

## North East Planning Committee

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



Wednesday, 28th July, 2021 - 1.30 p.m.

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### AGENDA

#### Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest (s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 30th June, 2021. 3 – 6
4. **20/01757/PPP - LAND AT EAST CRAIGS FARM, BLEBOCRAIGS, FIFE** 7 – 17  
Planning permission in principle for erection of dwellinghouse.
5. **20/02272/FULL - HAWKSWOOD COUNTRY ESTATE, PEAT INN, FALFIELD** 18 – 31  
Erection of restaurant/bistro (Class 3) with associated outdoor seating area, car parking and access road, installation of gates, helicopter landing facility and associated drainage infrastructure.
6. **21/00178/FULL - LAND AT SPRINGFIELD EAST FARM, MAIN STREET, SPRINGFIELD** 32 – 65  
Erection of 30 affordable dwellings with associated access, landscaping, SUDS and other associated infrastructure (demolition of agricultural buildings)
7. **20/02298/PPP - FORTHSIDE LIBERTY, ELIE** 66 – 76  
Planning permission in principle for erection of two dwellinghouses with associated parking (demolition of existing dwellinghouse).
8. **20/02301/CAC - FORTHSIDE LIBERTY, ELIE** 77 – 83  
Conservation area consent for demolition of dwellinghouse.
9. **21/00145/FULL - 46 BRAEHEAD, ST MONANS, ANSTRUTHER** 84 – 94  
Erection of dwellinghouse with associated parking.
10. **21/00504/FULL - 5 SHUTTLEFIELD, NEWBURGH, CUPAR** 95 – 100  
Amendment to approved (18/03481/FULL) for alterations to roof height and decking (in retrospect).
- 11./

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<b>11. 21/00220/LBC - 5 SHUTTLEFIELD, NEWBURGH, CUPAR</b>	101 – 105
Listed building consent for alterations to roof height and decking (work completed).	
<b>12. 21/00688/FULL - 8 BANKNOWE DRIVE, TAYPORT, FIFE</b>	106 – 116
Two storey extension to rear and single storey extension to side of dwellinghouse.	
<b>13. 21/01423/FULL - 10 GRANGE ROAD, ST ANDREWS, FIFE</b>	117 – 123
Single storey extension to rear of dwellinghouse.	
<b>14. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS</b>	
List of applications dealt with under delegated powers for the period 14th June to 11th July, 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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21st July, 2021

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

**30th June, 2021**

**1.30 p.m. – 4.20 p.m.**

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

**ATTENDING:** Richard Simmons, Lead Officer Transportation Development Management (North Fife); Derek Simpson, Lead Officer Development Management (South Section), Economy, Planning & Employability Services; Steven Paterson, Solicitor, and Diane Barnet, Committee Officer, Legal & Democratic Services.

**273. DECLARATIONS OF INTEREST**

Councillors Liston, Noble and Thomson declared an interest in Para. 276. - '21/00512/FULL - Land at Ladebraes Walk, Hepburn Gardens, St Andrews' - as Councillor Liston had previously publicly expressed a view; Councillor Nolan had also previously expressed a view, in principle; and Councillor Thomson had been involved in making a case for Fife Council funding towards the project.

Councillor Thomson also declared an interest in Para. 277. - '21/00644/FULL – 37 Cant Crescent, St Andrews' - as he was a personal friend of an objector.

**274. MINUTE**

The Committee considered the minute of the North East Planning Committee of 2nd June, 2021.

**Decision**

The Committee agreed to approve the minute.

**275. 21/00828/OBL - LAND SOUTH WEST OF THE MANSE, NEWARK, ST MONANS**

Prior to consideration of this item, the Committee was advised that the application was now subject of an appeal to the DPEA (Directorate of Planning and Environmental Appeals) for non-determination. The Committee was asked, in light of the appeal, to determine whether they were minded to refuse or approve the application, as presented, to inform this Planning Authority's formal appeal response to the DPEA.

The Committee considered a report by the Head of Planning relating to an application for Modification of Planning Obligation (19/00250/FULL) relating to a contribution towards the proposed link road.

**Motion/**

**Motion**

Councillor MacDiarmid, seconded by Councillor Lothian, moved that the Committee be minded to refuse the application for the reason detailed in the report.

**Amendment**

Councillor Holt, seconded by Councillor Miklinski, moved as an amendment that the Committee be minded to approve the application to discharge the current planning obligation to provide a financial contribution towards the required link road as detailed in the report but subject to the proviso that the existing planning obligation be amended to direct the financial contribution towards the provision of a shared use path to provide a route enabling connectivity between the development and St Monans.

**Roll Call Vote**

**For the Motion** - 5 votes

Councillors Connor, Heer, Lothian, MacDiarmid and Thomson.

**For the Amendment** - 9 votes

Councillors Brett, Docherty, Holt, Liston, Marjoram, Nolan, Miklinski, Tepp and Verner.

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

**Decision**

The Committee:-

- (1) confirmed that they were minded to approve the discharge of the planning obligation to provide a financial contribution towards the required link road as detailed in the report but subject to the proviso that the existing planning obligation be amended to direct the financial obligation towards the provision of a shared use path to provide a route enabling connectivity between the development and St Monans; and
- (2) agreed to delegate to the Head of Planning to submit the Committee's view to the DPEA, informing the Planning Authority's formal appeal response.

*Councillor Porteous joined the meeting partway through the Planning Officer's detailed presentation of the above planning application and, having not had the benefit of the full presentation, was not entitled to participate in the debate or voting on this item.*

*Councillors Liston and Noble left the meeting prior to consideration of the following item, having earlier declared an interest.*

*Councillor Thomson left the meeting prior to consideration of the following two items, having earlier declared an interest.*

**276. 21/00512/FULL - LAND AT LADEBRAES WALK, HEPBURN GARDENS, ST ANDREWS**

The Committee considered a report by the Head of Planning relating to an application for the upgrading of an existing path, including widening, erection of fencing, installation of bollards and solar lighting.

**Motion**

Councillor Miklinski, seconded by Councillor Verner moved to approve the application subject to:-

- (1) the two conditions and for the reasons detailed in the report;
- (2) an additional condition that effective measures and signage to limit the speed of cyclists would be added in appropriate locations to protect pedestrian safety; and
- (3) to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to draft and formulate an appropriately worded planning condition to properly reflect the issues outlined and referred to at (2) above.

**Amendment**

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

**Roll Call Vote**

**For the Motion - 7 votes**

Councillors Brett, Docherty, Heer, Holt, Miklinski, Porteous and Verner.

**For the Amendment - 4 votes**

Councillors Connor, Lothian, MacDiarmid and Tepp.

Having received a majority of votes, the motion to approve the application, including an additional condition as outlined above, was carried.

**Decision**

The Committee agreed to approve the application subject to:-

- (1) the two conditions and for the reasons detailed in the report;
- (2) an additional condition that effective measures and signage to limit the speed of cyclists would be added in appropriate locations to protect pedestrian safety; and
- (3)/

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- (3) to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to draft and formulate an appropriately worded planning condition to properly reflect the issues outlined and referred to at (2) above.

*Councillors Liston and Nolan re-joined the meeting following consideration of the above application.*

*Councillor Kennedy joined the meeting and Councillor Marjoram left the meeting during consideration of the above application.*

The Committee adjourned at 3.25 p.m.

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The Committee reconvened at 3.35 p.m.

### **277. 21/00644/FULL - 37 CANT CRESCENT, ST ANDREWS, FIFE**

The Committee considered a report by the Head of Planning relating to an application for a one and a half storey extension to the front of a dwellinghouse.

#### **Decision**

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

*Councillor Thomson re-joined the meeting following consideration of the above application.*

### **278. 21/00924/FULL - 61 RUTHVEN PLACE, ST ANDREWS, FIFE**

The Committee considered a report by the Head of Planning relating to an addition of a first floor to dwellinghouse and external alterations.

#### **Decision**

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

### **279. 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 17th May to 13th June, 2021.

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**ITEM NO: 4**

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 20/01757/PPP**

**SITE ADDRESS: LAND AT EAST CRAIGS FARM BLEBOCRAIGS FIFE**

**PROPOSAL : PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE**

**APPLICANT: MR WILLIAM CARSWELL  
EAST CRAIGS FARM FLISK ROAD BLEBOCRAIGS**

**WARD NO:** W5R20  
Cupar

**CASE OFFICER:** Jamie Penman

**DATE** 22/10/2020  
**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Refusal

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

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

## 1.1 Background

1.1.1 This application relates to an area of land measuring approximately 1,900sqm, located in the countryside, approximately 150m to the north of the defined settlement boundary of Blebo Craigs. The area of ground is currently in use as a storage yard associated with a farming/contracting business. To the north of the site is the Dura Den Local Landscape Area, to the east is an area of woodland, to the south is the remainder of the storage yard and to the east is a field/residential dwellinghouse. The site is accessed via an unadopted private access track which has a junction on to the U053 adopted rural road, located approximately 550m to the south west of the site. There is a static caravan located within the yard and it is understood that the applicant has stayed in the caravan for some time. However, no planning permission has been secured for the siting of the caravan, nor the use of the land for storage. Furthermore, no certificates of lawfulness have been secured. Core Path P098/01 passes by the site to the north.

1.1.2 This application is for planning permission in principle for the erection of a dwellinghouse associated with a rural business. As the application is for planning permission in principle, no detailed elevations have been submitted. An indicative site plan shows that the proposal would be located towards the western side of the site. The submitted supporting statements advises that the dwellinghouse is required in order to support an existing rural business.

1.1.3 Planning history associated with this application site includes:

- 12/00527/APN - Erection of an agricultural building - Approved
- 15/03645/PPP - Planning permission in principle for erection of a dwellinghouse - Refused. This refusal was appealed to the Fife Council Local Review Body who upheld the refusal decision on the basis that the principle of development had not been established.

## 1.2 Procedural Issues

1.2.1 With regard to the alleged residential use of the caravan on site a formal enforcement investigation is being opened to investigate the issue further.

## 2.1 Planning Assessment

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

- Principle of Development
- Design/Visual Impact
- Residential Amenity Impact
- Road Safety Impact
- Flooding Impact
- Land Contamination/Stability
- Natural Environment/Trees
- Low Carbon Fife
- MOD Safeguarding Zone

## 2.2 Principle of Development

2.2.1 Scottish Planning Policy (Revised 2020) (SPP) promotes the use of the plan-led system to provide a practical framework for decision making on planning applications, thus reinforcing the provisions of Section 25 of the Act.



2.2.2 Policy 1, Part A, Policy 7 and Policy 8 of the Adopted FIFEplan Local Development Plan (2017) apply. Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 7 of FIFEplan advises that development in the countryside will only be supported in certain instances. One such circumstance is that the proposal is in line with Policy 8 (Houses in the Countryside). Policy 8 of FIFEplan sets out specific requirements for the siting of new housing in the countryside. In line with Policy 7, all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area. Under Policy 8, development of houses in the countryside will only be supported where at least one of the specific criteria are met. Criterion 1 of Policy 8 states that a proposal for housing in the countryside would be acceptable if it is essential to support an existing rural business.

2.2.3 Guidance notes relating to Criterion 1 of Policy 8 state that the fact that a business is established in a rural area is not enough to justify building a house in the countryside or Green Belt. Proposals for housing must justify the need to have residential accommodation and a continuous presence at the site. There should also be no evidence of houses or plots having previously been sold from the business holding to private buyers and it will also need to be shown that there is no potential for using existing accommodation in the area. For housing associated with an existing business the house should be sited so that it fulfils the purpose its intended for and be located close to existing buildings. Planning permission will not be granted if the house is: in an isolated position; on a prominent site; or sited at a distance from existing building groups.

2.2.4 A supporting statement has been submitted with this application which states that having living accommodation on the East Craigs Farm site, is essential to the operation of the applicant's agricultural business. It states that the applicant currently lives in a residential caravan, on the land adjacent to the site. The supporting statement continues by noting that the caravan accommodation is unsuitable as a permanent home and the applicant is seeking consent for a new build house to provide them with appropriate living accommodation to meet their particular needs, whilst continuing to live on the farm. It states that the applicant has a disability, as a lower limb amputee, and the opportunity to design their own home would also enable them to achieve appropriate adaptive requirements in addition to the essential need to maintain an on-site presence. The supporting statement details that a permanent home for the applicant at East Craigs Farm will provide security for the site, which it considers is a recognised requirement for rural businesses with rural crime being a well-publicised issue and the applicant has experienced several thefts. It notes that the dwellinghouse would provide a visual presence on the approach to the farm and enabling visual surveillance of the access road to the north, the gate to the Farm and the surrounding yard area. The supporting statement states that the farm does not currently have livestock on this site, but this may change in the future, (with livestock having previously been kept at this location) and on-site presence will also be essential for animal welfare. Members however should note however that conflicting information has been submitted in this regard, as will be discussed in Section 2.2.8.

2.2.5 The supporting statement provides further detail on the nature of the applicant's business and states that the applicant has owned East Craigs Farm since the 1980s and they previously owned the nearby Easter Clatto Farm, until its sale in 2008. In addition to the farming of the land (and additional rented land), the applicant also operates as an agricultural contractor and provides machinery/equipment hire. The supporting statement details that the applicant uses land for the

storage and operation of the contracting arm of the farming business and that they are a sole trader. The supporting statement advises that after a period of bankruptcy, the applicant recommenced trading in 2002 and the business employs casual labour on occasion, as required. The supporting statement continues by advising that East Craigs Farm has approx. 8 ha of the land in arable production (currently grass/barley) with an additional area providing farm stabling/yard and the location for the applicant's residential caravan home and that residential caravan, has been at East Craigs Farm since 2008 (and had been on the site and used as accommodation prior to this date). The supporting statement argues that the applicant was successful in making a rural business case for the development of a dwellinghouse at Easter Clatto Farm (04/03278/EFULL) which was approved subject to a Section 75 legal agreement in 2008, however, the personal circumstances of the applicant required the later sale of Easter Clatto Farm and they were not able to pursue the development of the above dwellinghouse. The business now solely centres around East Craigs Farm, with the similar need for a dwellinghouse to support the business.

2.2.6 Through consideration of the above information, concerns with the justification were raised with the applicant's agent. It was noted that the need for on-site security was not in itself an adequate reason to justify a house in the countryside, given that other measures could be put in place to better secure the site. No details of such measures have been put forward. It is also considered that the proposed dwellinghouse would have a negligible benefit on the security of the wider area. Concerns were also raised with regard to the viability of the business. Whilst it's noted that the supporting statement suggests that the business has been operating since 2002, no financial details have been put forward to support this or to detail that the business is viable. The agent was also advised that potential plans to have livestock in the future, could not be considered as justification for the proposal, given this had not yet happened.

2.2.7 Through further dialogue with the agent, they were advised that such applications were normally supported by a justification report prepared by a suitably qualified rural consultant. A report was eventually submitted by the Scottish Agricultural College (SAC), which details that there is no farmhouse associated with the site of East Craigs Farm and that the applicant has been living in an on-site caravan on the holding for over 13 years and has owned the holding since the 1980's. The report considers that it is essential for a house to be built on the site to allow the applicant to run his business from a more secure and comfortable location than the current caravan, which would improve the standard of living, improve site security and improve the efficiency of the whole business. The SAC report states that the farm holding has a mix of cereal cropping, permanent and temporary grass leys and a herd of Highland cattle and that the holding currently has a machinery shed/workshop with space for temporary grain and straw storage. The SAC report notes that the business has a mix of machinery which is used to farm the holding and provide contracting services to local businesses and that on average contracting hours will make up roughly three days a week with the rest of the hours used to run the holding and meet cattle welfare requirements. The SAC report advises that 4.43 Ha of land are registered for basic payment the rest of the farmed area is leased in seasonally. The report states the applicant's herd of 19 Highland suckler cows move round the holding and onto seasonally let grassland throughout the year and that the breed lends itself well to out wintering, therefore no cattle-shed or expensive feeding equipment is required. The SAC report considered that 1.13 labour units are required to run the business and concludes that that a house on site is essential for East Craig Farm to function as efficiently and profitably as possible and to provide the applicant with a more suitable residence to live and run his business. It advises that if a suitable house is not built, then the business will suffer operational difficulties in the future and animal welfare and the applicant's health could suffer and that there will be implications for health and safety, farm security and business viability.

2.2.8 Whilst the comments raised in submitted SAC report have been considered, it should be noted that it contradicts the submitted supporting statement by advising that the applicant has a herd of cattle, which move around the farm holding throughout the year. An argument is made that a permanent presence is required for animal welfare purposes, however it also notes that the breed lends itself well to out wintering, therefore no cattle-shed or expensive feeding equipment is required. Attention is again drawn to the location of the applicant's land holdings in that they are largely remote from the application site. It is therefore difficult to appreciate how a permanent presence in the proposed location would benefit animal welfare, when the same ability could be afforded from any location within the locale. It should again be noted that in line with Policy 8 that the applicant is required to show that there is no potential for using existing accommodation in the area, however no evidence has been put forward that such an evaluation has taken place.

2.2.9 Taking all of the above into account, it is considered that the principle of development has not been fully justified in this instance given that alternative solutions to on-site security have not been identified, financial details to show that the business is viable have not been submitted, the availability of alternative accommodation in the surrounding area has not been explored and that it is not considered that a house in this location would provide any significant benefit with regard to animal welfare. The need for a continuous on-site presence in this location, has therefore not been established, contrary to FIFEplan (2017) Policies 1, 7 and 8.

### 2.3 Visual Impact on Surrounding Area and Countryside

2.3.1 Policy 1 of the Adopted FIFEplan 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 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 advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported, whilst also setting out that developments are expected to achieve the six qualities of successful places; distinctive; welcoming; adaptable; resource efficient; safe and pleasant; and easy to move around and beyond.

2.3.2 Fife Council's Making Fife's Places Supplementary Guidance (2018) also applies and sets out the expectation for developments with regard to design. This document encourages a designed 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.

2.3.3 The application site is directly south of the Dura Den Local Landscape Area. The site, however, is not overly visible/prominent from any public elevation. Whilst the site would not form part of a cluster of houses, there are neighbouring houses nearby, approximately 50m to the west. As this is an application for planning permission in principle, no detailed elevations/site plans have been submitted. It is considered however that a modest 1.5 storey dwellinghouse could be developed on this site, without having any significant visual impact on the wider countryside environment or defined Local Landscape Area. If the application was to be approved, this would be done so on the condition that the caravan is removed from site. Given the condition of the wider site, it is considered this would have a negligible visual improvement on the wider area. As noted of above the formal position of the caravan is subject to an enforcement investigation.

2.3.4 It is therefore considered that the proposal would be capable of complying with FIFEplan Policies 1 and 10 in this instance. However, this is not the determining factor in this instance given the principle of the proposal is not supported.

## 2.4 Residential Amenity Impact

2.4.1 Policies 1 and 10 of Adopted FIFEplan, Planning Advice Note (PAN) 1/2011: Planning and Noise, 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.

2.4.2 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 The nearest neighbouring residential property is located approximately 50m to the west of the application site, it is therefore considered that the site could be designed in such a way to negate any significant residential amenity impacts. such as privacy and overshadowing.

2.4.4 The site would be large enough to accommodate an area of at least 100sqm of garden ground, meeting Fife Council Guidelines.

2.4.5 There is potential for noise impacts associated with the applicant's business to impact residential amenity of the proposed dwellinghouse, however, given the applicant would have control over this, no significant concerns would be raised.

2.4.6 Whilst no indicative site elevations or site plans have been submitted, it is considered that this site could be developed in such a way to avoid any significant residential amenity impacts.

2.4.7 It is therefore considered that the proposal would be capable of complying with FIFEplan Policies 1 and 10 in this instance. However, this is not the determining factor in this instance given the principle of the proposal is not supported.

## 2.5 Road Safety Impact

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

2.5.2 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 including visibility splays.

2.5.3 The application site is accessed via an unadopted private access track which has a junction on to the U053 adopted rural road, located approximately 550m to the south west of the site. The track is single width for the majority of its length, and it is in a poor condition. There would be enough space within the application site to accommodate off-street parking.

2.5.4 Fife Council's Transportation Development Management Team (TDM) were consulted on this application and advised that the surrounding roads network is mainly single track and, in some sections, in very poor condition and is not suitable for any intensification of vehicular traffic. The proposal is to erect a dwellinghouse where more sustainable modes of transport are not readily and safely available to allow people to access local facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips. Consequently, the development does not provide for non-car modes of transport and in reality, the development would be car dominant which is against the principles of SPP. TDM advised the application should be refused given that the proposal would not promote sustainable development, the existing unadopted private access already serves more than the Fife Council Limit of 5 houses. The existing roads and tracks in this area are very sub-standard in terms of width, alignment, lack of passing places, poor visibility at corners and junctions, construction, footway provision, maintenance and drainage and are therefore unsuitable for serving further development of the type proposed. Furthermore, visibility splays at both junction accesses where the private access track meets with the adopted road network are obstructed by permanent features that are out with the control of the applicant; any further intensification of traffic at these junctions would be to the detriment of all road users.

2.5.5 Given the concerns detailed in the TDM response, the proposal would have a negative impact on existing levels of road safety levels in the surrounding area. Furthermore, the proposal would be in an unsustainable location, with no public transport links/services nearby, which is against the principles of SPP.

2.5.6 It is therefore considered that the proposal would be contrary to FIFEplan Policies 1, 3, 10 and Making Fife's Places Supplementary Planning Guidance in this instance.

## 2.6 Flooding Impact

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

2.6.2 Scottish Environment Protection Agency (SEPA) flood maps have been analysed and, in this instance, and shows that the application site is not located within an area of known river, coastal or surface water flood risk. Furthermore, as the proposal is for only one dwellinghouse, there is no requirement to provide a sustainable urban drainage system.

2.6.3 In light of the above, the proposal would raise no significant concerns in terms of its flooding impact and as such, be deemed to comply with FIFEplan (2017) Policies 1 and 12 in this instance. However, this is not the determining factor in this instance given the principle of the proposal is not supported.

## 2.7 Land Contamination/Stability

2.7.1 FIFEplan Policies 1 and 10 apply in this instance. It indicates that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. These policies will be applied to ensure the safe development of potentially contaminated and unstable land.

2.7.2 Fife Council records do not indicate any instances of contaminated land in this instance. Fife Council's Land and Air Quality Team were consulted on this application however and noted that the site appears to have been used extensively for farm storage over the last twenty years. They have advised that an appropriate site-specific risk assessment should be undertaken to ensure the site would be developed safely. In the first instance, this would comprise desk-based research and consultation with current or former owners. A series of conditions were therefore recommended.

2.7.3 The proposal would be capable of complying with FIFEplan Policies 1 and 10 in this instance, subject to condition. However, this is not the determining factor in this instance given the principle of the proposal is not supported.

## 2.8 Natural Environment/Trees

2.8.1 FIFEplan Policies 1 and 13 support proposals where they protect or enhance natural heritage and access assets, including trees and that have a landscape, amenity, or nature conservation value. Making Fife's Places (2018) states that where an existing tree is to be retained on a development site, or existing trees are identified on an adjacent site, no new buildings or gardens should be built within the falling distance of the tree at its final canopy height.

2.8.2 Given the currently use of the site, no natural heritage concerns would be raised in this instance. Core Path P098/01 passes the site to the north however the development would be unlikely to impact this. Had the development been recommended for approved, a condition would have been added to ensure access to the Core Path was not restricted.

2.8.3 In light of the above, the proposal would be deemed to comply with FIFEplan (2017) Policies 1 and 13 in this instance. However, this is not the determining factor in this instance given the principle of the proposal is not supported.

## 2.9 Low Carbon Fife

2.9.1 SPP (paragraph 154), Policies 1 and 11 of FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply with regards to the low carbon requirements expected of this proposal.

2.9.2 SPP (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets.

2.9.3 Policy 11 (Low Carbon) of the FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning application applicants are expected to submit a completed sustainable building statement.

2.9.4 As the application is for planning permission in principle, limited details have been submitted in this regard. A low carbon checklist has been submitted however and states that carbon reduction targets would be met. It is considered that the appropriate details could be secured by condition.

#### 2.10.1 MOD Safeguarding Zone

2.10.2 The application site is located within a MOD Safeguarding Zone in relation to Leuchars Station. The MOD has been consulted on this proposal and have advised that they have no objections, subject to the proposed dwellinghouse being restricted to a finishing height of 3.5m but should it be higher then the MOD should be reconsulted. This can be addressed by condition.

### CONSULTATIONS

Ministry Of Defence (Statutory)	Maximum build height of 3.5m.
Transportation, Planning Services	Objection.
Transportation And Environmental Services - Operations Team	No response
Land And Air Quality, Protective Services	No objections subject to conditions.
Scottish Water	No objections.

### REPRESENTATIONS

23 support comments and 1 general comment has been received.

Comments raised which are deemed material to this application include:

- A house would enable the applicant to better look after his business - Addressed in Section 2.2
- Proposal would have no visual impact on village/settlement pattern - Addressed in Section 2.3
- Proposal would have cause no increase in traffic - Addressed in Section 2.5
- Proposal would have a positive visual impact through removal of the caravan - Addressed in Section 2.3
- Proposal would provide greater degree of security for the wider area - Addressed in Section 2.2

Comments raised which are not deemed material to this application include:

- Applicant has lived in the village for all his life
- House would provide more comfortable living arrangements for the applicant who is disabled
- Applicant provides valuable services for the local community

### CONCLUSIONS

It is duly considered that the supporting information has failed to demonstrate that there is an essential need for a dwellinghouse that would provide a continuous on-site for this site. Alternative solutions to on-site security issues have not been identified, financial details to show that the business is viable have not been submitted for consideration, the availability of alternative accommodation in the surrounding area has not been explored and that it is not considered that a house in this location would provide any significant benefit with regard to animal welfare. The need for a continuous on-site presence in this location to support an existing

rural business, has therefore not been established, contrary to FIFEplan (2017) Policies 1, 7 and 8.

