhanced boundary treatment, enhanced landscaping etc. The Planning Obligations Supplementary Guidance (2017) sets out that once the financial contributions have been established, the public art element of the development should in general be integrated into the overall design of the proposal rather than providing a sum of money to be spent separately.

2.14.22 Making Fife's Places Supplementary Guidance (2018) advises that public art is about creative activity that takes place in public spaces. Public art may:

- o help to reveal or improve existing features of a local place;
- o refer to our heritage or celebrate the future;
- o be conceptual or highlight a specific issue;
- o lead to a temporary performance, event or installation, or to a permanent product;
- o engage a range of senses including smell and touch;
- o extend the fine arts such as painting or sculpture, or use applied art and design;
- o feature architectural craftwork or bespoke street furniture;
- o extend landscape design into land art, planting or paving schemes;
- o relate to site infrastructure such as bridge design or Sustainable Urban Drainage features;
- o use technology to project sound, light or images.

2.14.23 Public art that is commissioned for a particular site must be relevant to the context of that location and to its audience - the public or community who occupy, use or see into that space. 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.

2.14.24 As the application is for affordable housing, there is no requirement for the applicant to provide public art within the site. However, as has been detailed in the submitted Development Framework, the applicant is prepared to develop a public art strategy which would be installed throughout future planned phases of development. The Planning Authority is supportive of this approach.

2.15 HOUSE IN MULTIPLE OCCUPATION (HMO)

2.15.1 Policy 2 of FIFEplan Local Development Plan (2017) applies with respects to housing being utilised as an HMO.

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

2.15.3 The proposed dwellings are not intended to be used for housing multiple occupants, however, a condition has been attached to this recommendation to ensure that the properties will not be used as an HMO in the future unless an application for said use is submitted to the Planning Authority for consideration.

2.16 ARCHAEOLOGY

2.16.1 Policies 1 and 14 of FIFEplan (2017) apply with regard to archaeology.

2.16.2 FIFEplan Policy 14 states that all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Development proposals which impact on archaeological sites will only be supported where: remains are preserved in-situ and in an appropriate setting or there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigations is proposed. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations.

2.16.3 The site lies within the outer precinct of Lindores Tironensian Abbey (founded c.1191), and within the setting of Lindores Abbey scheduled ancient monument. A Fife Council Archaeology Officer was consulted on the application to assess the impact the proposed development would have on any archaeological or heritage issues within the application site. Following an assessment of the proposals, the consultation response highlighted that the works proposed would have the potential to disturb archaeological deposits, therefore, a condition was recommended for archaeological works to be undertaken were this application to be approved.

2.16.4 In conclusion, the proposed development is considered to be acceptable with regard to archaeological impacts. It is recommended that a condition for an archaeological survey to be carried out prior to development commencing be included.

CONSULTATIONS

Scottish Water	No objections.
Archaeology Team, Planning Services	No objections. Condition recommended.
Land And Air Quality, Protective Services	No objections. Condition recommended.
Policy And Place Team (North East Fife Area)	No comment.
Education (Directorate)	Overview of education infrastructure provided. No contribution required at this time.
Housing And Neighbourhood Services	Affordable housing mix presented is consistent with local identified need.
Parks Development And Countryside Natural Heritage, Planning Services	No comment. No objections.

Environmental Health (Public Protection)	No objections providing Planning Authority are satisfied exceptional criteria is met. Acoustic barrier and further clarification of alternative ventilation recommended.
Transportation And Environmental Services - Operations Team	No comment.
NatureScot	No comment.
Network Rail	No objections.
Historic Environment Scotland	Do not object, recommended that Planning Authority request further information to assess impact on historic environment.
Built Heritage, Planning Services	Further information requested to assess impact on historic environment. No objections following submission of additional information.
Business And Employability	Conditions recommended to secure delivery of employment land.
Scottish Environment Protection Agency	No comment.
Urban Design, Planning Services	Comments provided. Additional pedestrian movement routes and front boundary treatments requested. Improved site boundary treatments requested. Use of timber fences should be reduced. Compliance with six qualities of successful places is required.
Transportation, Planning Services	No objections. Conditions recommended.
Community Council	Object as statutory consultee.
Structural Services - Flooding, Shoreline And Harbours	No objections. Design and check certificates and sectional drawing requested.