## **RECOMMENDATION**

The application be refused for the following reason(s)

1. In the interest of safeguarding the countryside from unjustified sporadic residential development; the need for a new dwellinghouse at this location is not considered to be justified as the application site lies out with any defined settlement boundary and the proposal does not meet any of the criterion as set out in Scottish Planning Policy (2020); and is contrary to Policies 1, 2, 7 or 8 of the Adopted FIFEplan (2017).
2. In the interest of protecting existing levels of road safety; the existing unadopted private access already serves more than the Fife Council Limit of 5 houses, which is already sub-standard in terms of width, alignment, lack of passing places, poor visibility at corners and junctions, construction, footway provision, maintenance and drainage and is therefore unsuitable for serving further development of the type proposed, contrary to Scottish Planning Policy (2020); Adopted FIFEplan (2017) Policies 1, 3, 10 and Making Fife's Places Supplementary Planning Guidance (2018) in this instance.

## **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:

SPP - Scottish Planning Policy (Revised 2020)  
PAN 1/2011 Planning and Noise

Development Plan:

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

Local Guidance:

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018)  
Fife Council's Planning Customer Guidelines on Garden Ground (2016)  
Fife Council's Planning Customer Guidelines on Minimum Distances between Window Openings (2011)

Report prepared by Jamie Penman, Case officer

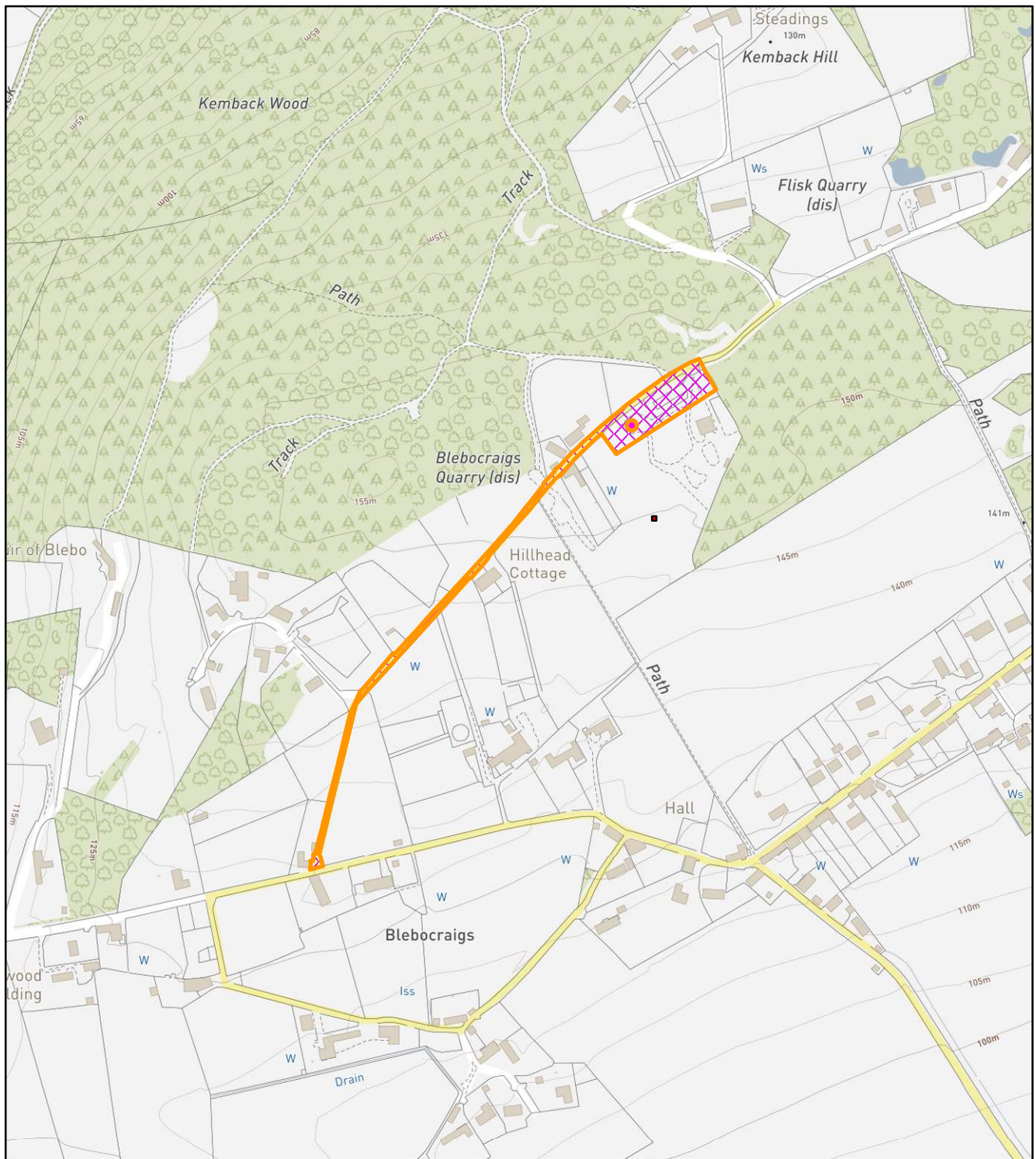
Report agreed and signed off by Alastair Hamilton. Service Manager (Committee Lead) 5/7/21.

Date Printed 24/06/2021



# 20/01757/PPP

## Land At East Craigs Farm Blebocraigs



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### Legend

 Application Boundary

0 25 50 100 150  
m



**Fife**  
COUNCIL  
Economy, Planning & Employability Services

**ITEM NO: 5**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02272/FULL**

**SITE ADDRESS: HAWKSWOOD COUNTRY ESTATE PEAT INN FALFIELD**

**PROPOSAL : ERECTION OF RESTAURANT/BISTRO (CLASS 3) WITH ASSOCIATED OUTDOOR SEATING AREA, CAR PARKING AND ACCESS ROAD, INSTALLATION OF GATES, HELICOPTER LANDING FACILITY AND ASSOCIATED DRAINAGE INFRASTRUCTURE.**

**APPLICANT: HAWKSWOOD COUNTRY ESTATE  
HAWKSWOOD COUNTRY ESTATE PEAT INN CUPAR**

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

**CASE OFFICER: Andy Taylor**

**DATE REGISTERED: 08/10/2020**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application has received more than 5 objections and more than 5 supporting representations.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional approval requiring a legal agreement to secure visibility splays.

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

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

## 1.0 Background

1.1 The application site consists of an area of grass land associated with Hawkswood Country Estate located in a countryside location between Largoward and Peat Inn. The site lies between the B941 to the west and properties at 'The Roundell', Bowhill House' and 'Hawkswood House' to the east. A belt of woodland lies within the site along the north side of the access and areas of open ground to the south of access. To the south of the site lies Bowbridge Croft and associated enterprise containing Alpacas and on-site accommodation. More widely agricultural land generally extends from the site, however there are sporadic farm steadings and dwelling houses found the surrounding area with a large expanse of woodland 400m further west of the B941.

1.2 This proposal is for the erection of a restaurant/bistro (Class 3) with associated outdoor seating area, car parking and access road, installation of gates, helicopter landing facility and associated drainage infrastructure.

1.3 Recent planning applications on this site as follows;

- 17/00531/FULL, Erection of four holiday homes, visitor reception building, W.C. Block, helicopter landing facility and pump house building with associated parking and landscaping, approved January 2018.

- 19/01134/FULL, erection of four holiday homes, visitor reception building, W.C. Block, helicopter landing facility and pump house building with associated parking and landscaping (amendment to planning permission Ref. 17/00531/FULL for the substitution of four holiday homes with four amended holiday homes (amended design and footprint)), approved August 2019.

- 20/01324/FULL, change of use from agricultural land to golf driving range and formation of hardstanding (in retrospect) associated with Hawkswood Country Estate, approved August 2020.

- 21/01593/FULL, Construction of temporary access road, delivery/storage compound, gate, and access onto public road, pending decision.

## 2.0 Planning Assessment

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

- Principle of development
- Visual impact
- Road Safety
- Aviation
- Amenity impact
- Natural heritage
- Drainage
- Contaminated land
- Low Carbon

## 2.2 Principle of development

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

2.2.2 Policy 7 of FIFEplan (2017) advises that development in the countryside will only be supported where it;

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

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.

2.2.3 With regard to the justification for the proposed development, the Planning Authority consider criterion 3 of Policy 7 to be the most applicable. Hawkswood Country Estate is an expanding tourist development which currently consists of Hawkswood House and the Roundell used for holiday purposes and Bowhill which is to be used as a 2 room, bed and breakfast accommodation up until September to assist in current bookings. The property will then revert to a dwellinghouse for holiday purposes after this. A golf driving range was granted planning permission as per Section 1.3. Planning permission (19/01134/FULL), for the erection of four holiday homes, a visitor reception building, W.C. block, helicopter landing facility and pump house building with associated parking and landscaping has also been approved. The applicant has stated that this will be started soon. The applicant has recently submitted a planning application (Ref: 21/01593/FULL) for a temporary construction access road and delivery compound for the construction works, so that construction vehicles etc do not use the main access into Hawkswood Estate. A masterplan has

recently been submitted which shows proposed future proposals for Hawkswood Estate. Within the supporting document, the applicant has stated that the proposed cafe/bistro is to be primarily for guests staying within Hawkswood Estate, but some public use is anticipated during the quieter times of the year to help support that aspect of the wider tourist business. This would mean that up to 70 guests (when the 4 holiday houses are constructed) could be accommodated. The supporting document also confirms that Hawkswood Country Estate host a limited number of wedding events each year.

2.2.4 A number of objections have been raised questioning the need for the business, its sustainability, and the number of jobs it would create. There is some concern that the restaurant/bistro would take business away from the wider area. It is not a material planning consideration to assess whether the proposals would be successful or not. There is currently no evidence that suggests that the guests would wish to remain on the site every day and it is highly likely that guests would venture outwith the site into Fife and beyond. The number of jobs created is also not material in the assessment of this planning application. Fife Council Business and Employability Team have been consulted but have stated that they no comments to make.

2.2.5 The applicant has stated that the restaurant/bistro is an important part of the continued growth and success of the tourist development and has supplied supporting evidence within the economic analysis. Taking all relevant factors into account it is considered that the proposal complies with Section 3 of Policy 7 of the Adopted FIFEplan (2017) in that it is a development in the countryside where it supports and is for the extension of established businesses. In land use terms, the proposal is considered to meet the requirements of the policies outlined above and is thus deemed to be acceptable in principle. The overall acceptability of any such development must however also satisfy other relevant Development Plan policy criteria as follows.

### 2.3 Visual impact

2.3.1 The following Adopted FIFEplan policies are applicable: 1 (Development Principles), 2 (Homes), 7 (Development in the Countryside), 10 (Amenity), 13 (Natural Environment and Access) and 14 (Built and historic Environment). Further detail on good design and how this should relate to its context is contained in the guidance 'Making Fife's Places' (2015). In particular, Policy 7 advises that proposals should not result in an overall reduction in landscape and environmental quality.

2.3.2 The proposals involve the erection of a single storey building with a footprint of 18.6m x 13m including the external seating area. The building has an L-shaped pitched roof with rooflight. The roofing materials have not been described but will be subject of a condition. All windows and doors are to be coloured grey, with walls finished in Scottish larch timber cladding and soffit and facias in cladding in a colour to be conditioned. Rooflights are proposed on both east and west elevations.

2.3.3 Also proposed are new gates to the estate entrance. The gates would have new stone pillars and 1.8m high black painted metal gates. Parking for the restaurant/bistro would be to the east of the building.

2.3.4 Overall, it is considered that the proposal is of an appropriate quality of architectural design and finish within this countryside location. The design has been thought through with full consideration of the site and the surrounding countryside, to propose a building that is reflective of, and sits comfortably within, its setting. It is considered that this presents a form and style that

is grounded in the site's context, consistent with the planning policies/guidance as referred to above.

## 2.4 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 (2017) 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 (2017) 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.

2.4.3 A number of objections have been submitted related to road safety matters. Issues raised relate to the over provision of parking on the site, and issues at the proposed junction due to increased traffic levels.

2.4.4 Fife Council Transportation Development Management (TDM) Officers were consulted on the application. TDM have concerns that the development would result in an increase in vehicular trips entering and leaving a sub-standard access. However, the applicant has confirmed that an agreement can be reached with the land-owner opposite the application site to remove sections of hedging to improve visibility to the north. A Section 75 Legal Agreement is therefore required to ensure that this takes place prior to any operation of the restaurant/bistro. In addition, TDM have recommended conditions relating to off-street parking and visibility splays.

2.4.5 It is therefore concluded that the development complies with all relevant national and local policies and guidelines in terms of road safety matters.

## 2.5 Aviation

2.5.1 As with the previously approved planning applications as described in Section 1.3 for the 4 holiday homes with a helicopter pad, within Hawkswood Country Estate, there is no dedicated provision within FIFEplan regarding impact on aviation from more general proposals; reference is made to comparative policy for wind energy developments (Policy 11 - Low Carbon Fife) where it is advised that due regard must be had on aviation and defence interests. As a subject policy this in turn informs the acceptability of the proposal in principle under Policy 1 (Development Principles)

2.5.2 It should be noted that there is currently an extant permission within this planning application site which includes an approved heli-pad albeit approximately 60m to the west of the current application site. The applicant has confirmed that there will be only one heli-pad within Hawkswood Estate at the point shown within this planning application. The applicant has also confirmed that a planning application to amend the 4 holiday homes under Ref:19/01134/FULL is to be amended under a fresh application in the near future omitting the original heli-pad. The heli-pad will only be used by guests to Hawkswood Estate and privately by the applicant who has a helicopter license. The heli-pad will not be used commercially. All the relevant aviation safeguarding authorities have been re-consulted and no objections have been received. However, given that no comments have

been provided from the Civil Aviation Authority (Helicopters) and the fact there is separate framework for the regulation of aviation, then it is up to the applicant to ensure that they act in full accordance with these regulations which are outwith planning control.

## 2.6 Amenity

2.6.1 FIFEplan Policies 1 (Development Principles) and 10 (Amenity) are applicable. Policy 10 (Amenity) states that proposals must not have a detrimental impact on amenity.

2.6.2 A significant number of objections have been raised in relation to noise being generated from helicopters using the proposed heli-pad and the impact on local residents and visitors to the area including Hawkswood Country Estate itself. In addition, concerns have also been raised relating to the adjacent alpaca farm and the impact on the health and wellbeing of the animals. Objections have also been submitted regarding noise from the restaurant/bistro itself. Other amenity issues raised include litter, wandering dogs, unwanted feeding of the alpacas and light pollution from the new build.

2.6.3 With regards to amenity, it is considered that the tourism nature of the use would not result in a significantly detrimental impact by way of amenity on the surrounding area. Fife Council Environmental Health (EH) have been consulted and have no objections to the proposed restaurant/bistro but suggest a condition is imposed relating to the maintenance and operation of external plant and machinery for the building when in operation to ensure noise levels and odour is controlled appropriately. Discussions with EH confirmed that issues related to the alpacas are not within their remit as they only deal with noise issues relating to human health and wellbeing. Issues relating to visitors to the restaurant/bistro such as wandering dogs, litter, unwanted feeding of the alpacas and other associated anti-social behaviour are a matter for the management of the restaurant/bistro to control and advise visitors to the restaurant/bistro, and other uses within the tourist development. With regards to the issues raised in relation to helicopters landing and leaving the site, a heli-pad has already been approved and the approval still extant within close proximity of the current location and as such is not considered to be a material consideration in the assessment of this proposal. Concerns relating to light generated from the proposals have been raised, as no light information has been submitted a condition will be imposed to ensure no unwanted excessive lighting will be provided which adversely impacts on neighbouring properties.

2.6.4 Taking all the above factors and concerns into account, the proposed development is not considered to give rise to, or be subjected to, significantly adverse residential amenity concerns and is thus deemed to be acceptable in this regard, complying with the aforementioned policies and guidance.

## 2.7 Drainage

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

2.7.2 Policy 3 of the FIFEplan (2017) states that development proposals must incorporate measures to ensure that they would be served by adequate infrastructure and services; including foul and surface water drainage, and SUDS. Policy 12 of FIFEplan (2017) 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 is installed for all new development, with the exception of runoff from a single dwellinghouse or discharge to coastal waters.

2.7.3 Drainage information has been provided by the applicant including a surface water drainage report and drawing as well as completed Sustainable Drainage Design Compliance Certificate and Independent check certificate. Fife Council Structural Services, Flooding, Shoreline and Harbours have been consulted and have stated that they have no comments to make in relation to the submitted details.

2.7.4 In conclusion, the proposed development would not give rise to any flood risk concerns, whilst the Planning Authority is satisfied with the drainage and SUDS information provided. The application therefore meets the requirements of the above legislation, FIFEplan (2017) policies and local guidance.

2.7.5 It should be noted that there is currently no public Scottish Water or waste-water infrastructure within the vicinity of the site and therefore the applicant would need to provide a private solution. In this instance there are several options available to the applicant and as such a condition has been imposed accordingly to ensure an appropriate solution is achieved to the satisfaction of the relevant authorities.

## 2.8 Natural Heritage

2.8.1 FIFEplan (2017) Policies 1 and 13 (Natural Environment and Access) apply in this instance. In particular, these policies state that proposals will only be supported where they protect and enhance natural heritage assets and access, including protected species and habitats.

2.8.2 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.

2.8.3 The application site is an area of grassland with no trees. As such, no significant natural heritage impacts are raised in this instance. However, although there will be no biodiversity loss in this instance, has shown the addition of landscaping around the site. Biodiversity enhancement should be considered throughout the design process. Details of biodiversity enhancement has not been provided as such as required by policy, however a condition will be imposed to ensure landscaping undertaken is appropriate. To maximise biodiversity, native species of native origin should be specified for landscaping. For this rural location appropriate new boundaries would be species-rich native hedgerows and trees. Making Fife's Places Supplementary Guidance covers the integration of biodiversity enhancement into design.

2.8.4 In light of the above, and subject to satisfactory landscaping being provided, the proposal would be deemed to comply with FIFEplan (2017) Policies 1 and 13 in this instance.



## 2.9 Contaminated Land

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

2.9.2 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. Policy 10 of FIFEplan (2017) 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 After examination of all relevant mapping and database information and submitted documents, Fife Council Land and Air Quality Team have no comments to make.

2.9.4 It is therefore concluded that the development complies with the relevant criteria of the Development Plan in this instance and could be developed safely.

## 2.10 Low Carbon

2.10.1 Policy 11 (Low Carbon) of the FIFEplan (2017) states that planning permission will only be granted for new development where it has been demonstrated that:

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

All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

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

2.10.3 The applicant has stated that the new building will be compliant with current energy efficient standards within building regulations to meet U-value. The proposals will also meet Scottish Non-Domestic Technical Standards Section 6 compliance and the building will be heated by an air source heat pump system and LED lighting. Sustainable drainage is to be provided. All materials are to be sourced from manufacturers who provide the most sustainable components. All waste will be sorted and uplifted under current regulations. Finally, the restaurant/bistro is to be used mainly by guests who can easily walk to the restaurant/bistro, thus limiting car travel out with the tourist development.

2.10.4 The applicant has provided an appropriate low carbon checklist and other relevant information indicating an appropriate low carbon build. The details are considered to comply with Fife Council policy.

## CONSULTATIONS

Transportation, Planning Services	Conditional Approval once a s.75 Legal Agreement has been concluded to ensure splay work necessary within third party land ownership has been agreed.
Land And Air Quality, Protective Services	No comments
Structural Services - Flooding, Shoreline and Harbours	No comments.
Environmental Health (Public Protection)	No objection recommending that further information be provided for plant and machinery
NATS Air Traffic Services	No objection
Highlands And Islands Airports Ltd	No objections
Edinburgh Airport	No objection
Directorate Of Airspace Policy	No response but details passed to helicopter authority
Ministry Of Defence (Statutory)	MOD asked for building heights, but no further response received
Scottish Water	Advise that there is no public Scottish Water or waste-water infrastructure within the vicinity of the site and advise applicant to investigate private options.
Business And Employability	No comments

## REPRESENTATIONS

Seventy representations have been received in relation to this application, 40 in support and 30 objecting on the following grounds;

- The helicopters landing on the landing pad would have an adverse impact on neighbouring alpaca farm.
- Helicopters would adversely impact on the local amenity of local residents as well as to visitors of the various venues and tourist accommodation in the area.
- Visitors to the bistro may cause various issues for alpaca farm, including wandering dogs, litter and unwanted feeding of the alpacas.
- Business not sustainable not needed. (See Section 2.2.4)
- Litter particularly from outdoor seating. (See Section 2.6.3)
- Adverse visual impact of the building on the countryside. (See Section 2.3)

- Light pollution. (See Section 2.6.3)
- Noise impact of wedding guests. (See Below)
- Business will not create jobs stated in supporting statement. (See Section 2.2.4)
- Pollution from helicopters. (Nothing raised by Air Quality Team or aviation authorities).
- Noise from Bistro (Particularly if a licensed premise). (See Section 2.6.3)
- over provision of parking. (TBC)
- Road safety issues, particularly the access junction. (TBC)
- Procedural issues application form not uploaded to planning portal with other documents making application invalid. (See below)
- Issues relating to the use of the existing properties as bed and breakfast/guesthouses being lawful under the terms of the Town and Country Planning (Use Classes) (Scotland) order 1997 as amended. (See Section 2,1)

The objections relating to noise from and impacting on the wedding venue are not material to this planning application and have not addressed.

Legal implication of application not being uploaded at validation - Fife Council Legal Services did not see any legal issue here that would prevent the planning authority from determining the application. As case officer, I was satisfied that the neighbour was properly notified and the application appeared on the portal (albeit without the actual application form) and the objectors were able to submit an objection in time through the portal. There would have been nothing to have prevented the objector from contacting the Council and asking to see the application form if they needed to see it to formulate an objection.

There was no need for a new application to be submitted. Legal Services have confirmed that objectors have not been prejudiced by the application form not being published when it should have been and don't see any legal issue here that would prevent the planning authority from determining the application, he has not been prejudiced by the application form not being published when it should have been.

## **CONCLUSIONS**

This proposal for the development of a restaurant/bistro in a countryside location has been assessed against policies of the development plan, national policy and other relevant national and local planning guidance. The development is acceptable and complies with the development plan and associated guidance subject to a number of conditions and a Section 75 Legal Agreement to improve access to and from the application site.

## RECOMMENDATION

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

1. Prior to work commencing on site, details of the following external finishes shall be submitted for approval in writing by Fife Council as Planning Authority. The approved materials shall then be applied as agreed;

- Soffit and facias
- Roofing materials

Reason: In the interest of visual amenity; to ensure the development has no significant visual impact on its countryside setting.

2. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all hedges to be planted, shall be submitted for approval in writing by Fife Council as Planning Authority. To maximise biodiversity, native species of native origin should be specified for landscaping. For this rural location appropriate new boundaries would be species-rich native hedgerows and trees. The scheme as approved shall be implemented within 3 months of the first planting season following the completion of the development. All planting carried out on site shall be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

Reason: In the interest of visual amenity; to ensure the development has no significant visual impact on its countryside setting.

3. BEFORE ANY WORKS COMMENCE ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted to and approved 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.

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

4. The total noise from the approved plant and machinery, shall be such that any associated noise does not exceed NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, daytime shall be 0700-2300hrs and night time shall be 2300-0700hrs. WITHIN THREE MONTHS OF THE DEVELOPMENT BEING BROUGHT INTO USE; written evidence demonstrating that the aforementioned noise rating levels have been achieved shall be submitted to and approved in writing by Fife Council as Planning Authority.

Reason: In the interests of safeguarding residential amenity.

5. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; full, details of the proposed bin/refuse collection methods for customer use within the application site including details of the location of any bins shall be submitted to and approved in writing by Fife Council as Planning

Authority Thereafter and unless otherwise agreed in writing with Fife Council as Planning Authority, the agreed refuse collection details shall be implemented in full on site and shall remain in situ for customer use for the lifetime of the development and be regularly maintained/emptied.

Reason: In the interests of protecting the local character and amenity of the area and reducing waste.

6. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; full details of any proposed lighting scheme shall be submitted for approval in writing by Fife Council as Planning Authority. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads or sensitive properties with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in a manner which prevents spillage of light or glare into any neighbouring public roads or sensitive properties in accordance with the manufacturer's specification and approved details.

Reason: In the interests of safeguarding the amenity of the surrounding area.

7. Prior to any works starting on site, visibility splays of 4.5m x 160m shall be provided to the North and 4.5m x 150m to the South at the junction of the vehicular crossing and the public road and maintained in perpetuity, clear of all obstructions exceeding 1.05 metres above the adjoining carriageway level. For the avoidance of doubt, a Section 75 Agreement will be required with the neighbouring property owner to allow for the hedge on the opposite side of the road to be removed outwith the visibility splay line.

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

8. Prior to the first operations of the proposed restaurant/bistro, 47 off street parking spaces shall be provided as shown on Drawing No. 5787-C-03 Revision B in accordance with the current Fife Council Transportation Development Guidelines. The parking spaces shall be retained throughout the lifetime of the development for the purposes of off-street parking.

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

9. For the avoidance of doubt, only one heli-pad shall be constructed within the application site as per drawing No 2 (Block Plan) of this approval. This heli-pad shall only be used for guests visiting/staying at the tourist accommodation and for the applicant's personal use in perpetuity.

Reason: To ensure that only one heli-pad is operational within the site.

10. Prior to work commencing on site, details of the following shall be submitted to Fife Council as Planning Authority for approval in writing. For the avoidance of doubt these details shall outline the proposed arrangements necessary to service the site.

- Water infrastructure within the vicinity of this proposed development
- Waste-water infrastructure within the vicinity of this proposed development

Once the respective service provisions have been submitted and agreed in writing then the works shall be carried out in full and maintained as such in perpetuity unless otherwise agreed in writing with this Planning Authority.

Reason: In the interests of provided appropriate water and waste-water solutions.

## **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 (Revised 2020)

PAN 1/2011: Planning & Noise

PAN 33: Development of Contaminated Land (2000)

Development Plan:

Adopted FIFEplan - Fife Local Development Plan (2017)

Other Guidance

Making Fife's Places Planning Policy Guidance (2018)

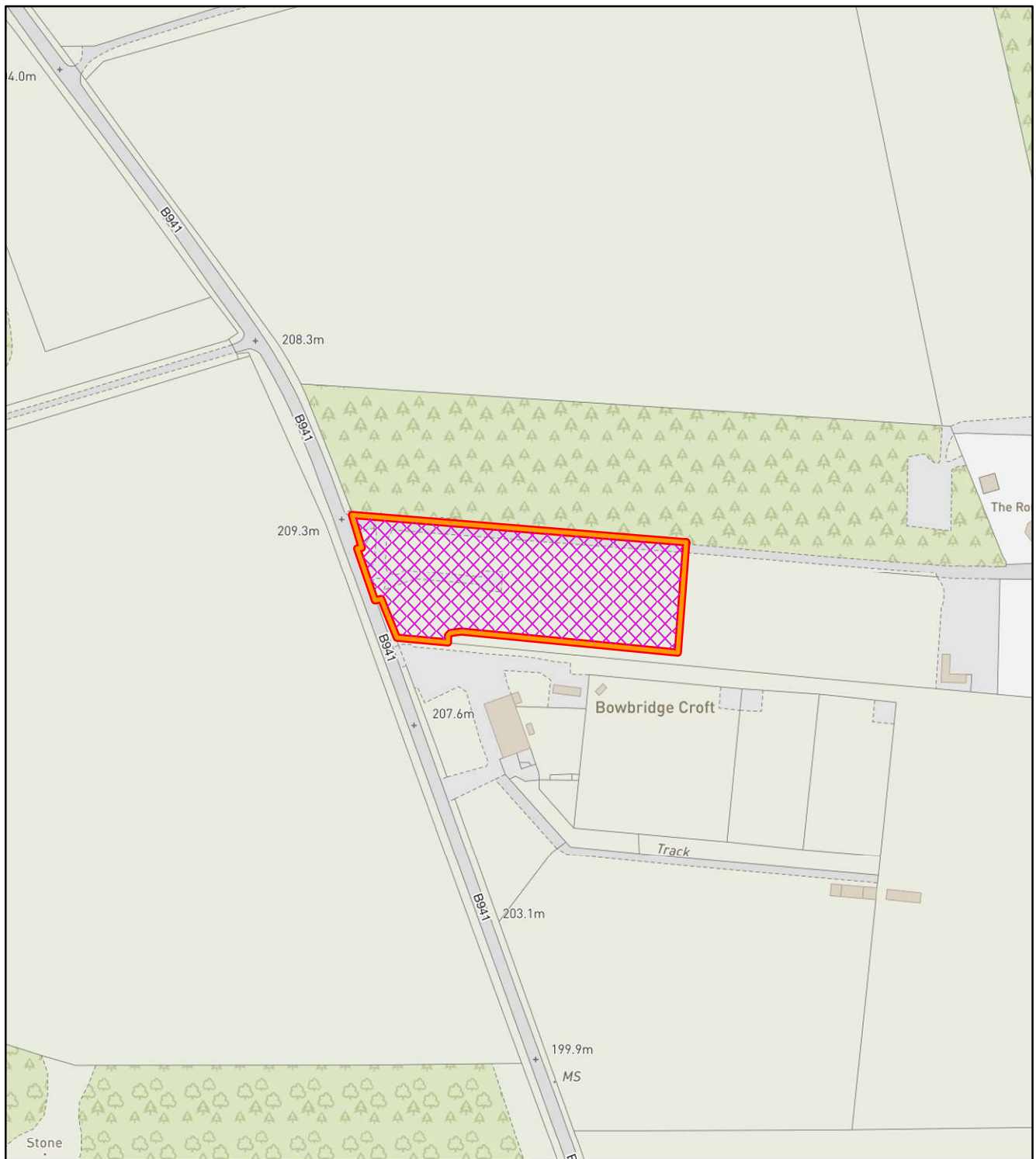
Report prepared by Andy Taylor Case Officer and Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 15/7/21.

Date Printed 02/07/2021

# 20/02272/FULL

## Hawkswood Country Estate Peat Inn Falfield Largoward



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Legend	
	Application Boundary
	
	
 Fife COUNCIL Economy, Planning & Employability Services	

**ITEM NO: 6**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00178/FULL**

**SITE ADDRESS: LAND AT SPRINGFIELD EAST FARM MAIN STREET  
SPRINGFIELD**

**PROPOSAL : ERECTION OF 30 AFFORDABLE DWELLINGS WITH  
ASSOCIATED ACCESS, LANDSCAPING, SUDS AND OTHER  
ASSOCIATED INFRASTRUCTURE (DEMOLITION OF  
AGRICULTURAL BUILDINGS)**

**APPLICANT: THE NEWPORT PROPERTY DEVELOPMENT COMPANY  
LIMITED  
TORRIDON HOUSE 56 TORRIDON ROAD BROUGHTY FERRY**

**WARD NO: W5R20  
Cupar**

**CASE OFFICER: Bryan Reid**

**DATE 04/02/2021  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 representations have been received which are contrary to the Officer recommendation. Springfield Community Council has 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 The application site relates to an agricultural field on the edge of the defined settlement boundary of Springfield - the site covers land both within and outwith the settlement boundary (per FIFEplan Local Development Plan, 2017). The western extent of the site is allocated in FIFEplan as SPF003, a housing opportunity site with an estimated capacity of 8 units, whilst also being included on the vacant and derelict land register. A pedestrian right of way passes through the site, leading from Main Street to the west. Vehicular access to the site is proposed to be taken from Crawley Court to the south. The surrounding area is characterised by residential development, mostly comprising of two storey semi-detached and terraced rendered properties. Springfield Primary School is located approximately 100 metres to the south of the site. Open fields are located to the north and east of the site, with large trees forming the southern boundary.

1.2 The application is for planning permission for the erection of 30 affordable housing units with associated access, drainage, parking and landscaping. The proposed 30 units would comprise of a mixture of semi-detached buildings, including single and two storey properties. The mix of affordable dwellings proposed would include wheelchair accessible bungalows. A single point of vehicular access is proposed to be taken directly from Crawley Court. Finishing materials proposed include concrete roof tiles (red and grey); off white smooth rendered walls, timber effect composite cladding and off red coloured brick basecourses. All windows would be tilt and turn, formed of white uPVC. Main entrance doors would be uPVC, varied in colour to allow distinction between dwellings. All driveways would be finished with brindle coloured porous paving. Low level hedges are proposed to divide front curtilages, with timber fence to separate rear garden areas. Hedge planting is proposed to enclose the site boundaries. An area of public open space and drainage pond are proposed to the west of the site. Tree planting (including street trees) are proposed throughout the site).

1.3 With regard to the recorded planning history for the site:  
06/01604/PPP – In 2007, outline planning permission was approved for residential development on the site. It is believed that 8 units were envisioned for the site.

1.4 Per Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the proposed development is below the 150 unit and 5ha application site area thresholds which would require the application to be considered for EIA.

## 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
- Residential Amenity
- Low Carbon Fife
- Transportation/Road Safety
- Loss of Prime Agricultural Land
- Flooding and Drainage
- Contaminated Land
- Natural Heritage and Trees
- Affordable Housing
- Developer Contributions
  - Education

- Open Space and Play Areas
- Public Art
- House in Multiple Occupation (HMO)

## 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 Scottish Planning Policy (2020), Policies 1 and 4 of TAYplan Strategic Development Plan (2017), Policies 1, 2, 7 and 8 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 Paragraph 125 of the SPP 2020 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, 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 Cupar and North West Fife Housing Market Area (HMA) this equates to a housing supply target of 110 and a housing land requirement of 121

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).

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 With regard to affordable housing development proposals, Policy 2 of FIFEplan (2017) states that the development of sites adjacent to settlement boundaries, excluding green belt areas, solely for the provision of small scale affordable housing, may be supported where there is established and unmet local need and if no alternative site is available within a settlement boundary. In such instances, priority will be given to the redevelopment of brownfield sites. The scale of such adjacent development will reflect the character of the settlement - a maximum of 20 units for settlements with fewer than 200 households; a maximum of 30 units for settlements of between 200 and 1,000 households; and a maximum of 49 units for settlements of greater than 1,000 households.

2.2.12 Fife Council's most recent Housing Land Audit (2019) identifies that in the Cupar & North West Fife HMA, there is an expected shortfall of 9 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 (110 units per annum). In accordance with the recent 'Gladman decision', using TAYplan's housing land requirement figure (121 units per annum), it is recognised that the expected (all tenure) shortfall in the five year land supply increases to 82 units. Per the updated Paragraph 125 of the SPP (2020), where the proposal is considered to be sustainable development, the housing shortfall is a material consideration in favour of the proposal during the Planning Authority's determination of the application.

2.2.13 As identified through the combined HNDAs (2018-2030), Fife Council's Strategic Housing Investment Plan 2020/21 - 2024/25 identifies that the Cupar and North West Fife has an annualised affordable housing need of 46 units (230 units over the 5 year plan period). The SHIP identifies that 251 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 251 units includes the 30 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.

2.2.14 The application site is approximately 1.4ha of land, located partially within and outwith the settlement boundary of Springfield, per FIFEplan (2017). The area of land located within the settlement boundary is allocated in FIFEplan as SPF002, a 0.5ha housing opportunity site with an estimated capacity of 8 units. The development of this allocated site for housing is therefore considered to be acceptable in principle. It is estimated that 6 of the proposed units would be located within the SPF002 site, leaving 24 units proposed to be erected in the countryside. As the proposal is for affordable housing, compliance with Part A of Policy 1 of FIFEplan (2017) is dependent on compliance with Policy 2 (Homes). Springfield has between 200 and 1,000 households within the settlement envelope as defined by the LDP, this means that the proposal for 24 affordable units on the edge of the settlement would comply with the acceptable scale of development set out in Policy 2. The scale of proposed affordable housing development is thus considered to be acceptable for the location, however, to comply wholly with Policy 2 of FIFEplan, the development must meet an identified local housing shortfall, with the applicant demonstrating that no other site are available.

2.2.15 Fife Council's Housing Service have provided information regarding the current housing need in the Local Housing Strategy Area (LHSA) that Springfield sits within (Cupar and Howe of Fife LHSA). Housing Services have advised that the housing mix presented in the planning application has been determined by Fife Council's Housing Services and reflects the needs for affordable housing identified in the Cupar and Howe of Fife LHSA. Furthermore, it is advised that the proposed development has the support of Housing Services and the Scottish Government. The allocation of Scottish Government funding for the proposed development has been identified through the Strategic Housing Investment Plan (SHIP) and the current Strategic Local Programme Agreement (SLPA). Lastly, the Housing Service as advised that there are currently 104 applicants on the Fife Housing Register for the settlement of Springfield. From the developments that Fife Council has programmed within the LHSA (including this application), it is predicted there is still a shortfall of around 170 units for the 10 year need in the area.

2.2.16 Taking all of the above into consideration, the Planning Authority is accepting that there is an established and unmet local need for affordable housing. To comply fully with Policy 2 of FIFEplan (2017), the developer must also demonstrate that there are no alternative brownfield or allocated housing sites available within the settlement boundary. An overview of alternative sites within the settlement envelope of Springfield has been provided by the applicant. The applicant considers two alternative sites:

- SPF001 Land East of Pennyacre Court: This housing opportunity site allocated in FIFEplan is estimated to have a capacity of 5 units. The applicant's supporting statements sets out that this site is bounded to the south by the main east coast railway line, whilst there is further industrial activity to the southeast of the railway line. It is contented that the site is subjected to very real concerns which may not be able to be mitigated sufficiently to ensure a satisfactory level of residential amenity to the prospective residents. Further, this site, which is allocated for 5 units, is considered too small to accommodate the required level of housing effectively and efficiently. The Planning Authority is satisfied that this site can be discounted as, whilst a recent approval on the site demonstrated that appropriate design and mitigation can rectify the noise issues identified (20/00278/FULL), it is accepted that it would not be possible to accommodate the 30 units on this site (with no addition land available to extend into the countryside to assist in meeting the identified affordable housing need). Furthermore, with planning permission recently

being approved for market 5 units on this site, this is preventative to the applicant from developing this site.

- SPF 002 Land East of Crawford Park: This housing site, allocated in FIFEplan with an estimated capacity of 50 units, is currently being developed by another housebuilder following the approval of applications 15/01189/FULL and 16/00610/FULL and is substantially complete. The Planning Authority is satisfied that this site can be discounted.

There are no further allocated housing sites within Springfield. Whilst it is noted that there is an identified 0.6ha area of derelict land to the south of Station Road, it is also recognised that the application site is likewise included on the Vacant and Derelict Land Register and as such, the Planning Authority is satisfied that no additional considerations is required to be given to the Station Road site.

2.2.17 Policy 7 of the Adopted Local Plan stipulates that development in the countryside will be supported where it, amongst other criteria, 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. Policy 8 of FIFEplan (2017) only supports housing in the countryside where it meets certain criteria, these include where there is a shortfall in the 5 year effective housing land supply and the proposal meets the terms of Policy 2 (Homes) or is for small scale affordable housing adjacent to the settlement boundary which meets the terms of Policy 2. Compliance with Policy 8 therefore rests on the proposed development meeting the requirements of Policy 2. As detailed above, as the proposed development complies with Policy 2, it is thus deemed to meet the requirements of Policies 7 and 8 respectively. Policy 8 additionally requires all development in the countryside to be located and designed to protect the overall landscape and environmental quality of the area - this shall be explored in the subsequent sections of this report.

2.2.18 In conclusion, it is accepted by the Planning Authority that there is an identified affordable housing need in the local area which provides support the development of edge of settlement sites for the purposes of affordable housing (Policy 2 of FIFEplan). It is also noted that there is an identified housing shortfall in the relevant LHSA. The Planning Authority is satisfied that the proposed development meets the requirements of Policies 1 and 2 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, 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, advising 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: 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 8 additionally requires all development in the countryside to 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.

2.3.7 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regard to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. It additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how development proposals can be evaluated to ensure compliance with the six qualities of successful places. The Supplementary Guidance also 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 site is located outwith the settlement boundary, to the north western edge of Springfield, accessed from Crawley Court. An existing track runs along the southern edge of the site which is an established right of way. The western part of the site contains disused agricultural structures that are proposed for demolition. A number of mature trees are present towards the western boundary. A single point of vehicular/pedestrian access is proposed, with the road culminating in a cul-de-sac. Street trees are proposed along the road, with landscaped build out areas to narrow the road width at key points. In curtilage/private off-street parking spaces for each of the dwellinghouses is proposed.

2.3.9 The applicant has advised that the housetypes and mix reflect the requirements of Fife Council. In their consultation response, Fife Council's Housing Officers confirmed that the proposed mix, including amenity bungalows, is acceptable. A mixture of single and two storey properties are proposed, all of which would be semi-detached. Each property would be setback behind front garden areas, each of which would be contained by low hedges. The layout and set back of properties have been staggered to ensure that each semi-detached block is interpreted individually and forms a more aesthetically informal streetscape. The submitted design statement contends that this less formal layout reflects the character of settlement edge location of the site and allows for more street planting/trees. The housing mix has been distributed throughout the site, i.e. the single storey amenity units have not been grouped together. The proposed finishing materials would comprise concrete roof tiles (alternating between red and grey), white smooth finish rendered walls, timber effect composite cladding, off red coloured brick basecourses, white uPVC (tilt and turn) windows, soffits and eaves, uPVC doors (various colours) and black uPVC rainwater goods. This simple palette of materials, as well as the setback positioning and semi-detached design of the properties, is considered to be sympathetic to the specific context of this site and its residential surroundings which is characterised by uniformly designed (linear) rendered semi-detached and terraced units. Though the use of finishing materials, variety in the house types/sizes and the orientation of properties, it is considered that the layout of the proposed development would avoid excessive uniformity.

2.3.10 The Council's Urban Design Officer was consulted on this application where they advised that a single point of vehicular access (with no additional pedestrian access) is not in line with current Designing Streets and 'East to Move Around' recommendations which advocates multiple access points to ensure new developments are well connected to the existing built up area in order to promote social inclusion. Nevertheless, whilst the connectivity concerns of the Urban Design Officer are noted, recognising that Policy 2 of FIFEplan supports affordable housing developments on the edge of settlements, and given the small number of units proposed can often make it challenging to provide more than one access point where the proposed development is only bounded by existing development on one side, it is considered that the need for multiple vehicular access points can be set aside on this occasion. Additionally, it is considered that the application site is well located to local amenities, whilst there would be little benefit to providing additional points of (vehicular or pedestrian) access given the restrictive design of the existing road/footpath network surrounding the site, i.e. an additional road/footpath link would still require one to travel back along Crawley Court and down Crawley Crescent to gain access to the remainder of the settlement and beyond.



2.3.11 In their initial consultation response, the Urban Design Officer additionally raised concerns regarding how the proposed development responds to its edge of settlement location and how it facilitates a rural to urban transition (including views into the site). The Urban Design Officer recommended that more be done to ensure the development was outward facing to the countryside, whilst also overlooking the right of way in place to the south and east. Whilst some amendments were presented in the revised site layout, including the addition of enhanced boundary landscaping, this did not wholly satisfy the Urban Design Officer's concerns. Nevertheless, it is considered on this occasion that as views of the site from the countryside and on approach to the settlement from the north are limited – only fleeting views, if any, would be available from the road network – the need for the proposed development to act as a transition from the countryside to the urban environment is not as essential as described by the Urban Design Officer. Through the general architectural design, finishing materials and layout of the proposed dwellings, it is considered that the proposed development would appear as a natural extension to the settlement. There is a core path running east/west to the north of the site, however this path has been formed through a woodland area and is located approximately 250m from the site boundary, meaning the proposed development would have little to no impression on views from the core path network against the existing backdrop of the settlement. With regard to the claimed right of way route which runs along the southern site boundary before veering north, it is important to consider how the settlement currently facilitates the rural to urban transition. In this regard, the northern and eastern settlement boundaries of Springfield are largely framed by the rear of dwellinghouses set behind long rear gardens enclosed by timber fences. It is thus considered that the orientation of the proposed dwellinghouses to the countryside would be acceptable on this occasion. The use of proposed hedgerow boundary treatments is considered to be a betterment than the timber fences which typically enclose properties at this location.

2.3.12 Lastly, in assessing the urban realm, it is considered that the proposed development would provide a positive and safe environment for future residents and visitors. At the recommendation of the Planning Authority, the proposed development has been altered since the initial submission, with street trees and landscaped build outs to reduce the speed of vehicles and the visual dominance of parked cars reduced by providing side of house parking throughout. Front garden areas would be contained by low hedges to provide a clear distinction between public and private spaces and encourage the usability of these spaces by residents. The development overall would have a green and open feel to it, with the SuDS pond, trees and open space area forming the entrance to the site. Despite featuring a cul-de-sac layout, it is considered on this occasion that the road design, footway width, extensive planting and location of open space would ensure a pedestrian friendly environment existed.

2.3.13 Overall, it is considered that the general form, massing, layout and architectural style, as well as the mix of housetypes, of the proposed units are considered to be acceptable in this location, whilst the proposed landscaping, street trees and area of open space would give a sense of identity to development. Through its design and layout, the proposed development is thus considered to be acceptable for its location at the edge of the settlement boundary and is therefore supported by the Planning Authority in accordance with the aforementioned development policies, supplementary guidance and design guidance documents.

## 2.4 RESIDENTIAL AMENITY

2.4.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise and Fife Council Customer Guidelines on Daylight and Sunlight (2018), Minimum Distances between Window Openings (2011) and Garden Ground (2016) apply with regard to the consideration 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. 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.

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 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. Flats must be set in, or have at least 50 square metres of private garden for each flat. Garden ground provision does not include space for garages, parking or manoeuvring vehicles.

2.4.6 The proposed development is located on the edge of the defined settlement envelope of Springfield (FIFEplan, 2017), adjacent the residential properties of Main Street and Crawley Court. The land to the north and east of the application site is farmland. With regard to noise, light and odour pollution, given the nature of the proposed development and character of the surroundings, it is determined that the proposed dwellings would not give rise to significantly adverse pollution impacts for existing neighbouring properties, nor would the development be adversely impacted by its surroundings. Fife Council Environmental Health Officers were consulted on this development where they advised they had no concerns regarding the proposed development, however did request a Scheme of Works be submitted to detail how neighbouring residential properties would be protected during the construction phase. A condition has been included to ensure this.

2.4.7 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, street trees or obscurely glazed gable windows to prevent direct views between windows and into private garden areas. Additionally, it is calculated that, given the distance between the proposed dwellings (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 development. Furthermore, 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.

2.4.8 Lastly, with regard to garden ground provision, each of the proposed dwellinghouses would be served by an area of private amenity space greater than 100 square metres. Additionally, with the exception of the two bedroom wheelchair accessible bungalows, each of the proposed dwellinghouses would meet the Council's recommended 1:3 plot ratio. With the additional floor space to accommodate a wheelchair accessible bungalow, the Planning Authority is prepared to relax the plot ratio recommendations for these plots. The proposed development is therefore considered to be acceptable with regard to garden ground provision.

2.4.9 In conclusion, the proposed residential development would not give rise to, or be subjected to adverse pollution, privacy or overshadowing concerns. The proposed development would be provided with an acceptable level of garden ground for each unit, and open space provision. The proposed development is thus considered to comply with Policies 1 and 10 of FIFEplan Local Development Plan (2017).

## 2.5 LOW CARBON FIFE

2.5.1 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).

2.5.2 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.

2.5.3 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.

2.5.4 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. Energy efficient gas condensing boilers and LED lights are also proposed. There would be sufficient internal and external spaces for the storage of mixed recycling facilities consistent with current Building Standards - it is noted that the submitted document refers to 'Dundee City Council' standards, however this typo is not considered to invalidate the submission. Local building materials are proposed, with pre-fabricated timber panels to be erected on site to reduce construction waste on site; this approach is supported by the Planning Authority. With regard to travel and transport, it is acknowledged that the application site is located within close proximity to bus stops along Main Street and is within walking distance to local amenities, including the primary school.

2.5.5 In conclusion, it is considered that the proposed development, through its fabric first design, solar PV panels and local building materials, would comply with the above noted FIFEplan policies and Supplementary Guidance with respect to sustainability.

## 2.6 TRANSPORTATION/ROAD SAFETY

2.6.1 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.

2.6.2 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.

2.6.3 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.

2.6.4 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.

2.6.5 This application is for the construction of 30 affordable dwellings on land at Springfield East Farm, with a single vehicular access point proposed, taken from the bend at Crawley Court. A mixture of 2, 3 and 4 bedroom properties are proposed, including wheelchair accessible bungalows. In curtilage/private off-street parking spaces for each of the dwellinghouses is proposed. The proposed layout would comprise of a road with pedestrian footways on either side, with landscaping and tree planting located at points along the road to narrow its width. The application site is within walking distance of a number of bus stops on Main Street, the local Primary School, areas of protected open space, Springfield Train Station (approximately 1.15km) and Springfield's defined local shopping centre (FIFEplan, 2017), reducing the need for car dependence.

2.6.6 Fife Council's Transportation Development Management (TDM) Officers were consulted on this application, where, much like the Urban Design Officer, advised that a single point of vehicular access is not in line with current Designing Streets recommendations which advocates multiple access points to ensure new developments are well connected to the existing built up area in order to promote social inclusion. Nevertheless, recognising that Policy 2 of FIFEplan supports affordable housing developments on the edge of settlements, and given the small number of units proposed can often make it challenging to provide more than one access point where the proposed development is only bounded by existing development on one side, TDM confirmed that they were willing set aside a request of multiple vehicular access points on this occasion.

2.6.7 The letters of objection submitted to Fife Council raise concern that the proposed cul-de-sac layout of the site would provide access to future phases of development. Whilst these concerns are noted, should an application be submitted in the future for additional phases of development, these applications would be assessed on their own merits, with one of the key considerations being whether the currently proposed single point of access would be suitable to serve additional developments. Objectors also raise concern regarding the future usability of the row of lockup garages located next to the site entrance. In response to these concerns, a condition has been included in this recommendation which requires this information to be provided by the developer prior to any works starting on site.