REPRESENTATIONS

One general comment and six objections, including from the Newburgh Community Council as a statutory consultee, have been received in response to this application.

The concerns raised in the submitted representations, and the Planning Authority's response to these, is set out below.

1. Design, layout and density of proposed development not in-keeping with settlement pattern

- The individual design and finishing materials of the proposed dwellings is not considered to be of concern. Whilst the proposed cul-de-sac layout is not consistent with current urban design guidelines, on balance the Planning Authority is supportive of the proposed development. See sections 2.2 and 2.3 of this report for further information

2. Impacts on wildlife

- Information has been submitted to confirm that the proposed development would not have an adverse impact on ecology or wildlife. See section 2.12 of this report for further information.

3. Increase in traffic congestion

- A Transport Statement has been provided to support the application which confirms the existing surrounding road network would be able to cope with the additional traffic generated from the proposed development.

4. Noise pollution from construction

- Were this application to be approved, the site contractors would be bound by Environmental Health legislation when carrying out work.

5. Impacts from construction traffic using Abbey Road

- Were this application to be approved, a planning condition could ensure a traffic management plan is prepared to ensure minimum disruption to residents and road users in the vicinity of the site.

6. Impact on setting of Newburgh on approach from east

- The proposed development would reflect the wider rural character of the approach to Newburgh from the east as a key entrance to the village by creating a strong landscape edge along the eastern boundary - consistent with FIFEplan (2017) requirements - providing a positive rural to urban transition as the new edge of the village. See section 2.3 of this report for further information.

7. Development would lead to increased flood risk

- A flood risk assessment has been submitted which confirms the proposed development would not increase the risk of flooding. See section 2.10 of this report for further information.

8. New houses in Newburgh should first be concentrated to rear of school

- Development is proposed for this site within the submitted Development Framework. The Planning Authority are supportive of the proposed phasing of development.

9. Neighbouring properties not notified

- The Planning Authority's neighbour notification process was carried out correctly per the relevant legislation, with all neighbouring properties with 20m of the site boundary notified.

10. Public consultation was inadequate

- The applicant's approach to public consultation was considered to be acceptable. Details of the public consultation methods and events are detailed in the submitted PAC report and Development Framework.

CONCLUSIONS

The proposal is considered to be acceptable in meeting Policies 1 and 4 of TAYplan Strategic Development Plan (2017), Policies 1, 2, 3, 5, 10, 11, 13 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), Affordable Housing Supplementary Guidance (2018), Planning Obligations Supplementary Guidance (2017) and relevant National Guidance and Fife Council Guidelines. The proposal is compatible with the area in terms of land use, design and scale and will not cause any detrimental impact to the amenity of the surrounding area, and is therefore considered to be acceptable.

The submitted Development Framework and masterplan sets out acceptable principles for developing the NEB001 site and the remainder of NEB002, guiding the future proposed settlement expansion. Sufficient employment land is proposed and the development would include areas for extensions to the existing local primary school and cemetery. There are sensitivities within and around the sites identified in the Development Framework, including built heritage, landscape constraints, road safety, trees and hedgerows and noise considerations which shall be considered in full at detailed applications stage. In principle however the Development Framework and masterplan would meet the requirements of the Local Development Plan in this regard, fulfilling the additional land use requirements for the development of allocated sites NEB001 and NEB002.

RECOMMENDATION

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

1. THE UNITS HEREBY APPROVED, shall be affordable housing as defined within Fife Council's Supplementary Planning Guidance on Affordable Housing (2018) and will be held as such for the lifetime of the development unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

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

2. PRIOR TO THE COMMENCEMENT OF WORKS, completed flood risk assessment compliance and independent check certificates (Appendix 3 and 4 of the Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)), signed by a qualified engineer of a relevant professional body, shall be submitted for the prior written approval of the Planning Authority.

Reason: In the interests of flood risk; to ensure the assessment has been independently checked by a qualified professional.

3. PRIOR TO THE START OF WORKS, a drawing(s) containing a proposed section through the attenuation basin, levels of the basin, a detail of the outfall headwall at the watercourse, pipe sizes and runs shall be submitted for the written approval of Fife Council as Planning Authority

Reason: In the interests of site drainage; to ensure the proposed drainage proposals are accurately recorded.