2.6.8 An existing pedestrian right of way runs from Main Street along the southern boundary of the site, running approximately 530 metres to the east of the site before veering north. The track is unmade. It had been hoped by TDM that the track could have been upgraded/resurfaced between Main Street and the application site to provide a pedestrian access, however the applicant has advised that they, nor the current landowner, have no control over this land and therefore cannot make improvements to it. Notwithstanding this, it is noted that the right of way will not be compromised as a result of proposed development. Whilst the proposed access road would cut across the route, this would not have any impact on pedestrians making use of the right of way, with only the surface material of the route changing for a short distance. Access to the route may be affected over a short length of time while the road crossing is being constructed. To ensure this is not to the detriment of users of the route, a condition is included for details of an alternative route to be provided during the construction period.

2.6.9 Following initial comments on the proposed layout by the Planning Authority, a revised layout was submitted, with landscaping, street trees and a build out added in an attempt to slow traffic. This is considered to be an improvement in both road safety and urban design terms, however it

was noted by TDM Officers that the revisions to the road layout reduced the manoeuvring space for vehicles when entering and exiting some driveways. To ensure each of the proposed driveways would be useable and safe, a condition has been recommended by TDM for swept paths to be submitted prior to the commencement of works.

2.6.10 Off-street parking has been proposed in accordance with the standards set out in the current Transportation Development Guidelines. Additionally, with driveways being located at the side of most properties, this would not only reduce the visual dominance of cars within the development site, but also provide space for visitor parking. TDM have confirmed their satisfaction with the proposed off-street parking arrangements, recommending a condition to ensure the spaces are provided for each property.

2.6.11 In conclusion, the proposed road layout and single point of vehicular access are considered to be acceptable on this occasion given the scale of the development. The proposed development would not give rise to adverse road safety concerns, nor disrupt the claimed right of way which passes through the site. The proposed development is thus considered to be acceptable with regard to transportation and road safety considerations.

## 2.7 LOSS OF PRIME AGRICULTURAL LAND

2.7.1 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.

2.7.2 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.

2.7.3 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.

2.7.4 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). As discussed previously in this response, as the proposed development would be for affordable housing in an area where there is an established need, it is considered that proposed development would comply with the requirements of SPP and Policy 7 of FIFEplan with regard to development of prime agricultural land.

2.7.5 In conclusion, as the proposed development would meet an established need for affordable housing, it is considered that the loss of prime agricultural land would be acceptable on this occasion.

## 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 Per the most recent SEPA flood maps, the application site is not identified as being a flood risk area. The development is of a size that requires attenuation of storm water, a SuDS and forward flow restriction. To manage surface water, it is proposed to install a detention basin within the area of open space at the western site boundary. The circular basin would be contained by gabion baskets, featuring grass and native species planting. The surface water at the site shall fall under gravity into infiltration pond - the pond is constructed below existing ground level. The size of the basin has been advised as being sufficient to meet the restricted forward flow parameters of the development. Appropriate calculations and signed design and check certificates have been submitted as part of this application. The SuDS would be adopted and maintained by Fife Council. A foul drainage connection to the existing Scottish Water network is proposed – Scottish Water consent shall be required. Upon review of the surface water drainage proposals (and information), Fife Council's Structural Services Officers confirmed that they had no comments or concerns to raise. The proposed SuDS is therefore considered to be acceptable. A condition is recommended to secure its construction.

2.8.5 In conclusion, it is calculated that the proposed development would not give rise to an increase in flood risk, whilst the modelling and calculations presented for the proposed drainage arrangements confirm that there is sufficient capacity to accommodate the development. Additionally, the design of the proposed SuDS on site to accommodate surface water runoff is considered to be acceptable. The proposed development is therefore considered to comply with the requirements of aforementioned FIFEplan policies, national legislation and local guidance.

## 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 identified as having previously been occupied by a quarry (potentially in-filled), farm buildings and an above-ground storage tank. Upon their review of the proposed development, Fife Council's Land and Air Quality Officers recommended that an appropriate contaminated land site-specific risk assessment would be required to ensure the site would be developed safely. If the preliminary risk assessment recommends sampling and analysis of soils, waters, gases and/or vapours, this must be undertaken in accordance with the technical guidance to characterise adequately the potential type(s), nature and scale of contamination associated with the site. Given the former agricultural use of the site, Land and Air Quality Officers set out additional parameters which the necessary risk assessment should consider. To ensure the necessary assessments are undertaken and submitted to the Council for comment, appropriate conditions are included in the recommendation.

2.9.4 Overall, given the previous uses of the site, it is considered that there is potential for ground contamination to exist. Conditions are included in the recommendation to ensure the site conditions are properly investigated and any contamination remediated prior the commencement of works.

## 2.10 NATURAL HERITAGE AND TREES

2.10.1 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), Nature Conservation Scotland Act 2004 (as amended), BS 5837:2012 Trees in relation to Design, Demolition and Construction and Bat Conservation Trust Publication on Bat Surveys for Professional Ecologists (2016) apply in this instance with regard to natural heritage protection.

2.10.2 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.

2.10.3 Making Fife's Places Proposed Supplementary Guidance Document (2017) 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. 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.

2.10.4 Bat Conservation Trust Publication on Bat Surveys for Professional Ecologists (2016) sets out a planning trigger list for development situations where bats are likely to be encountered and therefore where it is most likely that a bat survey will be required.

2.10.5 The application site is predominately agricultural land, enclosed by trees. Reports on Habitat and Protected Species, Bat Survey and Recommendations for Biodiversity Enhancement have been submitted in support of this application. The Bat survey found no evidence of bat roosts and negligible bat roost potential in the buildings within the site. The Habitat and Protected Species Report describes that all but one tree having negligible or low bat roost potential, being mostly young trees and saplings. A more detailed survey was undertaken of the mature tree with medium potential, but no evidence of bats was found. If tree works or felling is required, then further survey for bats has been recommended prior to the works. Fife Council's Natural Heritage Officer was consulted on the submitted bat information, raising no concerns with the methodologies set out in the reports, nor their conclusions. Giving regard to the findings of the habitat and bat surveys, and the comments of the Natural Heritage Officer, it is concluded that the proposed development is unlikely to have an adverse impact on bats. As tree felling is proposed however, a condition is recommended to ensure a follow up survey is undertaken prior to the felling of any trees.

2.10.6 Habitat within and bordering the site comprised mainly mature trees along the western edge, a hawthorn hedge, scattered trees, and tall ruderal species especially around the buildings. Apart from breeding birds, no other protected species or evidence of them was found. As recommended by the Natural Heritage Officer, a condition is included to ensure no tree felling takes place during the bird breeding season.

2.10.7 The Recommendations for Biodiversity Enhancement report makes several planting recommendations, whilst also recommending the provision of bird and bat boxes (both integrated into buildings and on retained trees). Whilst the proposed planting has been specified on the submitted landscaping plan, no information regarding the proposed bat and bird boxes has been included. A condition is therefore recommended which sets the requirement for the bat and bird boxes to be installed on site, in locations agreed by the Planning Authority, prior to the occupation of the dwellings.

2.10.8 The submitted landscaping plan proposes a beech hedgerow to be planted along the north and south site boundaries. Whilst native hedgerows are appropriate, the Natural Heritage Officer has recommended that they should be species rich to encourage biodiversity enhancement, recommending that hawthorn, blackthorn, elder, rose or holly be considered. In this regard, a condition has been included for a revised landscaping plan to be submitted to encourage biodiversity enhancement. The Natural Heritage Officer also recommended that the proposed SuDS pond be design as a natural landscaped feature. Whilst it is proposed to include gabion baskets within the SuDS area which would reduce the 'natural feel' of the area, the gabion baskets are necessary to achieve to necessary retention/ground levels to enable the SuDS to function correctly. It is also noted that it is proposed SuDS area would be planted with wildflower grass mix, with its incorporation into the area of open space at the site entrance allowing for an overall welcoming and green transition into the site.

2.10.9 With regard to tree falling distance, by locating the SuDS and open space areas to the west of the site, the proposed dwellinghouses would not be at risk from existing semi-mature and mature trees at the western extent of the site.

2.10.10 Tree felling is proposed at the site entrance and within the western corner of the site to facilitate development, however it is not clear how many of the trees require to be removed. No trees within or adjacent the application site are protected. The loss of the trees at the entrance to the allocated development site is generally supported by the Planning Authority. Prior to the commencement of works, a condition is recommended for the applicant to survey all trees within and adjacent the application site and agree with the Planning Authority those which are to be felled. A condition is also included to ensure that retained trees shall be suitably protected during construction works. Similar conditions were included on the 2006 outline planning permission. An additional condition is also recommended to ensure that the required updated landscaping plan (referred to above) be submitted following the tree survey to account for any additional tree planting the Planning Authority may deem appropriate to compensate for the proposed felling.

2.10.11 In conclusion, the proposed development is not considered to raise any adverse natural heritage impacts, whilst the loss of trees to facilitate development is considered to be acceptable on this occasion. Conditions are included in the recommendation to ensure appropriate compensatory measures are included as part of the development.

## 2.11 AFFORDABLE HOUSING

2.11.1 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.

2.11.2 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.

2.11.3 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 are expected to provide an affordable housing contribution of 20% of the total number of units proposed.

2.11.4 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. The allocation of Scottish Government funding for this project has been planned through the Strategic Housing Investment Plan (SHIP) and Strategic Local Programme (SLP).

2.11.5 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.

2.11.6 In conclusion, as the proposed development is for affordable housing, the mix and type of which has been agreed with Housing Services, there is no requirement for the applicant to provide additional affordable housing contributions.

## 2.12 DEVELOPER CONTRIBUTIONS

2.12.1 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.

2.12.2 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.

2.12.3 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.

2.12.4 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.

2.12.5 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.

2.12.6 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.

#### 2.12.7 DEVELOPER CONTRIBUTIONS: EDUCATION

2.12.7.1 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).

2.12.7.2 The application site is located in the catchment area for: Springfield Primary School; St Columba's Roman Catholic Primary School; Bell Baxter High School; and St Andrew's Roman Catholic High School. 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 2022 to assess impacts.

2.12.7.3 Projected school pupil numbers and subsequent school capacity risks are based on the impact of known effective housing sites and their expected annual completion rates. Where a planning application proposes development that is different to that detailed in the HLA, it is likely that the impact on school places will also be different, particularly where new or previously non effective sites are progressed; work does not start when expected or more houses are completed each year, even if the same number of houses are built overall. The cumulative impact on school rolls is based on development sites in these catchment areas. On this occasion, there are no additional applications with the locale to consider, however Education Services have taken consideration of recently submitted pre-application for 30 units in Springfield into their calculations.

2.12.7.4 From their assessment, Education Services have concluded that based on the available information and proposed house completion rates at this time, the proposed development is not expected to create or contribute to a critical capacity risk at the schools within the catchment area of the development site. Education Services have provided the following assessment of each of the schools:

#### Springfield Primary School

At the Pupil Census there were 70 pupils on the school roll organised in 3 classes in accordance with class size regulations. The school has 4 class areas available which provide capacity for a maximum of 75 pupils, only if all classes are 100% full at all stages across the school. School roll projections, indicate that there is currently a risk that Springfield Primary School will need more class areas than are currently available, however, as this capacity issue is not expected within the two years and as the proposed development is for affordable housing, per the Planning Obligations Framework Supplementary Guidance (2017), there is no requirement for the applicant to provide financial contributes towards education infrastructure.

#### Bell Baxter High School

At the Pupil Census there were 1459 pupils on the school roll and the school as 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.

#### Cupar local nursery area

From August 2020 the Scottish Government and Fife Council is committed to increasing the funded entitlement to Early Learning & Childcare for all 3-4 year olds, and eligible 2 year olds from 600 hours to 1140 hours. This development site was not factored into the programme to deliver the Scottish Government's expansion of 1140 hours for nursery pupils when implemented in 2016,

however a review of the capacity across the nursery local area has indicated there are sufficient nursery places to accommodate this development.

2.12.7.5 From the assessment undertaken by Education Services, it is concluded that the proposed affordable housing development would be exempt from providing financial contributions towards education infrastructure as the capacity issue identified at Springfield Primary School is not considered to be critical (per the definition in the Planning Obligations Framework Supplementary Guidance).

## 2.12.8 DEVELOPER CONTRIBUTIONS: OPEN SPACE AND PLAY AREAS

2.12.8.1 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.

2.12.8.2 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.

2.12.8.3 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.

2.12.8.4 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.

2.12.8.5 The application site is within 250m of Tarvit Terrace Playground, an area of useable public open space containing a multi-use games area (MUGA), play equipment and grassland approximately 165m (walking distance) south east of the site. Per the Supplementary Guidance, this requires the development to provide financial contributions to the existing play infrastructure, however, as the proposed development is for affordable housing, it is exempt from financial contributions towards upgrading existing play areas. It is additionally noted that the equivalent of 47sqm of public open space per unit would be provided within the north eastern corner of the site. Whilst this is below the 60sqm requirement of Making Fife's Places, given the large areas of private garden ground proposed for each unit (as discussed above) and proximity to existing protected open space area, the Planning Authority is prepared to relax the on-site open space requirements on this occasion.

2.12.8.6 In conclusion, there is no requirement for the proposed development to contribute towards existing open space, with an acceptable amount of open space proposed to be provided on site.

## 2.12.9 DEVELOPER CONTRIBUTIONS: PUBLIC ART

2.12.9.1 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).

2.12.9.2 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.

2.12.9.3 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. 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.

2.12.9.4 As the application is for affordable housing, there is no requirement for the applicant to provide public art within the site. Additionally, it is noted that the proposed development is not a 'major' development, nor is the application site considered to be visually 'prominent'.

## 2.13 HOUSE IN MULTIPLE OCCUPATION (HMO)

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

2.13.2 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.

2.13.3 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.

### CONSULTATIONS

Scottish Water	No objections.
Scottish Rights Of Way And Access Society	No comment.
Policy And Place Team (North East Fife Area)	Scale of affordable housing development generally accords with FIFEplan Policy 2.
Natural Heritage, Planning Services	No objections. Recommended further consideration be given to landscaping. Conditions recommended.
Trees, Planning Services	No comment.
Land And Air Quality, Protective Services	No objections. Conditions recommended.
Education (Directorate)	No critical capacity issues.
Parks Development And Countryside	No comment.
Community Council	Object as statutory consultee.
Parks Development And Countryside - Rights Of Way/Access	Requested to be informed of works to temporary close right of way.
Transportation, Planning Services	No objections. Conditions recommended.
Built Heritage, Planning Services	No comments.
Housing And Neighbourhood Services	Affordable housing mix meets local need.
Urban Design, Planning Services	Design and layout alterations recommended.
Environmental Health (Public Protection)	No objections. Conditions recommended.
Structural Services - Flooding, Shoreline And Harbours	No objections.

### REPRESENTATIONS

Ten representations have been received in response to this planning application, comprising of nine objections and one general comment. Springfield Community Council have objected as a statutory consultee.



The concerns raised in the submitted objections, and the Planning Authority's response to these, are summarised as follows:

1. Site is outwith defined settlement boundary

- As explained in paragraph 2.2 of this report, the principle of affordable development in the countryside is considered to be acceptable.

2. Development will result in increased traffic (near school)

It is considered that the existing road network is of a suitable standard to accommodate the traffic from the proposed 30 units. As detailed in paragraph 2.6.5 of this report, the application site is within walking distance of a number of amenities and public transport options which would reduce car dependency.

3. Springfield has too much affordable housing already, resulting in over-representation of affordable housing residents within local demographic.

- Fife Council's Housing Service have confirmed that additional affordable housing is required in the HMA and LHSA, with a high number of applicants on the Fife Housing Register for the settlement of Springfield.

4. Site layout shows connections to future phases of development

- There are no plans to connect the proposed development to future phases. Should a planning application be submitted for further development, this would be assessed on its own merits.

5. Crawley Court is congested by parked cars on road

- It is considered that the existing road network is of a suitable standard and width (notwithstanding a small number of cars being parked on the road) to accommodate the traffic from the proposed 30 units. As detailed in paragraph 2.6.5 of this report, the application site is within walking distance of a number of amenities and public transport options.

6. Plan for adjacent lock up garages not clear

- A condition is included to ensure the developer makes clear their intentions to ensure access to the garages is maintained.

7. Proposed gas boilers not appropriate - district heating network should be explored

- The combination of a fabric first approach to construction, solar PV panels and energy efficient gas boilers is considered to be acceptable in meeting current low carbon targets. Please see paragraph 2.5.4 of this report for further information. Additionally, the scale of development is below the 'major' threshold where the Planning Authority would expect the developer to consider a district heating network, whilst it does appear as if any connection would exist in the local area.

8. Asbestos contaminates site following demolition of farm building

- Conditions are included to ensure the site is properly investigated for contaminated materials prior to any works starting on site. Should any contamination be encountered, a remediation strategy will be required.

9. Bin storage requirements to meet 'Dundee City Council' standards

- This is considered to be a typo in the applicant's submission. The proposed properties would be provided with Fife Council domestic bins. There is sufficient internal and external space within the proposed properties to accommodate bin storage.

## CONCLUSIONS

The proposal is considered to be acceptable in meeting Policies 1 and 4 of TAYplan Strategic Development Plan (2017), Policies 1, 2, 3, 7, 8, 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.

## 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, 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.

3. BEFORE ANY WORKS START ON SITE, the developer shall institute an accurate survey to be carried out by a qualified arboriculturist of all trees existing on the site and all trees adjacent to or overhanging the site and submit details of those trees proposed to be felled or lopped and those to be retained for the written approval of this Planning Authority. The survey shall contain details of the position, canopy spread, bole diameters, health, size and species of all trees within the curtilage of the site. No trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

Reason: In the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during (demolition) construction works.

4. BEFORE ANY WORKS START ON SITE, a revised landscaping plan and 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 retained, 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 revised landscaping plan and landscaping scheme shall be submitted following the written approval of the tree survey (referred to in condition 3) by this Planning Authority.

Reason: To ensure landscaping works are completed at an appropriate stage in the development of the site.

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

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

6. 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.

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. 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.

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. 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 as per the approved maintenance scheme for the lifetime of the development. Appendix 5 of Fife Council's Design Criteria Guidance Note on Flooding and Surface Water Management Plan Requirements shall be signed by a qualified engineer and submitted for the written approval of the Planning Authority prior to the commencement of any works on site.

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

11. PRIOR TO THE OCCUPATION OF ANY DWELLING, Appendix 6 of Fife Council's Design Criteria Guidance Note on Flooding and Surface Water Management Plan Requirements shall be signed by a qualified engineer and submitted for the written approval of the Planning Authority.

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

12. A traffic management 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 traffic management 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 traffic management plan shall specify an alternative route for users of the claimed public right of way which passes through the application site during the construction of the access road. The approved traffic management plan shall thereafter be implemented for the duration of the construction works.

Prior to the temporary closure of part of the claimed public right of way route, the developer shall inform the Planning Authority of when the route will be closed, and for how long.

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

13. 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

14. 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.

15. 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 in 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.

16. Prior to the commencement of construction of any buildings, visibility splays of 2.4m x 25m shall be provided to the left and to the right at the development junction with Crawley Court, 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, i.e., walls, fences, planting, shrubs etc. being maintained in for the lifetime of the development outwith the visibility splay line or at a height not exceeding 600mm above the adjacent carriageway.

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

17. 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.

18. Prior to the commencement of any construction on site details of swept paths for vehicles entering and exiting driveways opposite landscaped build outs shall be submitted to this planning authority for written approval. Any adjustments that are required to the layout to accommodate the swept paths must also be submitted for written approval prior to commencement of the any construction on site. The agreed amendments shall thereafter be incorporated into the layout of the site.

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

19. Prior to the commencement of any construction works on site, details of the junction of the development access road and Crawley Court, including how the existing lockups will be accessed, shall be submitted for the written approval of this planning authority. The approved junction will thereafter be constructed prior to the occupation of the first dwellinghouse.

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

20. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no

development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

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

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

21. 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 20. 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.

22. 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.

23. PRIOR TO THE FELLING OR LOPPING OF ANY TREES, all trees to be felled or lopped shall be inspected for the presence of bats. A bat survey report, advising of the findings of the inspections and, if relevant, setting out appropriate mitigation measures, shall thereafter be submitted for approval from this Planning Authority in writing before any works to trees take place.

Reason: In the interests of safeguarding bats.

## **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)

Bat Conservation Trust Publication on Bat Surveys for Professional Ecologists (2016)

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

### 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

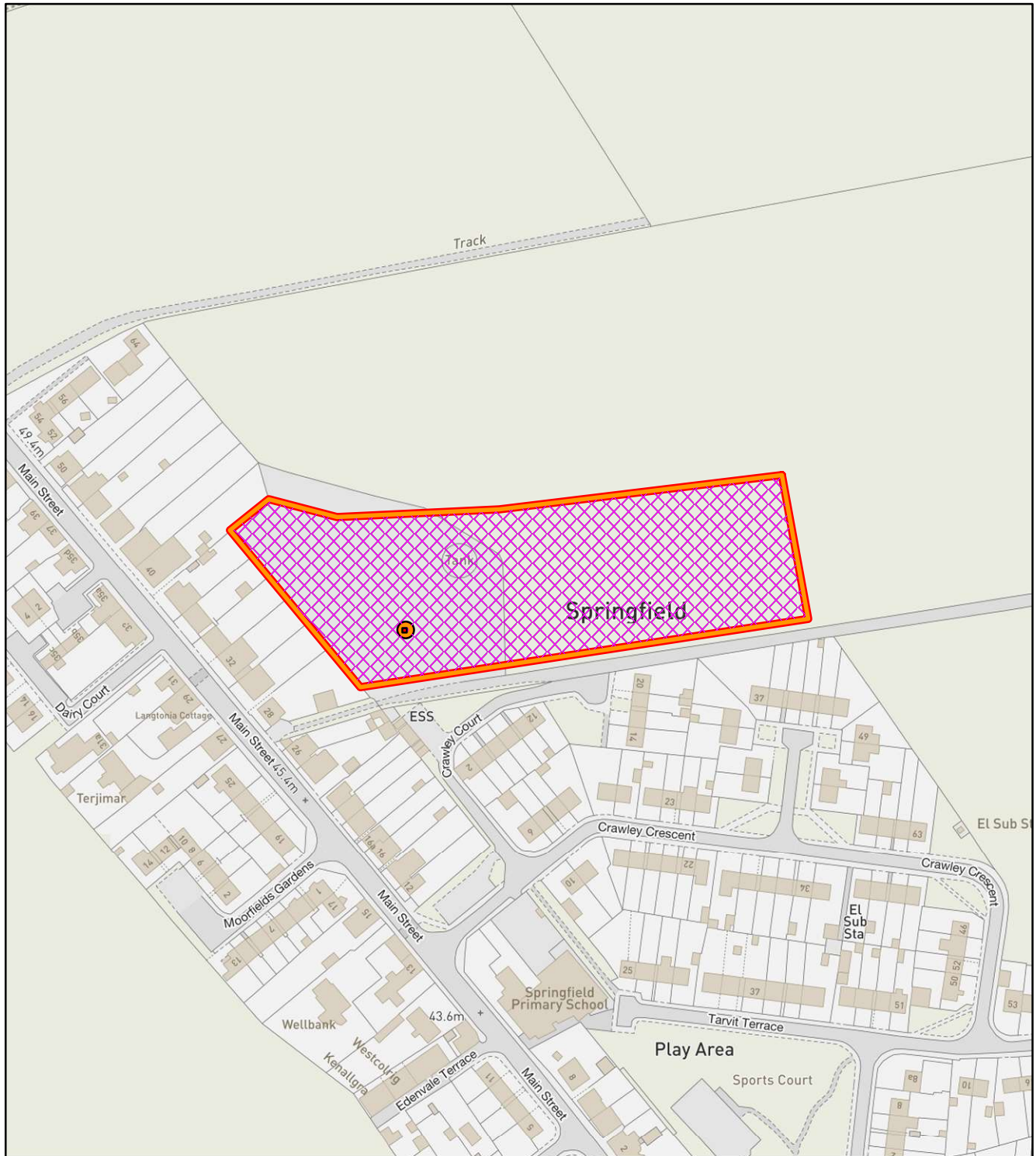
Report prepared by Bryan Reid, Lead Professional  
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 15/7/21.

Date Printed 05/07/2021



# 21/00178/FULL

## Land At Springfield East Farm Main Street Springfield



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<b>Legend</b>			
	Application Boundary		

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**ITEM NO: 7**

**APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE REF: 20/02298/PPP**

**SITE ADDRESS: FORTHSIDE LIBERTY ELIE**

**PROPOSAL : PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF TWO DWELLINGHOUSES WITH ASSOCIATED PARKING (DEMOLITION OF EXISTING DWELLINGHOUSE )**

**APPLICANT: MISS ALEXANDRA MCDONALD  
SEAHOUSE LIBERTY ELIE**

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

**CASE OFFICER: Andy Taylor**

**DATE REGISTERED: 18/11/2020**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

This application has attracted more than 5 objections

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

## 1.0 BACKGROUND

1.1 This application relates to a detached, one and a half storey traditional dwellinghouse located within Elie and Earlsferry Conservation Area. The property is not listed and sits in a site which extends to approximately 1200 sqm. The property is located behind Liberty Flats and has clear views across the Firth of Forth to the south. The area is an eclectic mix of residential properties of various heights and sizes. The property is rendered white, with red clay-tiled roof and timber sash and case windows. A box conservatory has been added to the south facing front, with small box extension to the side. The garden is well maintained, grassed and bound by a stone wall approximately 5ft high. Access to the "backland" property is by the existing Pilgrims Way. There are no listed buildings adjacent to the site.

1.2 This application is for planning permission in principle for the erection of two, three storey dwellinghouses with associated parking. The application being reliant on the approval of the associated application to demolish the existing dwellinghouse on site (being assessed under a separate Conservation Area Consent application).