4. PRIOR TO THE COMMENCEMENT OF WORKS, the protective tree fencing to safeguard the trees adjacent to the site during construction shall be erected in full. No work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable.

FOR THE AVOIDANCE OF DOUBT, the protective measures shall be provided in full throughout the construction period and no building materials, soil or machinery shall be stored in or adjacent to the protected areas.

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

5. BEFORE ANY RESIDENTIAL UNIT ON SITE IS OCCUPIED, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. These details shall include consideration of the various habitats proposed on site and shall incorporate measures to promote biodiversity. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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.

6. Landscaping and tree planting shall be undertaken in accordance with the approved Site Landscaping Layout drawings (Planning Authority ref. 38B and 39B). The approved scheme shall be implemented in the first planting season following the completion of works and thereafter maintained in full working order for the lifetime of the development.

Reason: In the interests of visual amenity by ensuring a sufficient quality of public realm is provided.

7. PRIOR TO THE COMMENCEMENT OF WORKS, samples of the external construction materials finishes of the dwellings (in particular relating to the roof, windows and walls) shall be submitted to and agreed in writing with the Council as Planning Authority. Thereafter the houses shall be constructed and finished in full accordance with the agreed samples prior to occupation.

Reason: To define the terms of this permission and ensure that the dwellinghouses are in-keeping with the character of the surrounding area.

8. All tree and vegetation removal associated with this development shall be undertaken outwith the bird breeding season of 1 March to 31 August of any calendar year unless the site is first surveyed by a suitably qualified person and the findings, and any associated mitigation, have been submitted to, and approved in writing by, Fife Council as Planning Authority.

Reason: In the interests of safeguarding nesting birds.

9. The dwellinghouses provided on the site shall be used solely as a residence for (a) a single person or by people living together as a family; or, (b) not more than 5 unrelated residents living together in a dwellinghouse. For the avoidance of doubt, the dwellinghouse hereby approved shall not be used for Housing in Multiple Occupation.

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

10. The flatted dwellings provided on the site shall be used solely as a residence for (a) a single person or by people living together as a family; or, (b) not more than 3 unrelated residents living together in a dwellinghouse. For the avoidance of doubt, the dwellinghouse hereby approved shall not be used for Housing in Multiple Occupation.

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

11. Unless otherwise agreed in writing with the Council as Planning Authority, the approved surface water drainage scheme as detailed in approved documents shall be implemented in full PRIOR TO THE OCCUPATION OF ANY DWELLING and thereafter maintained in full working order for the lifetime of the development.

Reason: In the interests of ensuring appropriate handling of surface water.

12. 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.

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

13. 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 12. 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.

14. 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 surrounding the contaminated area (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.

15. 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.

16. A traffic management (TM) plan covering the construction of the development shall be submitted for written approval of this planning authority prior to commencement of any works on site. The TM plan will contain details on routing and timing of deliveries to site, site operatives parking area, traffic management required to allow off site operations such as public utility installation, pedestrian access etc. The approved traffic management plan shall thereafter be implemented for the duration of the construction works.

Reason: In the interest of road safety; to ensure minimum disruption to residents and road users in the vicinity of the site.

17. Prior to the commencement of any activity on site details of wheel cleaning facilities shall be submitted for the written approval of this planning authority and shall thereafter be available throughout the construction period of the development so that no mud, debris or other deleterious material is carried by vehicles onto the public roads.

Reason: In the interest of road safety; to ensure the provision of adequate wheel cleaning facilities.

18. All roads and associated works serving the proposed development shall be designed in accordance with the current Fife Council Transportation Development Guidelines.

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

19. PRIOR TO THE OCCUPATION OF EACH PROPERTY, off-street parking shall be provided for that property in accordance with the current Fife Council Transportation Development Guidelines. The parking shall thereafter remain in place for the lifetime of the development unless otherwise agreed in writing with this Planning Authority

Reason: To ensure the provision of adequate off-street parking.

20. Prior to the commencement of construction of any buildings, visibility splays of 2.4m x 60m shall be provided to the left and to the right at the development junction with the A913, Cupar Road, and thereafter maintained in for the lifetime of the development, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level. For the avoidance of doubt, all roadside boundary markers within the site, ie, walls, fences, planting, shrubs etc. being maintained in perpetuity outwith the visibility splay line or at a height not exceeding 600mm above the adjacent carriageway level.

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

21. Prior to the occupation of any of the residential properties, street lighting and footways (where appropriate) serving the property shall be formed and operational to the satisfaction of this planning authority.

Reason: In the interest of road safety; to ensure the provision of adequate pedestrian facilities.

22. The agreed closed window technology to mitigate noise ingress shall be installed prior to the occupation of the each dwellinghouse and thereafter be retained for the lifetime of the development.

Reason: In the interests of residential amenity; to ensure future residents are not subjected to adverse noise.

23. Prior to the occupation of either Plot 21, 22, 23 or 24 (as indicated on approved site plan), details of a close boarded acoustic fence shall be submitted for the prior written approval of the Planning Authority. Thereafter, and also prior to the occupation of the aforementioned plots, the approved acoustic fence shall be erected along the south western site boundary and retained for the lifetime of the development.

Reason: In the interests of residential amenity; to ensure the properties in question would not be subjected to adverse noise concerns.

24. BEFORE ANY WORKS START ON SITE, full details (including brochure samples) of the solar PV panels detailed in the submitted Low Carbon Sustainability Checklist, shall be submitted for the written approval of the Planning Authority. Once agreed, these solar PV panels shall be installed per the manufacturer's instructions prior to the occupation of the first dwellinghouse. Thereafter, the solar PV panels shall be retained for the lifetime of the development.

Reason: In the interests of sustainability; to ensure the development meets the greenhouse gas emissions reduction targets currently in place.

25. PRIOR TO THE OCCUPATION OF THE 34TH RESIDENTIAL UNIT ON SITE, a pedestrian connection to Abbey Road from Cupar Road shall be constructed and open to the public.

Reason: To ensure pedestrian connectivity and permeability.

26. Unless otherwise agreed in writing by the Planning Authority, the Development Framework and masterplan (Planning Authority ref. 54A) approved as part of this application shall continue to be updated and submitted as part of each future planning application submitted on the land identified for development in Development Framework.

Reason: To ensure a single masterplan document which encompasses all the key principles for the wider development site is maintained.

27. The development of the application site and wider area identified in the Development Framework shall be carried out in 4 phases as set out in the approved Development Framework (Planning Authority ref. 54A). The mix of development on each phase and the number of residential units within that phase shall not be exceeded or altered unless an updated Development Framework has been approved by the Planning Authority.

Reason: To ensure the wider development proceeds in accordance with the Masterplan and phasing plan.

28. For the avoidance of doubt, as identified in the approved Development Framework accompanying this application, 1ha. of employment land and 1.2ha. of land for an extension to the existing cemetery shall be provided. The timing of delivery for the employment land and cemetery extension shall be agreed by the Planning Authority as part of the first planning application submitted for phase 2 of development as identified in the approved Development Framework.

Reason: To ensure the wider development proceeds in accordance with the Masterplan and phasing plan.

29. For the avoidance of doubt, no more than 170 market residential units shall be occupied on the land identified for development in the approved Development Framework which accompanies this application until additional affordable housing units are provided. 20% of all residential units delivered following the occupation of the 170th market unit shall be used for affordable housing as defined within Fife Council's Supplementary Planning Guidance on Affordable Housing (2018) and will be held as such for the lifetime of the development unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

Reason: To clearly set out the requirements for the phased delivery of affordable housing throughout the wider development site.

STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS

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

National Guidance:

Scottish Planning Policy (2020)

PAN 1/2011: Planning and Noise

PAN 2/2010: Affordable Housing and Housing Land Audits

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Scottish Government Designing Streets (2010)

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

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

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

BS 5837:2012 Trees in relation to Design, Demolition and Construction

BS 6472-1:2008 - Guide to Evaluation of Human Exposure to Vibration in Buildings

Development Plan:

TAYplan Strategic Development Plan (2017)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Affordable Housing Supplementary Guidance (2018)

Planning Obligations Supplementary Guidance (2017)

Other Guidance:

Fife Council Transportation Development Guidelines

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

Fife Council Planning Customer Guidelines on Garden Ground (2016)

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

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

Fife Council Strategic Housing Investment Plan 2021/22 - 2025/26

Fife Council Housing Land Audit 2019

Fife Council Local Housing Strategy 2020-2022

Fife Council Planning Customer Guidelines: Development and Noise (2021)

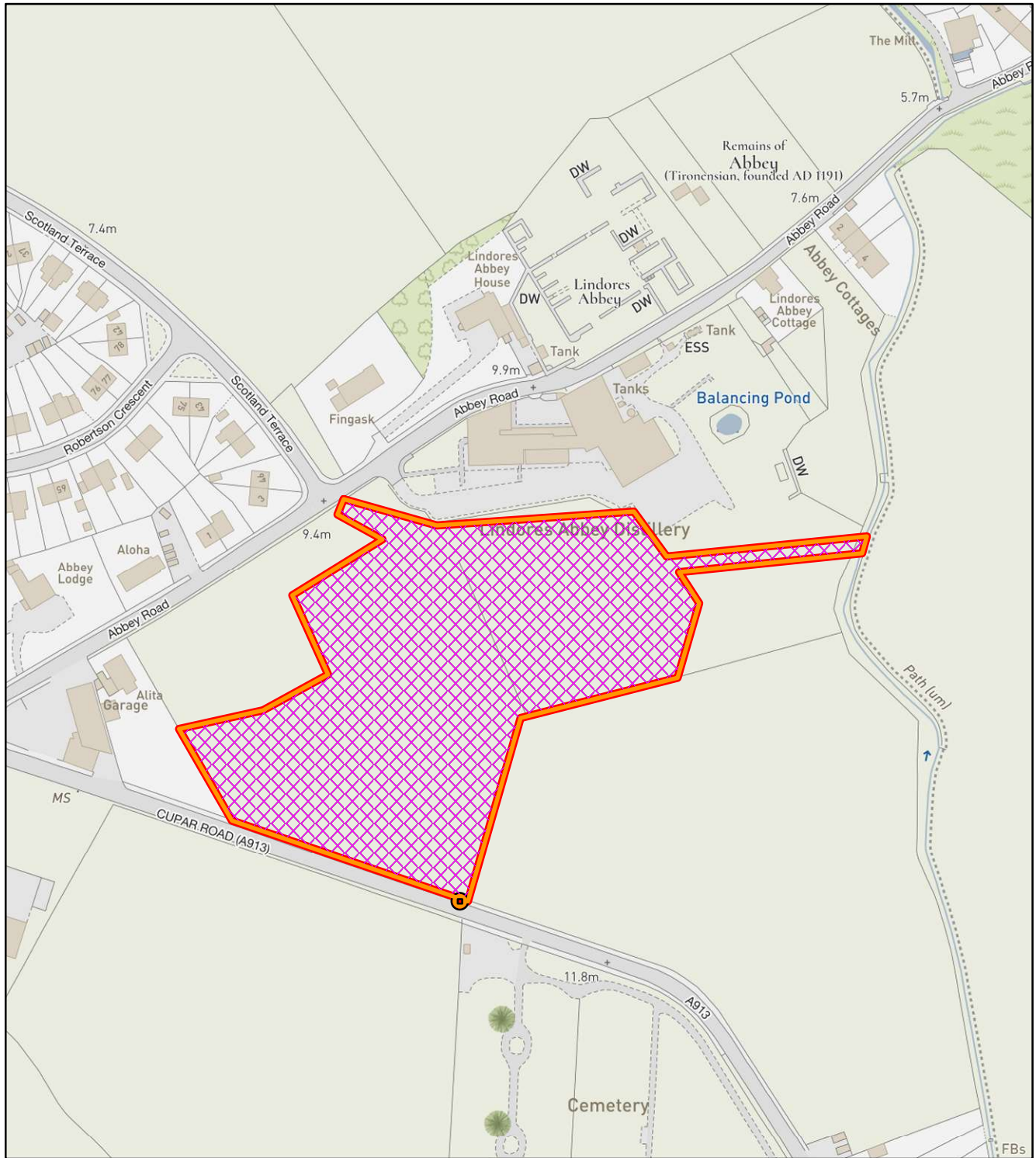
Report prepared by Bryan Reid, Planner

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 24/5/21.