1.3 There is no recent planning history with regards to this planning application site on Council records. Conservation Area Consent Ref:20/02301/CAC is also under consideration for the demolition of the existing dwelling and is included on this agenda for Members consideration.

## 2.0 Assessment

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

- Principle of Development
- Design/Visual Impact on Conservation Area
- Residential Amenity
- Garden Ground
- Transportation
- Low Carbon
- House in Multiple Occupation (HMO)
- Drainage and Flooding

## 2.2 Principle of Development

2.2.1 Policy 1 of Adopted FIFEplan – Fife 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, the principle of development will only be supported providing it is within a defined settlement boundary and compliant with the policies for the location.

2.2.2 As discussed, the application site is located within the defined settlement envelope of Elie and Earlsferry, as per Adopted FIFEplan. Elie and Earlsferry is characterised by many residential historic properties, which a significant number are listed though there are now several more modern and contemporary style houses being built in the area. Given the residential nature of the proposal and the character of the surrounding area, the development is deemed to be acceptable. In simple land use terms, the proposal is therefore considered to meet the requirements of the policies outlined above and is thus deemed to be acceptable in principle. The overall acceptability

of any such development must however also satisfy approval of Conservation Area Consent Ref:20/02301/CAC.

### 2.3 Design/Impact on Conservation Area

2.3.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Historic Environment Scotland - Policy Statement (June 2016), Managing Change in the Historic Environment (2010), Making Fife's Places Supplementary Guidance (2018), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), Fife Council Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2014) and the Elie and Earlsferry Conservation Area and Management Plan (2013) apply with regard to this proposal.

2.3.2 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.

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

2.3.4 Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design. This document encourages a design-led approach to development proposals through placing the focus on achieving high quality design. The 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.

2.3.5 Objections have been raised in relation to the design and impact the 2 dwellings would have on the site and conservation area. This includes the use of materials and the character and size/scale of the new building. As the application site is located within the Elie and Earlsferry Conservation Area, greater consideration must be given to the visual impact the proposed development. As this application is for planning permission in principle, specific detailed design aspects do not normally form part of any submission. However, as these proposals involve the demolition of a traditional house within the conservation area, detailed indicative drawings have been submitted for 2 three-storey detached dwellinghouses comprising of render walls, stone facings, timber windows and doors, while also featuring conservation solar panels along with other renewables. The rear of the property includes balconies with privacy screens to enjoy clear views over the Firth of Forth. Given the wide variety in the sizes, design and finishing materials of dwellinghouses along Liberty, it is considered that the proposed design of the dwellinghouse would be acceptable in principle in this instance and would not be harmful to the character of the

Conservation Area particularly given its "backland" location. The property would face towards the sea, the positioning and height of the new build would be more in-keeping with the building line of the surrounding streetscape. The proposal is deemed to meet the requirements of the above legislation with regards to design/visual impact. Appropriate conditions are however accordingly recommended which set the requirement for further design details to be submitted as part of a subsequent future approval required by conditions (ARC) application. All objections have been considered and although the new dwellings are modern, they are an acceptable replacement on the site.

## 2.4 Residential Amenity

2.4.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise 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 dwellings, 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. 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.

2.4.4 As per the guidance, sunlight is considered to be the rays of light directly from the sun from a southerly direction, whereas daylight is the diffuse light from the sky that can come from any direction. The guidance considers these two forms of natural light as follows; sunlight received by residential properties' main amenity spaces; and daylight received by neighbouring windows serving habitable rooms. The guidance details the 25 degree and 45 degree assessments to measure the impact of loss daylight as a consequence of a development. Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the angle between the windows increases.

2.4.5 Given the residential use of the site and the overall character of the surrounding area, it is considered that the proposed development would not give rise to adverse noise concerns for residents of neighbouring properties although objections have been received given the number of bedrooms. To the rear of Liberty Flat, there is a conservatory which the rear windows of the proposed building would look directly onto and this was raised as a concern to the applicant's agent. There is currently already a level of overlooking from the existing dwelling. The agent has submitted revised drawings for the rear of the building replacing the original large windows with

bay windows which only have side windows and will mitigate any privacy issues. Objections have been raised relating to the impact on Sandbank House. In particular the close proximity of the building, loss of privacy and loss of light. The existing property is already approximately the same distance away. Due to the positioning of the new build on the eastern edge there are no daylight sunlight implications for Sandbank. The privacy issues raised from proposed balconies have been mitigated with the use of screens which will allow residents to only look towards the sea. Again it should be noted that the plans submitted are indicative at this stage and detailed amenity assessments would again be carried out as part of the assessment of any future detailed or ARC application submission.

2.4.6 Although the new houses would be 3-storey, the overall height of the new dwellings are approximately the same as those locally, and with no habitable room windows other than the conservatory likely to be impacted as noted above, the daylight and sunlight levels currently enjoyed by Liberty Flats would only decrease slightly at the rear/eastern part of the flats where there are no windows at present therefore this reduction would not be significant and thus not considered material.

2.4.7 It is therefore concluded that the indicative proposed development would satisfy the requirements of the development plan and other guidance with regards to surrounding amenity impact and could be designed accordingly. As the application is a PPP the final design would be submitted at the ARC stage and the details of the proposal would be duly considered.

## 2.5 Garden ground

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

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

2.5.3 An objection has been raised regarding over-development of the site. The proposed dwellinghouses would be serviced by an excess of 100 square metres of private useable garden space and meets required 1:3 ratio. The development complies with the requirements set out in Fife Council's Planning Customer Guidelines on Garden Ground.

## 2.6 Transportation

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

2.6.2 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.

2.6.3 Objections have been raised with regards to the existing access and construction/demolition traffic issues. The proposed dwellings would consist of 4 and 5 bedrooms which will require 3 off-street parking spaces per dwelling, a total of 6-off street parking spaces. Access to the development site is to be taken from the adjacent public road through a gated access along the existing driveway. It is therefore anticipated that this proposal will lead to a doubling of vehicular trips over this existing access and possible demolition/construction access challenges. Transportation Development Management (TDM) officers were consulted and have advised that visibility at the access where it meets with the public road (Liberty) is substandard and does not meet with the visibility splay requirements of 2m x 25m. The visibility splay achievable to the East is limited to 2m x 4m, it is blocked by the wall in this direction. The visibility splay to the West goes over the wall in the neighbouring property. TDM therefore have objections to the proposals. However, given that the access is existing and taking these factors into account it is considered that the positive factors such as the quality of the design and the limited impact on the area outweigh the issues raised by TDM. Although it is recognised that access to the site for demolition/construction is difficult, the onus would be on the developer to overcome this and make appropriate transport/access arrangements and as such this aspect is not considered material in the assessment of this planning application.

## 2.5 Low Carbon

2.5.1 SPP (paragraph 154) notes that the planning system should support the transition to a low carbon economy consistent with national objectives and targets. To achieve this, planning authorities should seek to reduce emissions and energy use in new buildings and from new infrastructure by enabling development at appropriate locations that contributes to:

- o Energy efficiency;
- o Heat recovery;
- o Efficient energy supply and storage;
- o Electricity and heat from renewable sources; and
- o Electricity and heat from non-renewable sources where greenhouse gas emissions can be significantly reduced.

2.5.2 Policy 11 (Low Carbon) of the FIFEplan (2017) states that planning permission will only be granted for new development where it has been demonstrated that:

- o 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. Statutory supplementary guidance will provide additional advice on compliance with this requirement;
- o Construction materials come from local or sustainable sources;
- o Water conservation measures are in place;
- o 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
- o Facilities are provided for the separate collection of dry recyclable waste and food waste.

All development should encourage and facilitate the use of sustainable transport appropriate to the development, promoting in the following order of priority: walking, cycling, public transport, cars.

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

2.5.4 As this application is for planning permission in principle, detailed low carbon information has not been provided. A condition is included which would set the requirement for appropriate low carbon generating technologies to be incorporated within the development and submitted as part of any future detailed application. A condition is also included for a completed sustainable building statement to be submitted, ensuring the development meets the CO2 emissions reduction targets currently in place.

## 2.6 House in Multiple Occupation (HMO)

2.6.1 Policy 2 of FIFEplan applies with respects to housing being utilised as an HMO.

2.6.2 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.

2.6.3 The proposed dwellinghouses 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.

## 2.7 Drainage and Flooding

2.7.1 SPP (2020) and Policies 1 and 12 of FIFEplan apply. SPP (2020) advises that developments should not place unacceptable demands on public infrastructure including drainage systems, developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SUDS) or other similar appropriate measures are not undertaken. Policy 12 of FIFEplan (2017) advises that development proposals will only be supported where they will not individually or cumulatively increase flooding or flood risk to a site.

2.7.2 In this instance Fife Council's structural services (SS) have been consulted and have confirmed that they have no comments to make regarding flooding. With regard to surface water SS would ask for additional information with Fife Council's current design criteria for flood prevention from surface water: a preliminary submission of a SEPA SIA tool and completed SUDS certifications 1 & 2. A condition will be imposed to ensure this information is provided with a detailed application. Scottish Water have been consulted and confirm that there is currently sufficient capacity in the Glenfarg Water Treatment Works to service this development. Scottish Water confirm that the houses will be serviced by Elie SEP Wastewater Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently to allow them to fully appraise the proposals and suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. Issues raised by objectors relating to this can be addressed at detailed application stage.



## CONSULTATIONS

Transportation, Planning Services	Object
Structural Services - Flooding, Shoreline And Harbours	Additional information required
Community Council	No response
Scottish Water	No objection, offering advice

## REPRESENTATIONS

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

- New build Incongruous to area (See Section 2.3.5)
- Impact on local sewers. (See Section 2.7)
- Loss of privacy, loss of light and increased noise disturbance on neighbouring property sandbank (See Section 2.4.5)
- Too close to Sandbank ((See Section 2.4.5)
- Out of scale and character with surrounding area/Conservation Area (See Section 2.3.5)
- Access Issues onto the site including construction/demolition vehicle movements (See Section 2.6.3)
- loss of privacy due to balconies (See Section 2.4.5)
- Impact on structural integrity of Sandbank
- Poor design/use of materials (See Section 2.3.5)
- Over development (See Section 2.5.3)
- Adverse noise due to size of dwellings (See Section 2.4.5)

Objections relating to stability issues are not considered material in the assessment of this planning application and would be subject of a building warrant.

## CONCLUSIONS

This proposal is considered acceptable in meeting the terms of the Local Development Plan, other relevant Fife Council Planning Customer Guidelines and is deemed compatible with its surrounds in principle. A detailed Approval of Matters Required by Condition(s) application will now be required and the planning conditions recommended through this application will help ensure a satisfactory detailed submission for further consideration.

## RECOMMENDATION

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

1. A further application(s) for certain matters (Approval of Matters Required by Condition) shall be submitted for the requisite approval of this Planning Authority, together with the detailed plans which shall include:-

- (a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;
- (b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths including public access provision, the siting of the proposed buildings, finished floor levels, new walls and fences, details of proposed landscape treatment and the phasing of development.
- (c) Detailed plans, sections and elevations of all buildings proposed to be erected on the site, and their relationship to adjacent land and/or buildings, together with details of the colour and type of materials to be used externally on walls and roofs. For the avoidance of doubt, materials shall be appropriate to the conservation area setting;
- (d) Details of the existing and proposed ground levels as well as the finished floor levels all related to a fixed datum point. The details shall specify the extent and height of any areas of mounding;
- (e) A comprehensive design statement illustrating the developments' compliance with Fife Council's Planning Policy - Making Fife's Places Supplementary Guidance Document (2018) - including reference and proposals relating to the design, layout, green network infrastructure and biodiversity enhancement. For the avoidance of doubt, a historically faithful design shall be utilised, this should include photomontages to show the relationship of the new builds in relation to the existing buildings;
- (f) A sustainability statement illustrating the developments' compliance with Fife Council's Planning Policy - Low Carbon Fife Supplementary Guidance Document (2019). The sustainability statement shall address all of the matters set out in Appendix B of Fife Council's Low Carbon Fife Supplementary Guidance (January 2019);
- (g) Details of SuDS and appropriate documentation, including check certificates, in line with Fife Council's Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note. ( A preliminary submission of a SEPA SIA tool and completed SUDS certifications 1 & 2)

No work shall be started on site until the written permission of this Planning Authority has been granted for these proposals, or such other details as may be acceptable.

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

2. For the avoidance of doubt, the existing stone walls/boundary enclosures shall be fully retained and no works affecting their height, width or stability shall be undertaken without agreement in writing with this Planning Authority.

Reason: In the interests of visual amenity; to ensure that all important features are retained and incorporated into the development.

3. Prior to the occupation of the first dwellinghouse, there shall be provided within the curtilage of the site, a turning area for a car to allow all cars making use of the access driveway to enter and exit the driveway in a forward gear. The turning area shall be formed outwith the parking area and shall be retained throughout the lifetime of the development. The proposed parking bays and aisle width will require to be of appropriate dimensions to allow for both the-off street parking and turning manoeuvres to take place.

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

4. Prior to the occupation of the proposed dwellinghouse, there shall be provided within the curtilage of the site 3 parking spaces for vehicles per 4 and 5 bedroom houses in accordance with the current Fife Council Parking Standards. These spaces shall be retained in perpetuity.

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

5. 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.

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

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

### National Guidance:

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

Historic Environment Scotland Policy Statement (June 2016)

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

PAN 1/2011: Planning and Noise

PAN 33: Development of Contaminated Land (2000)

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

### Development Plan:

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Low Carbon Fife: Supplementary Guidance (2019)

### Other Guidance:

Fife Council Planning Customer Guidelines - Garden Ground (2016)

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

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

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

Fife Council Transportation Development Guidelines

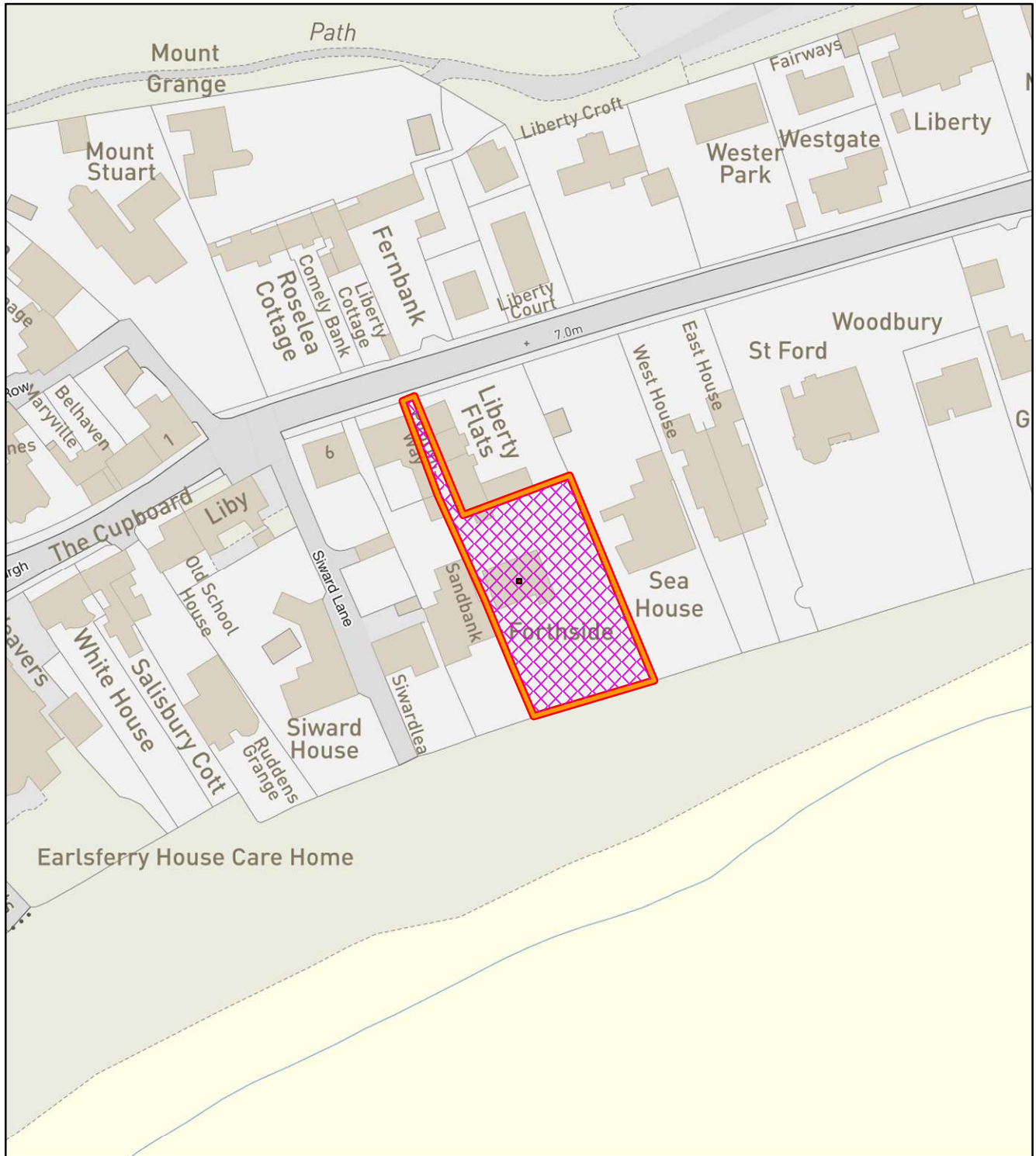
Elie and Earlsferry Conservation Area Appraisal and Management Plan (2012)

Report prepared by Andy Taylor (Planner and Case Officer)

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 5/7/21.

Date Printed 02/07/2021

## Forthside Liberty Elie



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

**ITEM NO: 8**

**APPLICATION FOR CONSERVATION AREA CONSENT REF: 20/02301/CAC**

**SITE ADDRESS: FORTHSIDE LIBERTY ELIE**

**PROPOSAL : CONSERVATION AREA CONSENT FOR DEMOLITION OF DWELLINGHOUSE**

**APPLICANT: MISS ALEXANDRA MCDONALD  
SEAHOUSE LIBERTY ELIE**

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

**CASE OFFICER: Andy Taylor**

**DATE REGISTERED: 02/11/2020**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

The related planning permission (20/02298/PPP) requires to be determined by Committee and therefore to ensure a consistent approach it is considered that this application should also be determined by Committee.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

Under Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a Conservation Area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.

## 1.0 Background

1.1 This application relates to a detached 1930s one and a half storey traditional dwellinghouse located within Elie and Earlsferry Conservation Area. The property is not listed and sits in a site which extends to approximately 1200 sqm. The property is located behind Liberty Flats and has clear views across the Firth of Forth to the south. The area is an eclectic mix of residential properties of various heights and sizes. The property is rendered white, with red clay-tiled roof and timber sash and case windows. A box conservatory has been added to the south facing front. The garden is well maintained, grassed and bound by a stone wall approximately 5ft high. Access to the "backland" property is by the existing Pilgrims Way.

1.2 Conservation area consent is sought for the complete demolition of the existing dwellinghouse. A structural condition report has been undertaken by Millard Consulting which concludes that in their opinion due to the lack of modernisation over the years and likely extent of upgrading works needed, including external walls and roof, they state that to meet current building regulations and living standards, they would recommend demolition and re-built to be the best way forward.

1.3 There is no recent planning history on record for this property.

## 2.0 Assessment

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

- Impact on Setting of a Conservation Area

### 2.2 Impact on Setting of a Conservation Area

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

- Impact on setting of conservation area

2.2.1 Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland Policy Statement (2016), Historic Environment Scotland Managing Change in the Historic Environment: Demolition (2010) and Policies 1 and 14 of the Adopted FIFEplan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018), and the Elie and Earlsferry Conservation Area Appraisal and Management Plan (2012) apply with regard to this proposal.

2.2.2 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Design and materials which will affect a conservation area or setting of a listed building shall be appropriate to both the character and appearance of the building or area and its setting.

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

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

2.2.5 The Elie and Earlsferry Conservation Area Appraisal and Management Plan (2012) sets out that any new development within the conservation should protect and enhance where possible its special character. Developments should be of its place and be sympathetic to adjoining buildings and the area as a whole. The Conservation Area Appraisal and Management Plan recognises that in addition to the sandy expanses of the beaches and links, the views inland and out to sea which surround the conservation area help give the conservation area much of its special character.

2.2.6 Historic Environment Scotland (HES) Policy Statement (2016) states that the demolition of a building and the construction of a new building in its place, could result in harm to the character and appearance of a Conservation Area, and therefore, the Planning Authority must take into account the importance of the building to the character or appearance of the Conservation Area and of proposals for the future of the cleared site. HES Managing Change in the Historic Environment: Demolition notes that proposals for demolition in conservation areas should be considered in the context of an application for full planning permission for replacement development. Demolition should not take place until evidence is provided that contracts are let for the replacement development or the landscaping of the site (if appropriate). Works should protect the character and appearance of the conservation area.

2.2.7 A basic design statement has submitted with both this and the concurrent application (20/02298/PPP) for planning permission in principle for the erection of two dwellinghouses with associated parking has been lodged which is also under consideration.

2.2.8 Both Fife Council's Built Heritage officer (BHO) and Historic Environment Scotland (HES) were consulted on the proposed demolition scheme. HES have considered the demolition and conclude that the unlisted building at Forthside makes a neutral contribution to the character and appearance of the conservation area, and that its loss would be acceptable. They also state that "We note the proposed replacement development would use traditional materials, preserve the site's boundary walls and may enhance the sightline from the street - the supporting information indicates the building line would retreat slightly to the East to enable this change". The BHO has noted the visibility of the property from the seashore. The BHO states that the design of the building should be appropriate for the conservation area and follow the Historic Environment Scotland guidance, New Design in Historic Settings and that there is no explanation of the design approach adopted. The architectural paradigms, mass and form are not sympathetic with the adjacent traditional building or the wider area. Although there is nothing which prevents the

applicant applying for Conservation Area Consent along with a planning permission in principle application, sufficient detailed information is required to be able to assess whether or not it is possible to develop the site appropriately. Normally a Full detailed application would be preferable, however, in this instance it is considered that the indicative detailed information is sufficient to ensure that a suitable design can be achieved. A comprehensive design statement has been imposed on the PPP application also being considered.

2.2.9 An application for planning permission in principle has been submitted for a replacement development within the application site which is currently being assessed by the Planning Authority (Ref: 20/02298/PPP). The proposed replacement development is considered to be of a size and scale which would sit comfortably with the site and the streetscape, whilst the design would bring a visual enhancement to the conservation area, replacing the existing building which has been altered, with the proposed finishing materials and design features taking inspiration from the surrounding historic environment.

2.2.10 On the basis of the above, it is therefore considered that the proposed complete demolition of the site would comply with national and local legislation and guidance relating to the protection of historic environment and would not detrimentally impact on the Elie and Earlsferry Conservation Area. To certify compliance with policy, a condition is recommended so as to ensure that demolition work is not conducted until proof of contracts carrying out both demolition and for a replacement scheme with Full detailed planning consent is in place.

### 2.3 Residential Amenity

2.3.1 Policy 10 of the Adopted FIFEplan and states that new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.3.2 Fife Council's Environmental Health (Public Protection) team have not been consulted. However, a detailed method statement would normally be submitted closer to the proposed demolition works. The submitted Demolition statement should ensure that that all demolitions comply with BS 6187:2011 (Code of practice for full and partial demolition) and all current amendments, guidance note GS 29/1 (May 1988) from the Health and Safety Executive regarding preparation for, planning of and safe execution of demolition operations.

2.3.3 In light of the above the proposed demolition complies with the Development Plan and associated guidance regarding residential amenity.

## **CONSULTATIONS**

Built Heritage, Planning Services  
Historic Environment Scotland

Concerns regarding the new build  
No objection



## REPRESENTATIONS

2 representations have been received objecting on the following grounds;

- Proposed dwellings too large
- Potential Impact of Proposal on Structure of Sandbank
- Contrary to the Adopted FIFEplan 2017
- Visual Impact
- Road safety/ traffic movement issues
- Loss of Privacy
- Drainage

The above objections were sent to both planning permission in principle and conservation area consent applications. The above objections are not material to the assessment of this application and have been covered off under application (20/02298/PPP) which is also being considered.

## CONCLUSIONS

The proposed demolition is acceptable and in compliance with the relevant policies in the Development Plan and associated guidance and would have no significant detrimental impact on the character and appearance of the conservation area or the surrounding streetscape. The proposal would therefore protect or enhance the character of the Elie and Earlsferry Conservation Area.

## RECOMMENDATION

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

1. No works of demolition shall take place until construction contracts have been entered into for the replacement development of the site with a scheme that has full detailed permission and written evidence of this has been submitted and approved in writing by this Planning Authority.

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

2. Prior to work commencing on site, a Demolition Statement shall be provided for written approval by Fife Council as Planning Authority. The Demolition Statement should ensure that that all demolitions comply with BS 6187:2011 (Code of practice for full and partial demolition) and all current amendments, guidance note GS 29/1 (May 1988) from the Health and Safety Executive regarding preparation for, planning of and safe execution of demolition operations. Demolition works shall then be undertaken as agreed.

Reason: To ensure that the demolition is dealt with appropriately.