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Street Record Cupar Road Newburgh

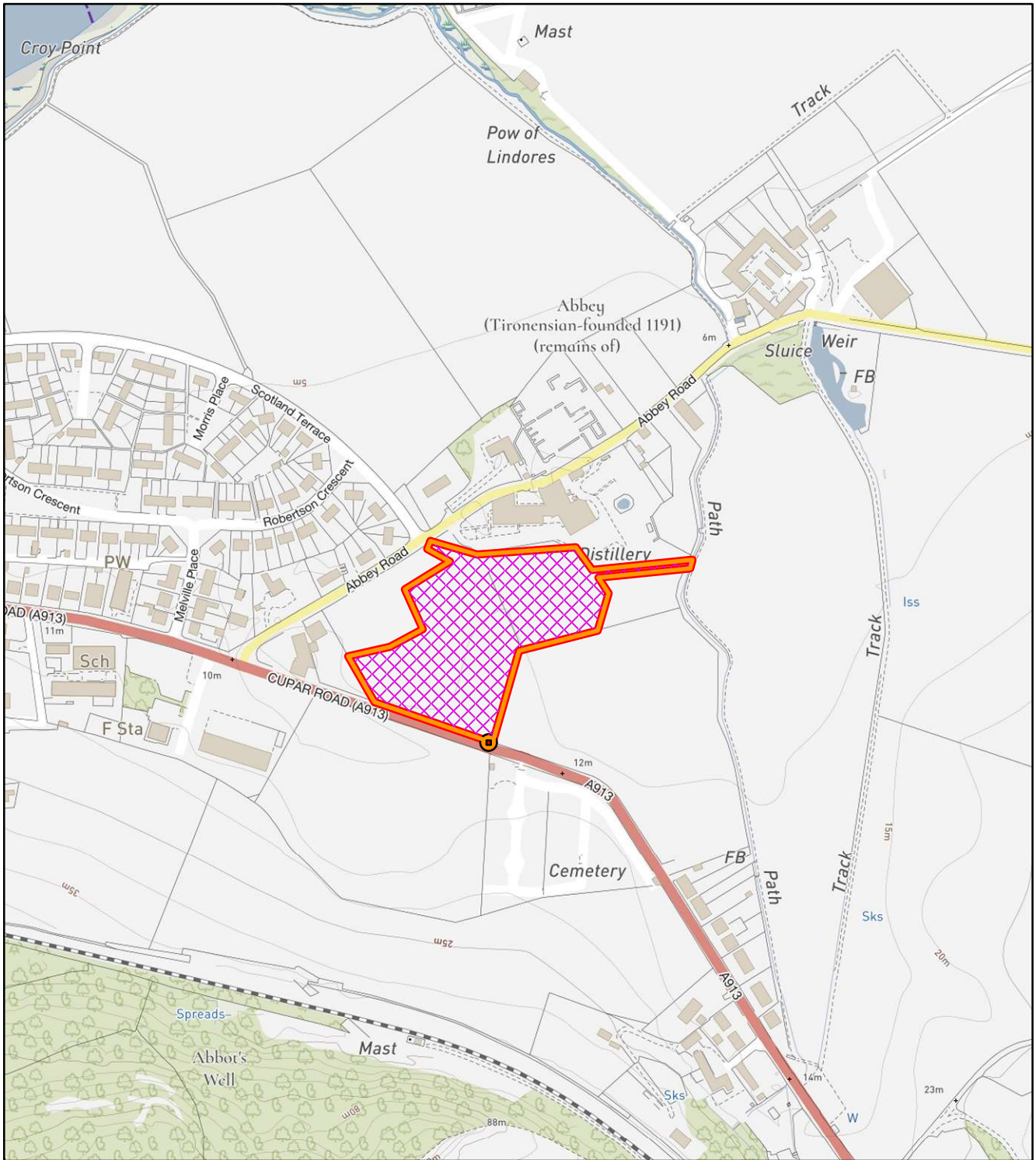


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