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

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

### National Guidance:

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997  
Historic Environment Scotland Historic Environment Policy for Scotland (May 2019)  
Historic Environment Scotland Managing Change in the Historic Environment (2010)  
Historic Environment Scotland Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019)  
BS 6187:2011 Code of practice for full and partial demolition

### Development Plan:

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

### Other Guidance

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

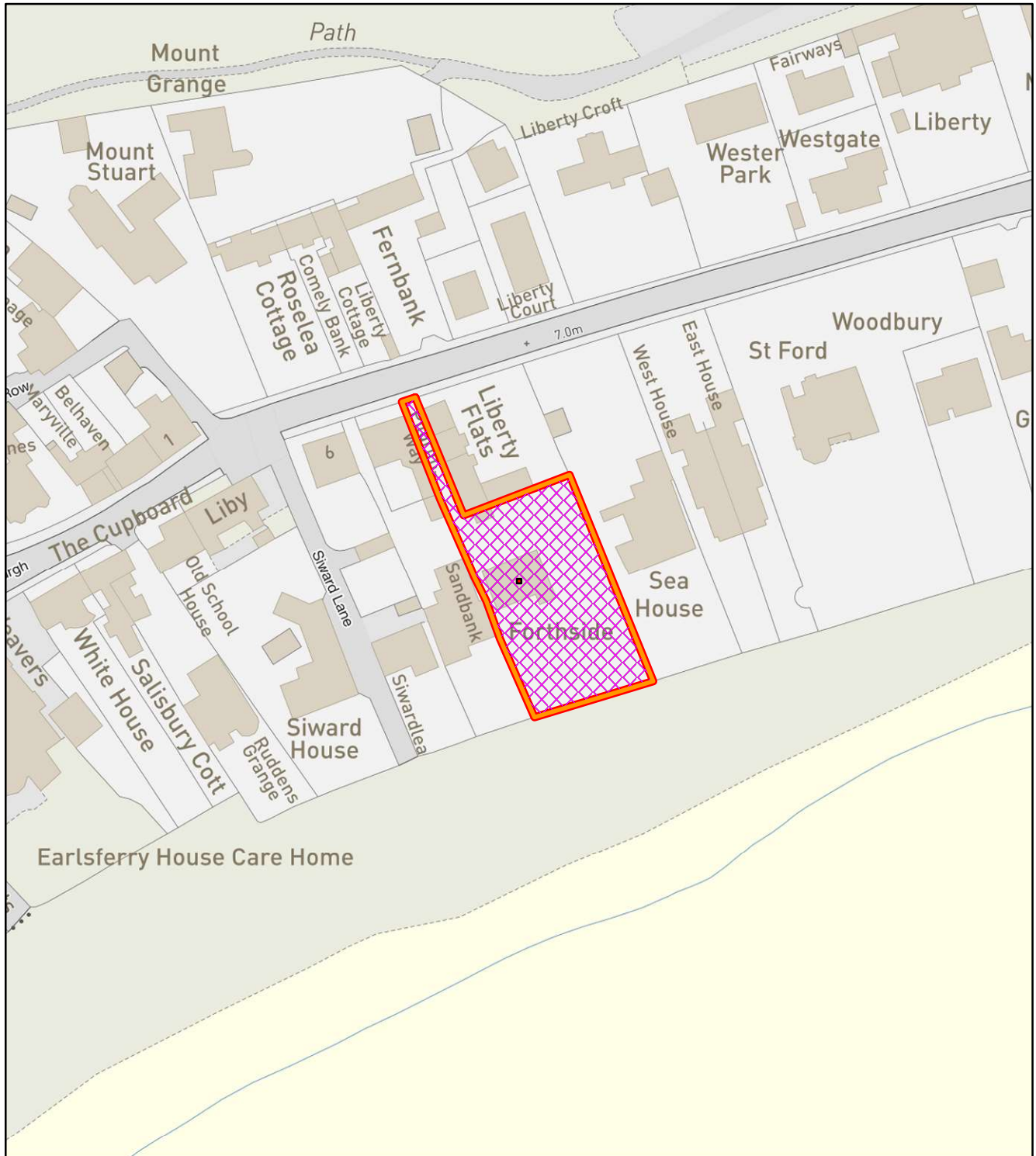
Report prepared by Andy Taylor Case Officer and Chartered Planner

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 5/7/21.

Date Printed 02/07/2021

# 20/02301/CAC

## Forthside Liberty Elie



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<b>Legend</b>			
	Application Boundary		

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**ITEM NO: 9**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00145/FULL**

**SITE ADDRESS: 46 BRAEHEAD ST MONANS ANSTRUTHER**

**PROPOSAL : ERECTION OF DWELLINGHOUSE WITH ASSOCIATED PARKING**

**APPLICANT: MR JIM CLELAND  
FLAT 2/2 42 ROBERTSON STREET GREENOCK**

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

**CASE OFFICER: Kerry Gibson**

**DATE 17/02/2021  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

## 1.0 BACKGROUND

1.1 This application relates to an area of land (approx. 605 sqm including access) to the north east of 46 Braehead St. Monans. The area is currently unused and would have originally formed part of the private garden ground for No. 46. The pocket of land is flat, overgrown and includes a detached garage associated with No. 46. The application site is located within a primarily residential area of the settlement of St. Monans and within the defined St Monans Conservation Area; as defined in the Adopted FIFEplan Fife Local Development Plan (2017). The site is bound by a mix of single and two storey residential properties, of varying architectural forms and styles, and vehicular access is taken from Braehead to the south.

1.2 This application seeks planning permission for the erection of a dwelling house and associated parking.

1.3 The proposed house would be of a traditional design, would be 1.5 storeys and would occupy a footprint of 93 sqm. It would have a ridge height of approximately 6.5m and would be finished with white wet dash rendered walls and pitched slate roof with traditional dormers. The property would also have sash and case style windows with fine bar astragals and traditional doors. It would also have traditional style dormers to the front and would be bound by existing and new timber fencing/walls. Access to the site would be from the existing access onto Braehead and would be shared with No. 46. Two off street parking spaces would be provided within the site and the existing dwellinghouse would also retain off road parking space. The existing detached garage would be demolished. Garden ground would be retained by No.46 as well as providing for the new proposed dwellinghouse.

1.4 Relevant planning history:

19/01076/PPP- Planning Permission in Principle for the erection of a dwellinghouse was withdrawn on 27.06.2019.

## 2.0 POLICY ASSESSMENT

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

- Principle of Development
- Design and Visual Impact on Historic Environment
- Residential Amenity
- Garden Ground
- Road Safety
- Drainage
- Low Carbon

### 2.2 PRINCIPLE OF DEVELOPMENT

2.2.1 The Scottish Government's Scottish Planning Policy (SPP) (Revised 2020) and Policies 1 and 2 of the Adopted FIFEplan - Fife Local Development Plan (2017) apply regarding the principle of the development.

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

2.2.3 Policy 1, Part A, of FIFEplan stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. Policy 2 of FIFEplan supports the development of unallocated sites for housing provided they do not prejudice the housing land supply strategy of the Local Development Plan and proposals comply with the policies for the location.

2.2.4 The principle of residential development is established as the site is located within the St. Monans settlement boundary (FIFEplan, 2017). The proposed development is deemed to be suitable for its location and is therefore considered to be acceptable in principle. The overall acceptability of any such development must however also satisfy other relevant Development Plan policy criteria as identified in Section 2.1 of this report.

### 2.3 DESIGN/VISUAL IMPACT ON HISTORIC ENVIRONMENT

2.3.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2020) (Valuing the Historic Environment), Historic Environment Scotland (HES) Policy Statement (May 2019), HES New Design in Historic Settings (2010) apply. Policies 1, 10 and 14 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018) and the St. Monans Conservation Area Appraisal and Management Plan (2013) also apply.

2.3.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special attention should be given to the desirability of preserving and enhancing the conservation area. Scottish Planning Policy 2020 (Valuing the Historic Environment) recognises that planning has an important role in maintaining and enhancing distinctive and irreplaceable historic sites to create and maintain successful places that enrich quality of life. It states that proposals for developments in conservation areas should protect or enhance the character or appearance of the conservation area. In addition, it states that any development which will affect a Listed Building, or its setting should be appropriate to the character and appearance of the building and its setting. This includes careful consideration of layout, design, materials, scale and siting of new developments.

2.3.3 Historic Environment Scotland - Policy Statement (2019) advises that new work, including alterations and extensions to historic buildings as well as new buildings in historic areas shall enhance its surroundings. HES New Design in Historic Settings (2010) advises that new design does not need to replicate existing buildings in design, appearance and materials and that often contemporary designs sit well within the existing historic context. New development should consider: Urban structure; Urban grain; Density and mix; Scale; Materials and detailing; Landscape; Views and landmarks; and Historical development

2.3.4 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 10 advises development will be supported where it does not have a significant detrimental impact on the amenity of existing land uses including in relation to the visual impact of the development on the surrounding area. Policy

14 states that development which protects or enhances buildings or other built heritage of special architectural interest will be supported. Proposals will not be supported where it is considered they will harm or damage Listed Buildings or their setting, including structures or features of special architectural or historic interest.

2.3.5 The proposed development is for the erection of a 1.5 storey dwellinghouse. Objections have been received which raise concerns that the proposed house would constitute overdevelopment and that 1.5 storeys would be overbearing. The house would occupy a footprint of 93 sqm and would have a ridge of height 6.5m. It would be located to the rear of No. 46 and would be set back approximately 30m from the main road. No. 46 is single storey and is approximately 5.5m high. This means that the proposed house would only be partially visible from the public aspect of the conservation area. Further to this, the surrounding houses are of mix of architectural forms and styles with the neighbouring house to the west being a detached, modern, two storey house and the neighbouring houses to the east being semi-detached, modern, 1.5 storey houses. In addition, the building to the north is a modern two storey development of terraced houses. These existing properties generally feature uPVC windows, roughcast render and concrete roof tiles. Further south of the development there are some traditional single storey properties. The proposed dwelling would be finished with traditional roughcast render, slate tiles and sash and case windows. No specific details have been given for the window materials and therefore a condition has been added to this consent which requires material details and specifications for the windows and rooflight. Although, it is recognised that the proposed plot is compact it is considered that given the mix of single/two storey houses within the area, varied pattern of development and the fact the house would be discreetly positioned behind No. 46 that it would have no significant adverse impact on the appearance of the conservation area and would be typical as part of the mixed character of the area. The style, massing and finishing materials would complement the neighbouring dwellings and would preserve the appearance of the surrounding area. Further to this, Fife Council's Built Heritage officer has been consulted and agrees that there would be no adverse impact on the conservation area. Concerns were also raised that the property could be extended to two storeys. As the site is within the conservation area, it is advised that planning permission would be required to add a second storey.

2.3.6 In light of the above, it is considered that the proposed house would respect the mix in form and style of the existing buildings and surrounding conservation area and would be of a suitable design, scale, mass all in compliance with FIFEplan (2017) and its associated guidance.

## 2.4 RESIDENTIAL AMENITY

2.4.1 Policies 1 and 10 of FIFEplan (2017); British Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011); Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) and Minimum Distances between Window Openings (2011) all apply in this respect.

2.4.2 Policy 10 of FIFEplan (2017) states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of privacy, sunlight and daylight. Further to this, new development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the local area are not adversely affected.

2.4.3 Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) advise that all new development, including extensions, should be designed to minimise overshadowing of neighbouring properties and that Fife Council will not support extensions or any new development that would result in the loss of sunlight leading to overshadowing for the majority of the day.

2.4.4 Fife Council's Minimum Distance between Window Openings guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

2.4.5 Objections have been received which raise concerns regarding loss of daylight to windows. The closest neighbouring dwelling is approx. 2.6m to the south of the application site. This proposed house would be perpendicular (approx. 115-degree angle) to the existing and would have no windows on the southwest elevation. There is one window on the northeast elevation of No. 46 and three windows on the northwest elevation however due to the proximity of windows and the orientation of the dwellings it is considered that there would be no significant detrimental impact on loss of daylight to windows. The other neighbouring dwellings are all located far enough away that loss of daylight to windows would not be a concern.

2.4.6 Objections have been received which raise concerns regarding loss of sunlight on garden ground. As previously mentioned, the proposed house would be positioned to the north of No. 46. This means that there would be no loss of sunlight to garden ground for the neighbouring house however there could be the potential for a lack of sunlight on garden ground for the new house. In this case, the existing dwelling would not pass the centre point of the rear garden for the proposed house and so this area would still receive sufficient levels of sunlight for most of the day. In addition, due to the orientation and height of the existing dwelling it is considered that the front garden (which contributes to part of the private, semi-private amenity space) of the new house would still receive enough sunlight for a significant portion of the day and would therefore be acceptable. Further to this, the location and height of the new dwelling, proximity to neighbours and the path of the sun would mean that no other garden ground area would suffer from an unreasonable loss of sunlight. Each garden area must receive at least 2 hours of sunlight per day and it is considered that this would still be achieved for neighbours to the north, east and west.

2.4.7 Objections have been received which raise concerns regarding loss of privacy to windows. There would be no windows on the northeast elevation and so no overlooking would occur in that respect. New glazing would be introduced on all other elevations. The closest neighbouring window to the south and west would be approximately 15m distant and to the east, would be well over 18m distant. Again, due to the proximity and orientation/angle of view and relationship of existing and proposed windows, it is considered that there would be no significant detrimental loss of privacy for neighbouring property windows.

2.4.8 Objections have been received which raise concerns regarding a loss of privacy to garden ground. Fife Council's Garden Ground guidance advises that back gardens should be at least nine metres distant from boundaries to create a private area. In this case, the back garden would be approx. 7m distant, however due to the existing low boundary fences to the west and the large garden area associated with No. 48 it is considered that this can be relaxed and that there would still be enough private amenity space for the continual enjoyment of the garden area. Again, low boundary treatments are also evident within the gardens to the north and east and therefore it is considered that most of the existing amenity spaces are already overlooked or are only semi-private and therefore the new house would not introduce any significant additional concerns in relation to this. Further to this, the front garden of the new house would be 18m to the boundary



of the house to the east and so there would be no significant detrimental loss of privacy in this respect.

2.4.9 In light of the above it is considered that the proposed development is acceptable and would have no significant detrimental impact on neighbouring properties in relation to privacy, daylight and sunlight. As such, the proposal is considered to comply with FIFEplan (2017) and its associated guidance.

## 2.5 GARDEN GROUND

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

2.5.2 Fife Council's Planning Customer Guidelines on Garden Ground (2016) advise that all new detached and semi-detached dwellings should be served by a minimum of 100 square metres of private useable garden space and that a building footprint of 1:3 will be required.

2.5.3 In this case, the plot layout details approximately 90 sqm of private garden ground to the rear of the property. Whilst this does not meet the recommended minimum of at least 100 sqm of garden ground for new builds it is considered that given there is also a partially private area of garden ground to the front (approx. 178 sqm) it is considered that these guidelines could be relaxed. The proposed layout also provides evidence that the proposal would meet the 1:3 ratio of building footprint to plot size (93sqm: 455sqm - excluding access). Meanwhile, the existing house would have approximately 67 sqm of private garden ground to the side with a further 285 sqm to the front. In this case, whilst the existing house would not meet the required 100 sqm it is considered that it is likely that the front garden would be the area most utilised. This is because the front garden offers views towards the sea. In addition, whilst these areas would not be wholly private it is considered that the existing garden to the rear is not wholly private due the high level of overlooking from surrounding properties. This plot would also exceed the 1:3 house to plot ratio. Consequently, it is considered that there would still be sufficient garden ground for the enjoyment of both properties and that the plot sizes would meet the criteria as set out in Fife Council's Garden Ground guidance.

2.5.4 Objections have been received which raise concerns that the proposed site is too small and that the development would result in overdevelopment. As mentioned above, although the proposal would split the existing plot it is considered that the existing plot is large and can adequately accommodate another house. Further to this, given the mix of plot sizes within the immediate area it is considered that it would sit in well with the existing pattern of development and would have adequate space to provide garden ground and parking.

2.5.5 In light of the above, it is considered that the proposal would comply with the Development Plan in relation to garden ground and is acceptable.

## 2.6 TRANSPORTATION

2.6.1 Policies 1 and 3 of FIFEplan (2017) and Making Fife's Places - Transportation Development Management (TDM) Guidelines (2018) apply.

2.6.2 Policy 1 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. Meanwhile, Policy 3 advises that development must be designed in a manner that ensures safe access to transport, footpath and cycle links.

2.6.3 Making Fife's Places - Transportation Development Management Guidelines (2018) and associated transportation guidelines state that a driveway must have a minimum depth of 6 metres from the rear of the public footway. It also states that dwellings with 2 or 3 bedrooms must have at least two off street parking spaces.

2.6.4 Objections have been received which raise concerns that the proposal would contribute towards congestion and that parking is already limited within the surrounding area. In addition, that the access and adjoining road would be too narrow for safe turning, entry and exit. The proposed development is for a 3-bedroom dwelling with a shared vehicular access to be taken from Braehead. This work would also involve the demolition of the existing single car garage associated with No. 46. Fife Council's TDM officer has been consulted on this application and has no objections subject to condition. The submitted drawings show that two off street parking spaces can be accommodated within the development site and that there would also still be enough room for two spaces within the curtilage of No. 46. Two conditions have been added to this consent which require the provision of two off street parking spaces as well as visibility splays of 2 x 25m at the junction of the vehicular access. As such, it is considered that there would be no significant detrimental impact on road safety and that the proposal would comply with FIFEplan and other guidance.

## 2.7 DRAINAGE

2.7.1 Policies 1 and 12 of FIFEplan (2017), SPP (2020) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) apply.

2.7.2 SPP (2020) advises that developments should not place unacceptable demands on public infrastructure including drainage systems, developments will not be supported if they would increase the risk of flooding, nor will they be supported if Sustainable Urban Drainage Systems (SuDS) or other similar appropriate measures are not undertaken. Policy 12 of FIFEplan (2017) advises that development proposals will only be supported where they will not individually or cumulatively increase flooding or flood risk to a site. Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021) requires all new development of over 50 sqm to provide a surface water management plan.

2.7.3 Objections have been received which raise concerns regarding the additional pressure a new dwelling would put on the drainage and wastewater systems. The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) requires that a Sustainable Drainage System (SuDS) is installed for all new developments where surface water discharges to ground or water to prevent pollution, with the exception of runoff from a single dwelling or discharge to coastal waters. As this application is for a single dwellinghouse, SuDS is not required, however surface water attenuation should be provided, unless written consent has been provided as part of the planning application to confirm that Scottish Water accept the surface water discharge from the development into their drainage system at the proposed discharge rate. Scottish Water have no objections; however, they are unable to confirm wastewater capacity at the St Monans Wastewater Treatment Works. It is the responsibility of the developer/ applicant to provide a suitable means of dealing with wastewater. In this case the applicant proposes to connect to the public network and therefore the applicant is advised to submit a Pre-Development

Enquiry Form to Scottish Water for this. This is a separate consenting process. A condition has been attached to this consent to ensure that surface water attenuation details are provided prior to the commencement of works.

2.7.4 In light of the above, it is considered the proposal would not have a significant detrimental impact on drainage and would comply with FIFEplan (2017) and other guidance.

## 2.8 LOW CARBON

2.8.1 SPP (2020) (paragraph 154), Policies 1 and 11 of FIFEplan (2017) and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply with regards to the low carbon requirements expected of this proposal. Fife Council's Low Carbon Fife Supplementary Guidance notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. In addition, planning applications are required to be supported by a Low Carbon Checklist to demonstrate compliance with Policy 11.

2.8.2 Objections have been received which raise concerns that the proposed development would have no 'green credentials'. The applicant has submitted a low carbon checklist and it is noted that it is proposed to install an air source heat pump. As such, this proposal would be deemed to comply with FIFEplan (2017) and other related guidance.

## 2.9 HOUSES IN MULTIPLE OCCUPATION

2.9.1 Policy 2 of the Adopted Local Plan stipulates that houses in multiple occupation (HMO) will not be supported if it is a new dwelling unless purpose built for HMO use; or it is for the conversion of an existing building in an area where restrictions on HMOs are in place. In this particular case, the applicant does not propose to use any of the dwelling houses as a HMO. A condition has been attached to this recommendation regarding this matter.

### CONSULTATIONS

Scottish Water	No objection to proposal.
Transportation And Environmental Services - Operations Team	No response received.
Asset And Facilities Management Services	No response received.
Built Heritage, Planning Services	No adverse impact.
Transportation, Planning Services	No objection subject to the recommended conditions.

### REPRESENTATIONS

A total of 9 objections have been received. All material concerns have been addressed within the main body of the report. Other non-material concerns that have been raised include:

- Loss of View
- Making excessive profit

In this instance, loss of view is not material as nobody has the right to a view. Regarding financial related objections, these too are not material as fiscal arrangements operate independently from the planning system and are not controlled through land use planning.

## **CONCLUSIONS**

The proposal is considered acceptable in terms of form, scale, layout, detailing and choice of materials. It would respect the character and appearance of the Conservation Area and would create no significant overshadowing, overlooking or impact on useable garden ground. The impact on road safety is also considered to be acceptable. Taking in to account all material considerations, the proposal is considered to be acceptable and is compliant with FIFEplan (2017) and other guidance.

## **RECOMMENDATION**

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

1. BEFORE ANY WORKS START ON SITE; full details of the required surface water attenuation shall be submitted to, and approved in writing by, Fife Council as Planning Authority. Thereafter, the development shall be carried out in the accordance with these approved details.

Reason: To ensure the development complies with Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021).

2. Prior to the first occupation of the proposed dwellinghouse, there shall be provided within the curtilage of the site, a turning area for a car to allow all cars making use of the access driveway to enter and exit the driveway in a forward gear. The turning area shall be formed outwith the parking area and shall be retained throughout the lifetime of the development. The proposed parking bays and aisle width will require to be of appropriate dimensions to allow for both the off street parking and turning manoeuvres to take place.

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

3. Prior to the occupation of the proposed dwellinghouse, there shall be a total of 2 No. off street parking spaces provided within the curtilage of the site in accordance with the current Fife Council Transportation Development Guidelines. For the avoidance of any doubt, all of the off street parking spaces shall have minimum dimensions of 5m length x 2.95m width. The parking spaces shall be retained throughout the lifetime of the development for the purposes of off street parking

Reason: In the interest of road safety; to ensure the provision of adequate off-street parking facilities and to ensure that turning manoeuvres can take place within the curtilage of the site.

4. Prior to the first occupation of the proposed dwellinghouse, visibility splays of 2m x 25m shall be provided to the left and to the right at the junction of the vehicular crossing and the public road and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level, in accordance with the current Fife Council Transportation Development Guidelines.

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

5. BEFORE ANY WORK STARTS ON SITE, details of the proposed external finishing materials and specifications of the proposed windows and rooflight shall be submitted for approval in writing by this Planning Authority.

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

6. The hereby approved residential dwelling shall be used solely as a residence for (a) a single person or by people living together as a family; For the avoidance of doubt the residential dwellings 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 Fife Plan (2017).

## **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)

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

Historic Environment Scotland - Policy Statement (2019)

### Development Plan

Adopted FIFEplan Local Development Plan (2017)

Low Carbon Fife (2019)

### Other Guidance

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

St. Monans Conservation Area Appraisal and Conservation Area Management Plan (2013)

Historic Environment Scotland- New Design in Historic Settings (2010)

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

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

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

Making Fife's Places - Transportation Development Management Guidelines (2018)

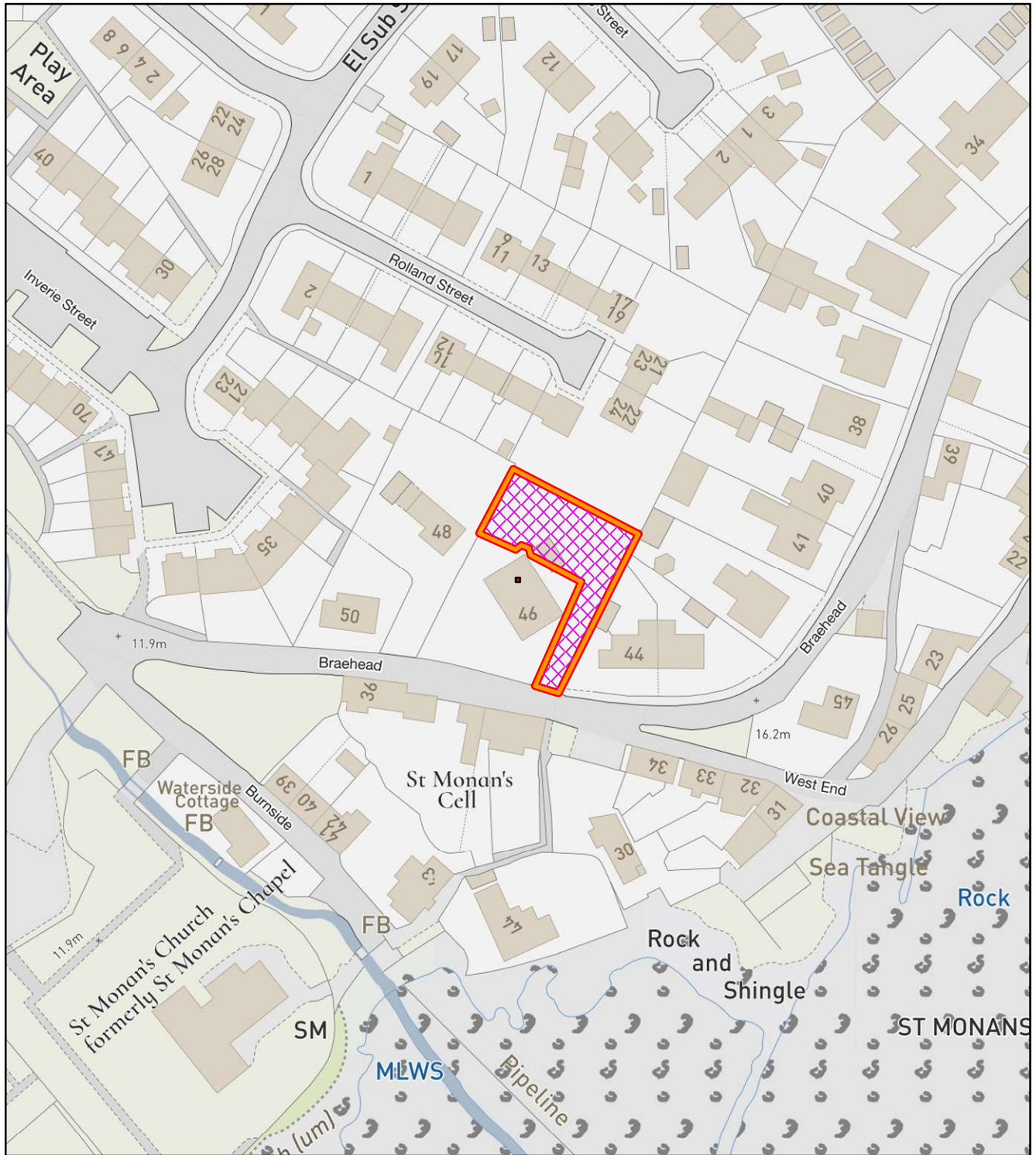
Report prepared by Kerry Gibson

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 5/7/21.

Date Printed 02/07/2021

# 21/00145/FULL

46 Braehead St Monans Anstruther



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

**ITEM NO: 10**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00504/FULL**

**SITE ADDRESS: 5 SHUTTLEFIELD NEWBURGH CUPAR**

**PROPOSAL : AMENDMENT TO APPROVED (18/03481/FULL) FOR ALTERATIONS TO ROOF HEIGHT AND DECKING (IN RETROSPECT)**

**APPLICANT: MS MAYA CLIFFORD  
5 SHUTTLEFIELD ROAD NEWBURGH FIFE**

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

**CASE OFFICER: Kristie Hung**

**DATE REGISTERED: 22/03/2021**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

## 1.0 Background

1.1 This application relates to a one-and-a-half storey mid-terraced category 'C' Listed Building situated within the Newburgh Conservation Area. The property is finished in painted render with a slate roof and uPVC windows/doors. The property is bound by a mixture of planting and timber fencing along with garden ground to the rear. There is an existing porch to the front elevation, a one-and-a-half storey extension and single storey extension with decking to the rear of dwellinghouse. Surrounding properties are a mixture of design, size and finished and the neighbouring properties immediately adjacent to the application site (Nos. 4 and 5) are also category 'C' Listed Buildings.

1.2 This application seeks full planning permission for alterations to the height of the roof ridges and the decking to the rear. As the works have been carried out, this application is therefore retrospective. It should also be noted that this is an alteration to the previously approved planning permission and Listed Building Consents (18/03481/FULL and 18/03482/LBC). The application also includes a minor raising of the roof ridge of the existing dwellinghouse to tie in with the slight increase in the roof ridge height of the one-and-a-half storey rear extension (increased from approximately 6.3m to 6.5m). The maximum height of the decking has also increased by approximately 0.9m. The material of the decking is now proposed to be in timber rather than steel. The centrally positioned steps would also be realigned to the west elevation. Leaf design metal screen panels with dark grey mesh netting (to reduce the visibility through the leaf cut outs further) measuring approximately 1.8m are proposed at either end of the raised deck as well as up the stairwell handrail section to provide additional privacy screening.

1.3 In terms of planning history, planning applications for a single storey extension and first floor extension to rear of dwellinghouse, internal alterations and formation of raised deck (18/03481/FULL and 18/03481/FULL) were approved on 01.03.2019. A related application for Listed Building Consent (21/00220/LBC) is included on this agenda for Member's consideration.

1.4 A site visit by Planning staff was conducted on 28.05.2021.

## 2.0 Assessment

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

- Design / Impact upon the Conservation Area
- Residential Amenity

### 2.2 Design / Impact upon the Conservation Area

2.2.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2020) (Valuing the Historic Environment), Historic Environment Scotland - Policy Statement (2016), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) apply in this respect.

2.2.2 Scottish Planning Policy 2020 (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 a listed building and to ensure that its special characteristics are protected, conserved or enhanced. Making Fife's Places - Supplementary Guidance (2018), and Historic Environment Scotland's Managing Change



guidance sets out the general principles that should apply when proposing new work on listed buildings to ensure that their historical and/or architectural significance is safeguarded against insensitive change or damage. Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Additionally, Policy 10 of FIFEplan (2017) advises that development will only be supported if it does not have a significant detrimental impact with respect to visual amenity. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

2.2.3 Objections raised relate to concerns that the alterations to the extension's height and minor increase in roof height of the existing dwelling have resulted in it being out of scale and out of character and not in keeping with the conservation area. In this instance, the increase in roof height of the previously approved extension is minor in scope and would not have a detrimental impact upon the architectural or historic importance of the listed building and surrounding conservation area as there are no changes to the materials proposed. There would be no loss of significant historic fabric and it would not result in a detrimental visual impact to the original building and wider conservation area. It is considered that the increase in height is minimal and the overall height of the building would remain lower than the immediate neighbouring dwellinghouses therefore would not have a detrimental visual impact on the conservation area.

2.2.4 The proposed alterations to the previously approved decking include raising the floor level from approximately 0.7m to 0.9m above adjacent garden ground level. Although the alterations are to the rear of dwellinghouse, due to the sloping topography of the site, it would be partially visible from West Port Road and Newburgh Public Park. However, it is considered that the decking already benefits from a recent approval, would remain a traditional deck style and finish and is typical of other raised decks in the locality. The minor increase in height from a floor level of 0.7m to 0.9m would not detrimentally affect the character of the house nor the wider area. The deck is also considered to be a relatively minor ancillary feature. In terms of the raised ridge height, again this would be relatively minor and would not result in a significantly larger nor over dominant feature as a result. The proposed additional screen fencing is not considered to detrimentally affect the character of the building and conservation area and would also add additional screening of the deck as well as enhance privacy as shall be assessed later in this report.

2.2.5 In light of the above, the proposal is considered acceptable in this instance in terms of form, scale, layout, detailing and choice of materials; would be protect the character of this Category 'C' Listed Building and Newburgh Conservation Area and would be in compliance with the Development Plan and its associated guidance.

## 2.3 Residential amenity

2.3.1 Policies 1 and 10 of FIFEplan Local Development Plan (2017), Fife Council Customer Guidelines on Home Extensions (including garages and conservatories) (2016) and Fife Council Customer Guidelines on Daylight and Sunlight (2018) apply in terms of residential amenity.

2.3.2 Policy 10 of FIFEplan specifically requires development to address the potential loss of privacy and sunlight and daylight. Fife Council Planning Customer Guidelines on Home Extensions states that a development should not intrude on a neighbour's privacy.

2.3.3 The neighbours were concerned that the existing privacy screen did not provide sufficient privacy due in part to a combination of the screen section having a slightly more open fret cut leaf design from which to see more private third party areas; limited area of coverage around the deck perimeter and the fact the deck would be in an elevated position in relation to neighbouring outdoor seating areas. Again, the design and visual impact on neighbour's amenity were also raised. Neighbours were also concerned that the submission drawings did not show the true height difference between garden ground levels and the raised deck itself. Although the difference in ground levels have not been shown for the whole site, the site visit by officers clarified the situation on site and officers were well aware of the ground level differences during this application assessment. The neighbouring property owner to the west was also concerned that the repositioning of the deck access steps from a more central location to the western end of the deck would further increase the opportunities for overlooking their rear extension, outdoor seating area and wider garden ground. Subsequent to the submission of this application and taking into account the concerns raised from objection comments, amended drawings have been received which include the addition of 1.8m mesh screen fence/panelling to either end of the deck area as well as along the step handrail element. The proposal as revised, in principle would provide a further screening and thus improve the privacy arrangements between neighbouring properties and the addition of the finer mesh applied to each screen panel would further reduce the gaps in the leaf fret cuts in the panels and reduce further the views available. Whilst it is acknowledged that a degree of overlooking would still be possible by users of the steps, the additional screening at that end of the deck would result in users of the main deck area being suitably screened. A condition has been included to ensure the screening and mesh netting remain in situ in perpetuity.

2.3.4 The proposed alterations are considered to be minor in scope in this instance and would provide additional screening to the immediate neighbours to the east and west. The increase in roof height would not introduce any additional overlooking or overshadowing concerns. The materials would complement the existing dwellinghouse and as such, the proposals would have no adverse effect upon the character of the conservation area.

## CONSULTATIONS

None

## REPRESENTATIONS

Ten letters of objections, two of which were from the same objectors, were received.

Material planning considerations include:

- Privacy screens does not provide privacy and not in keeping with listed building and conservation area
- Timber decking is not in keeping with listed building and conservation area
- Decking area overlooks onto neighbouring garden grounds due to its height and drawings does not show difference in ground levels between properties. The deck would also be seen from public vantage points.
- Proximity of decking to neighbouring property
- Alteration of the steps from central to the west elevation increases overlooking as privacy fence would not be erected along that elevation

- Unauthorised alterations to the extension's height, width and pitch of the roof has resulted in it being out of scale and out of character, not in keeping with the conservation area and listed building. Steel beams placed in walls on raised roof

Non-material planning considerations include:

- Previously approved extension altered the character of the listed building and not in keeping with the conservation area

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of National Legislation, the Development Plan and relevant Fife Council Planning Customer 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 surrounding Newburgh Conservation 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. Within 2 months of the date of this consent, the 1.8 metres high screen fence panels with attached mesh liner, located at either end of the raised deck and along the associated stairwell handrail, as shown on the approved plans, shall be installed and shall remain in situ in perpetuity at the height, length/extent around the deck perimeter as indicated and hereby agreed.

REASON: In the interests of protecting the amenity and privacy of neighbours.

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

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

National Guidance:

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

Historic Environment Scotland - Policy Statement (2016)

Scottish Planning Policy (2020) (Historic Environment)

Development Plan:

Adopted FIFEplan Local Development Plan (2017)

Other Guidance:

Fife Council Customer Guidelines on Home Extensions (including garages and conservatories) (2016)

Fife Council Customer Guidelines on Daylight and Sunlight (2018)

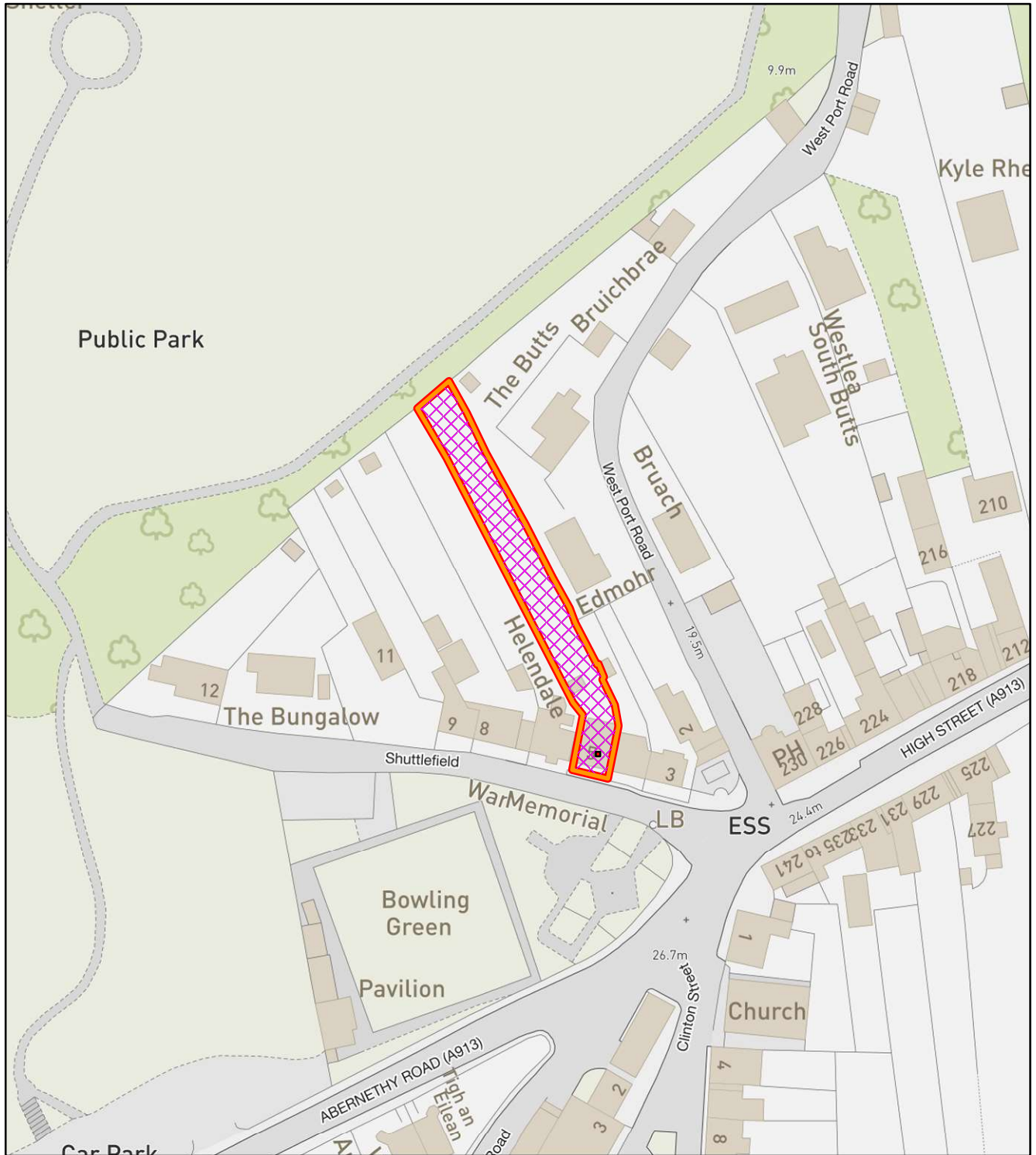
Report prepared by Kristie Hung, Planning Assistant and Case Officer

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 5/7/21.

Date Printed 01/07/2021

# 21/00504/FULL

## 5 Shuttlefield Newburgh



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

**ITEM NO: 11**

**APPLICATION FOR LISTED BUILDING CONSENT REF: 21/00220/LBC**

**SITE ADDRESS: 5 SHUTTLEFIELD NEWBURGH CUPAR**

**PROPOSAL : LISTED BUILDING CONSENT FOR ALTERATIONS TO ROOF HEIGHT AND DECKING (WORK COMPLETED)**

**APPLICANT: MS MAYA CLIFFORD  
5 SHUTTLEFIELD NEWBURGH CUPAR**

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

**CASE OFFICER:** Kristie Hung

**DATE** 05/02/2021

**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional Approval

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

Under Section 14(2) and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

## 1.0 Background

1.1 This application relates to a one-and-a-half storey mid-terraced category 'C' Listed Building situated within the Newburgh Conservation Area. The property is finished in painted render with a slate roof and uPVC windows/doors. The property is bound by a mixture of planting and timber fencing along with garden ground to the rear. There is an existing porch to the front elevation, a one-and-a-half storey extension and single storey extension with decking to the rear of dwellinghouse. Surrounding properties are a mixture of design, size and finished and the neighbouring properties immediately adjacent to the application site (Nos. 4 and 5) are also category 'C' Listed Buildings.

1.2 This application seeks Listed Building Consent for alterations to the height of the roof ridges and the decking to the rear. As the works have been carried out, this application is therefore retrospective. It should also be noted that this is an alteration to the previously approved planning permission and Listed Building Consents (18/03481/FULL and 18/03482/LBC). The application also includes a minor raising of the roof ridge of the existing dwellinghouse to tie in with the slight increase in the roof ridge height of the one-and-a-half storey rear extension (increased from approximately 6.3m to 6.5m). The maximum height of the decking has also increased by approximately 0.9m. The material of the decking is now proposed to be in timber rather than steel. The centrally positioned steps would also be realigned to the west elevation. Leaf design metal screen panels with dark grey mesh netting (to reduce the visibility through the leaf cut outs further) measuring approximately 1.8m are proposed at either end of the raised deck as well as up the stairwell handrail section to provide additional privacy screening.

1.3 In terms of planning history, planning applications for a single storey extension and first floor extension to rear of dwellinghouse, internal alterations and formation of raised deck (18/03481/FULL and 18/03481/FULL) were approved on 01.03.2019. A related application for Full Planning Permission (21/00504/FULL) is included on this agenda for Member's consideration.

1.4 A site visit by Planning staff was conducted on 28.05.2021.

## 2.0 Assessment

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

- Design / Impact upon the Listed Building

### 2.2 DESIGN / IMPACT UPON THE LISTED BUILDING

2.2.1 Section 14(2) and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2020) (Valuing the Historic Environment), Historic Environment Scotland - Policy Statement (2016), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017) apply in this respect.

2.2.2 Scottish Planning Policy 2020 (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 a listed building and to ensure that its special characteristics are protected, conserved or enhanced. Making Fife's Places - Supplementary Guidance (2018), and Historic Environment Scotland's Managing Change guidance sets out the general principles that should apply when proposing new work on listed

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

2.2.3 Objections raised relate to concerns that the alterations to the extension's height and minor increase in roof height of the existing dwelling have resulted in it being out of scale and out of character and not in keeping with the conservation area and would detrimentally affect the listed building. In this instance, the increase in roof height of the previously approved extension is minor in scope and would not have a detrimental impact upon the architectural or historic importance of the listed building and surrounding conservation area as there are no changes to the materials proposed. There would be no loss of significant historic fabric and it would not result in a detrimental visual impact to the original listed building and wider conservation area. It is considered that the increase in height is minimal and the overall height of the building would remain lower than the immediate neighbouring dwellinghouses therefore would not have a detrimental impact on the character of the listed building.

2.2.4 Fife Council's internal Built Heritage officer was consulted and have not supported the amendments to the decking. It was stated that it is likely the proposals would have a detrimental impact on the appearance of the previously approved application due to the changes in design, stair orientation, materials and the addition of screening panels. A number of objections stated that the privacy screens and timber decking are not in keeping with the character and appearance of the listed building. The addition of screening and increased in height of the previously approved decking are considered minor and would not result in undue harm to the visual appearance of the listed building nor negatively affect the character of the building. Indeed, it should also be noted that the deck area, stairwell and screen panels could easily be removed in the future without detrimentally affecting the appearance or fabric of the listed building.

2.2.5 In light of the above, the proposal is considered acceptable in this instance in terms of form, scale, layout, detailing and choice of materials; would be protect the character of this Category 'C' Listed Building and would be in compliance with the Development Plan and its associated guidance.

## **CONSULTATIONS**

Built Heritage, Planning Services

Approval not supported

## **REPRESENTATIONS**

Six letters of objections, two of which were from the same objectors, were received.

Material planning considerations include:

- Privacy screens does not provide privacy and not in keeping with listed building and conservation area
- Timber decking is not in keeping with listed building and conservation area

- Decking area overlooks onto neighbouring garden grounds due to its height and drawings does not show difference in ground levels between properties. The deck would also be seen from public vantage points.
- Proximity of decking to neighbouring property
- Alteration of the steps from central to the west elevation increases overlooking as privacy fence would not be erected along that elevation
- Unauthorised alterations to the extension's height, width and pitch of the roof has resulted in it being out of scale and out of character, not in keeping with the conservation area and listed building. Steel beams placed in walls on raised roof

Non-material planning considerations include:

- Previously approved extension altered the character of the listed building and not in keeping with the conservation area

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of National Legislation, the Development Plan and relevant Fife Council Planning Customer 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 listed building and is therefore considered to be acceptable.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally

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

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

National Guidance:

Section 14(2) and 59 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997

Historic Environment Scotland - Policy Statement (2016)

Scottish Planning Policy (2020) (Historic Environment)

Development Plan:

Adopted FIFEplan Local Development Plan (2017)

Report prepared by Kristie Hung, Planning Assistant and Case Officer

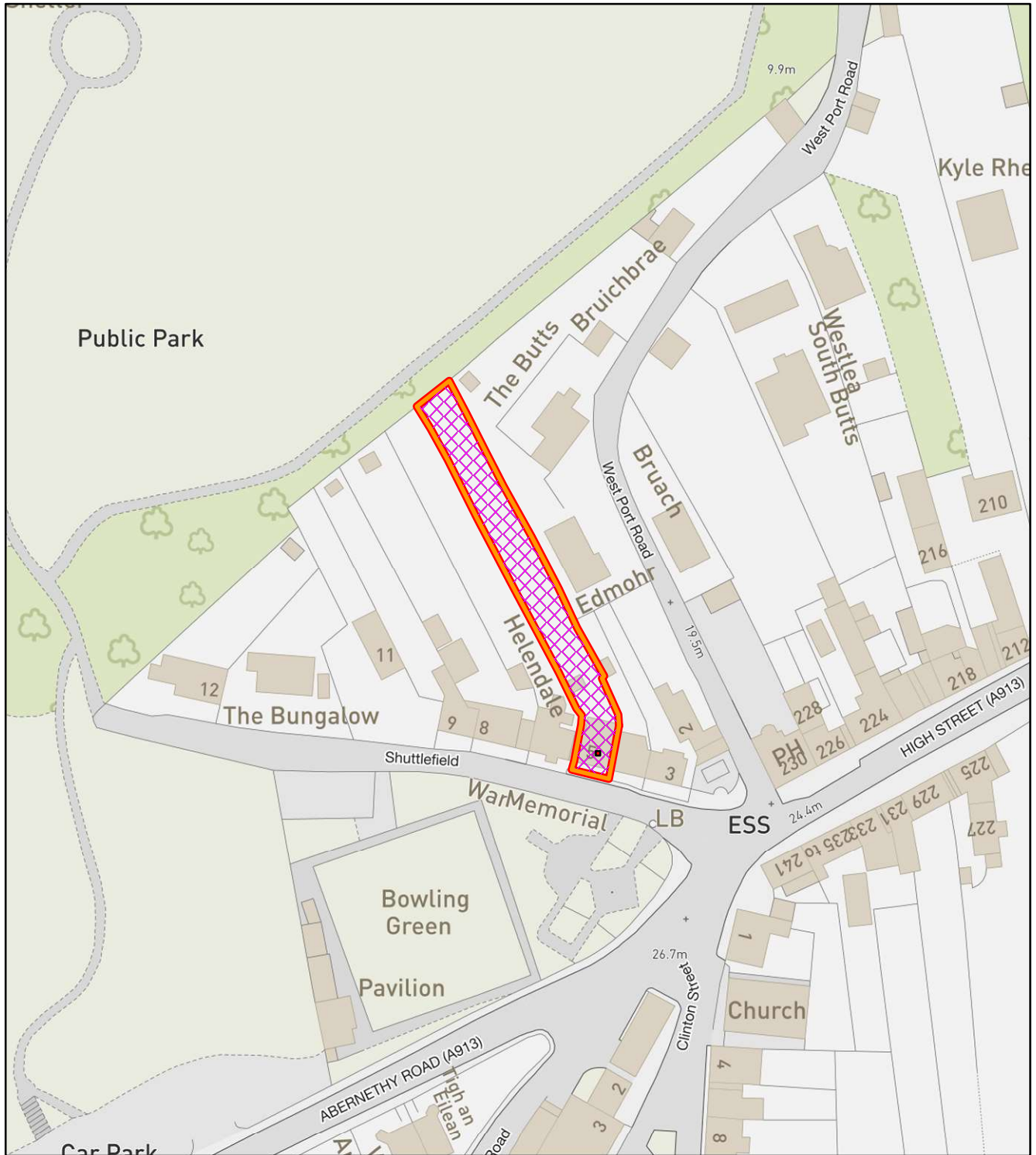
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 5/7/21.

Date Printed 01/07/2021



# 21/00220/LBC

5 Shuttlefield Newburgh



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

**ITEM NO: 12**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/00688/FULL**

**SITE ADDRESS: 8 BANKOWE DRIVE TAYPORT FIFE**

**PROPOSAL : TWO STOREY EXTENSION TO REAR AND SINGLE STOREY  
EXTENSION TO SIDE OF DWELLINGHOUSE**

**APPLICANT: MS PAULEENE JOHNSON  
8 BANKOWE DRIVE TAYPORT FIFE**

**WARD NO:** W5R17  
Tay Bridgehead

**CASE OFFICER:** Fiona Kirk

**DATE** 17/03/2021  
**REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five objections have been received with regard to this proposal.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

## 1.0 BACKGROUND

1.1 The application relates to a two-storey semi-detached dwellinghouse which is located within an established residential area in the village of Tayport. The dwellinghouse is located on a corner of Banknowe Drive and is positioned opposite the junction for Banknowe Terrace. To the side of the property is an existing single timber garage/shed and a driveway with off-street parking for one vehicle. There is a small garden to the side of the driveway and the front garden is enclosed with a one metre hedge and wire fence. The rear garden is triangular in shape at approximately 100 square metres and is enclosed with one metre wire fence, mature hedging and timber fencing at an approximate height of 1.8 metres. The external finishing materials of the dwellinghouse comprise of a natural slate roof with a 'salt-box' roof profile, metal rainwater goods, light beige dry dash render and white UPVC modern casement windows in various styles.

1.2 This application is for a two-storey extension to the rear and single storey extension to the side of the dwellinghouse. The proposal would involve a two-storey extension on the rear elevation which would align with the mutual side boundary with the adjoining neighbour at No. 6 Banknowe Drive. The proposed extension would have a footprint of approximately 22 square metres (5.2 metres in width by 4.3 metres in length) and would accommodate a new kitchen with utility area on the ground floor and a fourth bedroom with an ensuite on the first floor level. The proposed single garage would be attached to the north facing side gable end extending from the front to the rear building lines of the property and angled and extending to the side mutual boundary, although it would not overhang the neighbouring property. The external finishes to both extensions would match the existing dwellinghouse with slate roofs, rendered walls, UPVC tilt and turn windows and black UPVC rainwater goods. The garage door would be a roller type and a new fence would be erected along the side boundary of the garage and driveway and the front garden.

1.3 With regard to the planning history for this property, in 2020 planning permission was refused (20/01524/FULL) for a single storey garage extension to the side and two storey extension to the rear of the dwellinghouse. A subsequent request for that decision to be reviewed by the Local Review Board was also refused for this proposal on the grounds of visual amenity and residential amenity on the basis that the submitted drawing were inaccurate and not amended to address residential amenity concerns and no daylight/sunlight calculations were submitted and overlooking concerns had not been addressed.

1.4 A physical site visit has not been undertaken by the current case officer, however, a site visit was carried out recently by the case officer for the previous application and numerous photographs were taken on site during this time. The case officer for this planning application is also very familiar with the area and surrounding environment. One objector has regularly insisted on a site visit to their property to allow the case officer to assess the impact of the proposal from their property, which is next door. However, this Planning Authority is not currently carrying out site visits unless deemed essential or devoid of appropriate information/photographic details owing to the Covid-19 health restrictions and it is not current practice to re-visit sites for proposals that have recently been site visited. In this instance it is deemed that there is also adequate and sufficient necessary information and photographs submitted which have been collated digitally to allow the full consideration and assessment of all aspects 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. The property can be adequately viewed to the front and aerial views on Google Maps along with the numerous photographs submitted.

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Residential Amenity
- Design and Visual Impact

### 2.2 Principle of Development

2.2.1 Policy 1, Part A of the Adopted FIFEplan Local Development Plan (2017) stipulates that the principle of development will be supported if it is (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. As the application site lies within the settlement boundary of Tayport as defined in the Adopted FIFEplan Local Development Plan (2017) there is a presumption in favour of development subject to satisfactory details. The principle of development for alterations to the dwellinghouse within garden grounds has already been established in Tayport where the property owners wish to extend the building to allow for modern day living. Therefore, the proposal is considered to be acceptable in principle in broad land use policy terms as it would comply with the Local Development Plan in this respect. However, specific design details and amenity impacts also need to be considered to determine if the proposal is acceptable as proposed.

### 2.3 Residential Amenity

2.3.1 Policies 1 and 10 of the Adopted FIFEplan Local Development Plan 2017, Fife Council's Making Fife Place's Supplementary Guidance (2018), Fife Council's Customer Guidelines on Garden Ground, Home Extensions (including garages and conservatories), Window to Window Guidance and Daylight and Sunlight apply with regard to this proposal. Policy 1 of the Adopted FIFEplan 2017 advises that a development proposal will be supported if it is in a location where the proposed use is supported by the Local Development Plan and proposals address their individual and cumulative impacts. Policy 10 of the Adopted FIFEplan 2017 advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and will not lead to a significant detrimental impact on the amenity in relation to traffic movements and loss of open space and green networks. Fife Council's Making Fife Place's Supplementary Guidance (2018) focuses on site appraisal and the context of a site to ensure there is no impact on residential amenity.

2.3.2 Fife Council's Customer Guidelines on Garden Ground, Home Extensions and Window to Window Distance Guidelines advise that proposals should not reduce the neighbour's quality of life or harm the quality of the local environment by blocking sun or overlooking. Proposals shall be compatible with their surrounds in terms of land use and relationship to existing dwellings and not intrude on neighbour's privacy. It is important that personal privacy and amenity is protected and must be considered in determining a planning application as outlined in the relevant policies and guidelines. All new and existing residential properties shall be served by in curtilage garden ground sufficient in quantity, quality and usability to provide for the normal needs and activities of existing and future residents, to retain proper space standards between buildings. The Garden Ground Guidance advises that all new development should not take up more than 25% of the original usable garden ground and new development must not cast a shadow or appear overbearing from a neighbour's house. The Window to Window guidance ensures minimum distances between buildings and the relationship and angles of windows is complied with.

2.3.3 Fife Council's Guideline on Daylight and Sunlight advises that development should consider the impacts on daylight and sunlight to neighbouring property and gardens. Daylight is defined as being the volume of natural light that enters a building and sunlight refers to direct sunshine. The Planning Authority applies the Building Research Establishment guidelines (BRE) criteria where new development may potentially affect natural light or sunlight to existing properties and amenity spaces. All new development including extensions should be designed to minimise overshadowing of neighbouring properties.

2.3.4 Lengthy objection letters have been submitted with concerns that the proposed garage to the side of the dwellinghouse would exacerbate a wind tunnel effect and cause further air flow issues with regard to difficulty opening the gate, damage to sheds, trees and the area would become more unpleasant and hostile and impact on amenity causing health and safety issues to residents living next door to proposed garage. The wind tunnel would also increase wind volume and additional noise to a bedroom window and the objector further suggests impact on wind effect is a material consideration. One objector advised that the Planning Authority should contact a specialised consultancy to undertake a wind modelling exercise, however, following further investigation, this would have incurred a large fee to carry out this, which would not be considered feasible. Rheology is defined as being primarily the deformation and study of flow of matter, in particular in liquid or gaseous formats. The objector also submitted information from the consultancy on Wind Assessment for Urban Planning and Architecture, which relates mainly to high rise buildings which create an obstacle for wind movement. This is a very unusual request to have a wind survey analysis carried out for a domestic garage proposal on the side of a dwellinghouse and is not normally carried out by Planning Authorities for minor household applications. It should be noted the Fife Planning Review Board refusal decision for the previous planning application (20/01524/FULL) considered the impact of wind. It was decided that whilst the impact of wind could be a material consideration in terms of potential impacts on amenity, it would not be a significant material consideration in this instance, due to the scale of the potential impact or warrant a reason for refusal. Also, it would not have a significant adverse impact on wind effect to the neighbouring properties as a result of this proposals. Other objection concerns relate to air circulation in the rear garden area and the proposal would impact on clothes not drying outdoors, poorer garden growth, lower temperatures and reduction of ambiance for people's gardens. At present there are two garages in the area between the dwellinghouses and therefore a precedent has been set. Although the new garage is larger, it should not have any further detrimental impact on air flow than exists at present as there is currently a degree of wind air flow around the existing garages.

2.3.5 Objection concerns have also been raised regarding overshadowing, loss of sunny areas to No. 10 and reduce garden's usefulness with an impact on quality of life and residential amenity. To address this concern the agent has submitted an overshadowing plan which demonstrates the extent of shadow taken at both a 25 and 45 degree angle. The result is minimal and impacts an area to the side where a timber fence, hedge and shed are positioned and therefore should not reduce any loss of sunny areas or quality of life. The neighbour's gardens to the rear are large enough to ensure its usefulness is not impacted. The majority of the overshadowing to this area would come from the existing dwellinghouse and not the new garage itself. Furthermore, an existing 1.8 metre high timber and hedge which extends along the mutual boundary, close to the windows, has also already established a minor loss of natural light to both properties. With respect to sunlight received in neighbouring gardens, it is not considered that the development would have a significant impact in the context of the above noted guidance. The same objectors have also raised concerns with regard to loss of privacy and overlooking gardens. Owing to the positioning of the proposed windows and doors on the rear extension, there would be no further impact on

privacy than presently exists. The existing boundary fencing and mature planting is adequate and there is no further impact in terms of loss of privacy or overlooking to neighbouring properties. A window to window distance assessment has been carried out to ensure that the proposed rear extension would not create any privacy issues in terms of direct overlooking between neighbouring windows and amenity spaces. The distance between the windows of the proposal and the neighbouring windows is an acceptable window to window distance between window openings with no direct overlooking. The proposal would not introduce any significant privacy or overlooking issues given the relationship of proposed windows serving habitable rooms to neighbouring windows and amenity spaces. On this basis the proposal is considered to be acceptable.

2.3.6 Objection concerns have been raised regarding the impact of loss of sunlight, natural light and daylight to neighbouring rooms. The previous planning application failed to provide adequate accurate plans to address daylight and sunlight issues. For this application, the agent has submitted an amended plan to demonstrate and illustrate a 45 degree angle calculation with regard to the loss of daylight and natural light to the adjoining neighbouring property at No. 6. The 45 degree daylight assessment carried out, as advocated in the Building Research Establishment guidelines, ensures that the proposal would not have a significantly detrimental impact on the adjacent neighbouring property. The 45 degree assessment confirmed that while there will be minimal impact on the daylight received through the window it will be within acceptable parameters. With regard to the loss of daylight to neighbouring rooms at No. 10, it is considered that there is an adequate distance between the proposed extension and the neighbouring windows to mitigate against any loss of daylight to the neighbouring rooms. It is not significant to justify a refusal of this proposal.

2.3.7 Objection concerns advise that the proposed rear extension would reduce the owner's garden ground and impact on parking provision. The proposal would meet the Garden Ground policy guidelines by retaining sufficient rear private garden ground for the day to day activities of the owners. Overall the proposal is not considered to cause any significant impact on road or public safety given the existing established access and off-street parking for this property. Fife Council's Development Management Transportation Services were consulted with regard to the previous application. Whilst the property would be changing from a three bedroom to a four bedroomed house, they would accept in this case for two in-curtilage parking spaces to serve the proposed development. This can be accommodated within the garage and existing driveway or within the front garden. It is considered that the proposal by way of its land use would not have a detrimental impact to the adjacent properties in general and therefore complies with the relevant policies and guidelines relating to residential amenity.

2.3.8 Objection concerns also advise the proposal would not comply with Policies 1 and 10 of the Adopted FIFEplan Local Development Plan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Garden Ground. Notwithstanding the above, each proposal must be assessed on its own merits. In this instance, it is considered that the proposal by way of its use, size and scale and location/orientation would not have a material adverse impact on the amenity of neighbouring properties or diminish the amenity of the neighbouring residents and therefore the development would comply with the relevant Local Development Plan and guidelines relating to residential amenity.

## 2.4 Design and Visual Impact

2.4.1 Policies 1, 10 and 14 of the Adopted FIFEplan, Fife Council's Making Place's Supplementary Guidance (2018) and Fife Planning Customer Guidelines on Home Extensions (including garages and conservatories) apply with regard to this proposal. Policy 1 (Development Principles), and Policy 10 (Amenity) of the Adopted FIFEplan Local Development Plan require all new development to be placed where the proposed use is supported by the Local Development Plan and should be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area. Making Fife's Places Supplementary Guidance sets out Fife Council's expectation in the role of good design, by evaluating a successful development under the 6 qualities of a successful place. All proposals, no matter how small, should be appropriate to their surroundings, should respect and enhance the surrounding built environment and minimise visual impact. Good design plays a vital role to maintain the character and quality that affects people's experience of a place. Fife Council's Planning Customer Guidelines on Home Extensions (2016) expands on those policies highlighted above and outlines in greater detail what the design expectations should be. How an extension will affect the character of an existing dwellinghouse as well as how it will affect the general character of the surrounding area will be considered. Home extensions should not dominate or detract from neighbouring development, they should look as if they have been designed as part of the original house, be appropriate in scale and finish and be physically sub-ordinate to the original dwellinghouse.

2.4.2 Objections have raised concerns that the proposal is over dominant, overbearing, out of keeping with an unattractive plan gable end. The ground floor patio doors are raised considerably above ground level. The footprint of the two-storey rear extension would cover less than 25% of the area of the garden and would therefore comply with the relevant guidelines. The finished floor level of the ground floor level and patio doors is the same height as the existing rear door, with no increase in the height. Concerns have also been raised that the garage would overhang the garden of the neighbour at No. 10, however, the applicant and agent have confirmed that no part of the proposed garage would encroach the neighbouring property. Members should note that the applicant could, under Permitted Development rights and with certain restrictions on height and position, locate the garage on the boundary if they so wished. The external finishes to the extension and garage would be in keeping with the character of the existing dwellinghouse and surrounding area and would be considered acceptable. The blank plan of the gable end has been designed to ensure that there is no significant impact in terms of overlooking to the neighbouring properties. There is no further detrimental impact from the windows on the proposed rear elevation than already exists.

2.4.3 In this instance, officers consider that the site is large enough to accommodate the size of this proposal to both the rear and side of the building, which is subservient to the property and the height and proportion of the development would not overwhelm the surrounding buildings. The design is considered to be aesthetically acceptable with a sensitive approach to create a uniformed design and sympathetic approach to the building scale to complement the property. It is considered the proposal respects the design and modern style of the dwellinghouse in terms of scale and external finishes and therefore complies with the relevant policies and guidelines relating to design and visual impact.

## CONSULTATIONS

None

## REPRESENTATIONS

Six objections have been received with regard to this proposal within time and numerous late comments have been received from one of the six objectors who regularly continued to raise the same concerns of their initial objection. Some photographs have also been submitted by objectors. The concerns raised in the objections can be summarised with a Planning Officer response as follows and the issues have been addressed and considered earlier in this report:

1. The new building will make a wind tunnel effect worse and cause further air flow issues with regard to difficulty opening the gate, damage to sheds, trees and the area would become more unpleasant and hostile and impact on amenity causing health and safety issues to residents living next door to proposed garage. The wind tunnel would also increase wind volume and additional noise to a bedroom window and impact on wind effect is a material consideration. Further information is also required on wind tunnel effect to enable full assessment of proposal and impact.

Case Officer response: This concern has been fully considered and addressed in Section 2.3.4 of this report.

2. Overshadowing and loss of sunny area to garden of No. 10 and the proposal would reduce the neighbouring garden's usefulness.

Case Office response: This concern has been fully considered and addressed in Section 2.3.5 of this report.

3. Proposal is over dominate, overbearing, out of keeping and has an unattractive plain gable end. The garage built on the boundary with No. 10 will limit the use of the neighbour's garden.

Case Officer response: This concern has been fully considered and addressed in Section 2.4.2 of this report. The agent and applicant have also confirmed that the proposed garage would not encroach onto the neighbouring property or impact the use of their side garden area.

4. Impact on loss of sunlight and natural light and daylight impact to rooms and gardens of surrounding neighbours. Further information required on impact on loss of daylight.

Case Officer response: This concern has been fully considered and addressed in Section 2.3.6 of this report. Amended plans have been submitted to demonstrate the daylight/sunlight and shadowing effect of the proposal to the neighbouring property.

5. Loss of privacy and overlooking neighbouring gardens. The lower floor patio doors are considerably raised above the ground level.

Case Officer response: This concern has been fully considered and addressed in Section 2.3.5 of this report. The finished floor level of the proposed patio doors would remain the same as the existing rear elevation door.



6. Loss of property values.

Case Officer response: This concern has been fully considered and is not a material consideration in the assessment of this application.

7. Set a precedent.

Case Officer response: This concern has been fully considered and this is not a material consideration in the assessment of this application.

8. Non-compliance with Policies 1 and 10 of the Adopted FIFEplan Local Development Plan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight, Home Extensions and Garden Ground.

Case Officer response: This concern has been fully considered and addressed in Section 2.3.8 of this report.

9. Impact on quality of life and loss of garden's sunny area and ambiance of area impact which would impact on residential amenity.

Case Officer response: This concern has been fully considered and addressed in Section 2.3.5 of this report.

10. The block plan does not show neighbours garage, patio and sheds.

Case Officer response: This is not a material consideration in the assessment of this proposal. There is no requirement to illustrate structures to neighbouring gardens, only what is present within the garden area of the site address.

11. The proposal would reduce the owner's garden ground.

Case Officer response: This concern has been fully considered and addressed in Section 2.3.7 of this report.

12. Impact of floodlight and the potential new position.

Case officer response: Floodlights on residential properties are normally on timers and only illuminated for a short period of time to provide a safe passage within a garden area the therefore there should not be any detrimental impact to neighbouring properties from a floodlight.

13. Impact on air circulation and restriction of air movement to rear gardens.

Case Officer response: There are two timber garages on site at present and therefore it is considered that the addition of a more permanent garage structure would not create any impact on air circulation or restriction of air to the rear gardens. This concern has also been fully addressed in Section 2.3.4 of this report.

14. Impact on wild birds.

Case Officer response: There would be minimal disruption to the existing hedging particularly within the rear garden which should not result on any detrimental impact on wild birds in the area.

15. New door position would cause additional noise.

Case Officer response: It is considered that the new door position is a suitable distance to the neighbouring property not to cause any additional noise or disturbance issues.

Seven support comments have been submitted with regard to this proposal and which can be summarised as follows:

1. There are other extensions in the area and this proposal has no impact on adjoining properties.
2. There are no privacy issues with regard to the development.
3. The proposed extension would replace a wooden shed and the proposal is no higher than the original building and will improve the look of the street with a new built garage instead of wooden to make a better family home with a new layout. This includes the adjoining neighbours at No. 6 who supports the proposal and have no concerns and they advise that the existing layout to the dwellinghouses need updating to fit with more modern lifestyles.

A video was emailed from the applicant from the previous planning application Local Review and was viewed by the Case Officer, which advised that the proposal would not have any detrimental impact on wind impact, however, owing to the size of the video it could not be stored on our system and there is no mechanism in place to hold it for future viewing.

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of the Local Development Plan and Fife Council Planning Customer Guidelines. The proposal is compatible with its surrounds in terms of land use, design, scale and finishing materials and would not cause any detrimental impact on the surrounding properties and residential amenity.

## **RECOMMENDATION**

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

1. BEFORE THE OCCUPATION OF ANY PART OF THE DEVELOPMENT, the proposed 1800mm high timber fence to the front garden side boundary shall only extend to the front building line of the proposed garage. It shall then drop to one metre in height from the garage frontage to the boundary line of the road frontage and shall so be permanently maintained as such. Details of the fence shall be submitted for the written approval of this Planning Authority.

Reason: In the interests of safeguarding road safety; to ensure the provision and maintenance of adequate visibility at the corner of the vehicular access to the site and the public road.

2. All proposed external finishing materials including roofing materials, shall match those of the existing building in size, type, colour, specification and texture unless otherwise agreed in writing with Fife Council as Planning Authority.

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

3. BEFORE THE DEVELOPMENT IS OCCUPIED, two off-street parking spaces shall be provided within the curtilage of the site in accordance with the current Fife Council Transportation Development Management Guidelines and thereafter maintained and kept as such.

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

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

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

##### Development Plan

Adopted FIFEplan Local Development Plan (2017)

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

##### Other Guidance

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

Fife Council's Planning Customer Guidelines - Home Extensions (including garages and conservatories) (2018)

Fife Council's Planning Customer Guidelines - Daylight and Sunlight (2016)

Fife Council's Window to Window Distance Guidance

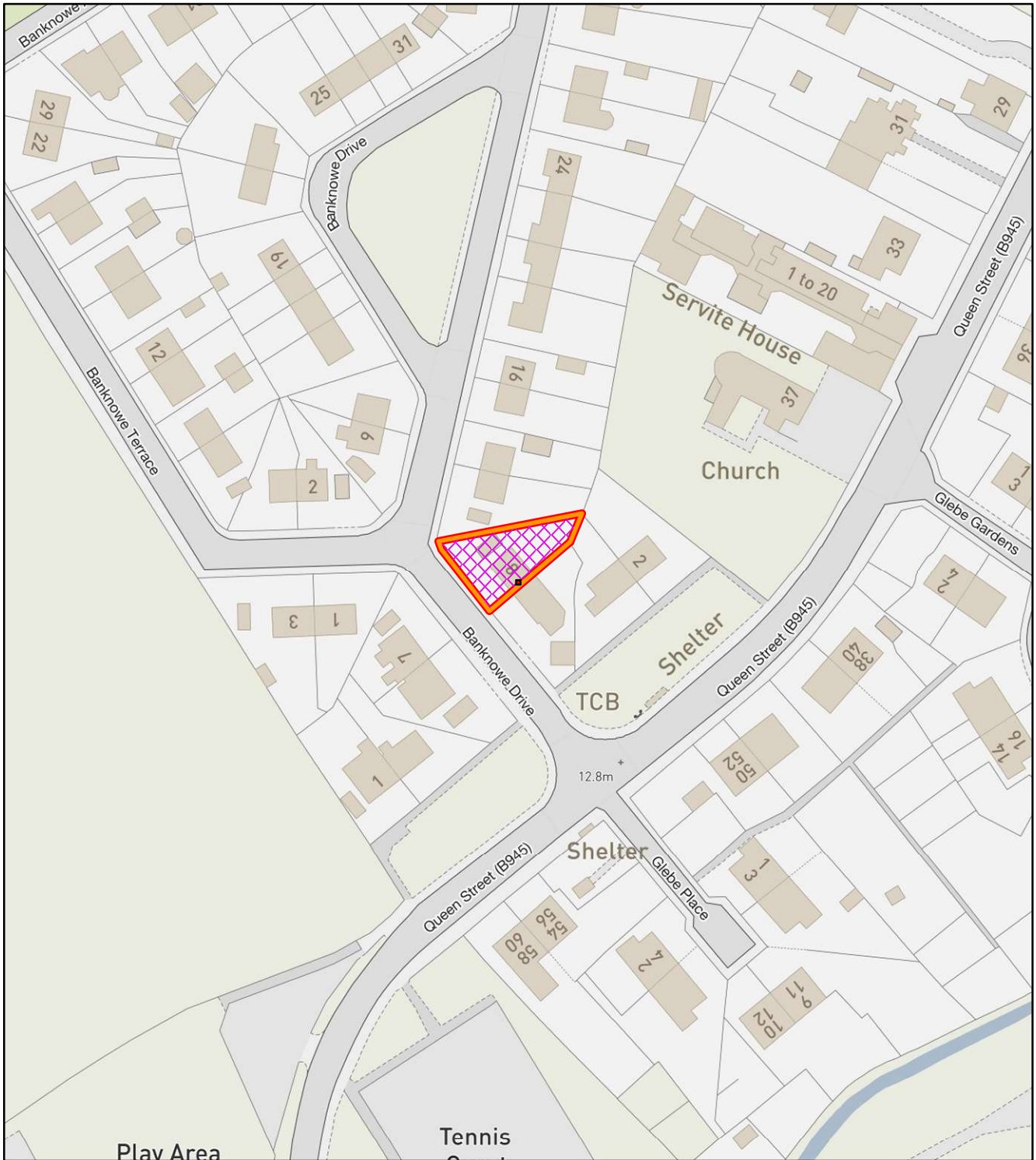
Report prepared by Fiona Kirk, Case Officer and Planning Assistant

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 5/7/21.

Date Printed 30/06/2021

# 21/00688/FULL

## 8 Banknowe Drive Tayport



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<b>Legend</b>			
	Application Boundary		
			

**ITEM NO: 13**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 21/01423/FULL**

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

**PROPOSAL : SINGLE STOREY EXTENSION TO REAR OF DWELLINGHOUSE**

**APPLICANT: MR & MRS JOHN & MARION TODD  
10 GRANGE ROAD ST ANDREWS UNITED KINGDOM**

**WARD NO: W5R18  
St. Andrews**

**CASE OFFICER: Fiona Kirk**

**DATE 24/05/2021  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than five objections have been received with regard to this proposal.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional Approval

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

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

## 1.0 BACKGROUND

1.1 This application relates to a semi-detached one and a half storey dwellinghouse which is situated within an established residential area in St Andrews with open views to the front across an area of open space and sea views of the North Sea. The property has two pitched roof dormer windows and a smaller central dormer window to the front and a single storey pitched roof extension and a monopitched roof extension to the rear. To the rear is also a central stairwell catslide dormer window extension and a further small catslide dormer window and rooflight. The finishing materials of the dwellinghouse comprise of a natural slate roof, dressed ashlar stone and brown facing brick to the front, dry dash render to the gable end and white painted render to the rear and white UPVC windows in various styles. The rear garden is enclosed with approximate two-metre-high brick walls and mature planting.

1.2 This planning application is for a single storey extension to the rear of the dwellinghouse. The proposal entails infilling a central void area between the two existing rear extensions. The existing external rear and side walls of the existing extensions would be partly demolished to allow for the extension which would provide new kitchen, dining space and shower room areas. The proposed extension would extend a further 1.9 metres into the rear garden from the south facing gable end to the existing single storey extension to a width of 7.6 metres. A pitched roof with a rooflight would be built on the south side of the rear elevation to mirror the design of the existing north side extension with a flat roof and rooflight built in the central area. A new smaller window would be installed in stairwell window with sliding doors and a window in the rear elevation. A door in the side elevation would be infilled with a new window and finishes made good to match existing. The finishing materials would also match the existing dwellinghouse with horizontal timber cladding applied to the central area.

1.3 With regard to the planning history for this property, in 2010 planning permission has been granted (10/03826/FULL) for alterations and extension to dwellinghouse.

1.4 A physical site visit has not been undertaken. All necessary information has been collated digitally to allow the full consideration and assessment of the application. A risk assessment has been carried out and it is considered, given the evidence and information available to the case officer, that this is sufficient to determine the proposal. The property can be adequately viewed to the front and aerial views on Google Maps and the agent has submitted photographs of the rear elevation and garden area.

## 2.0 PLANNING ASSESSMENT

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

- Principle of Development
- Residential Amenity
- Design and Visual Impact

### 2.2 Principle of Development

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

is a presumption in favour of development subject to satisfactory details. The principle of development for alterations to the dwellinghouse within garden grounds has already been established in St Andrews where the property owners wish to extend the building to allow for modern day living. Therefore, the proposal is considered to be acceptable in principle in broad land use policy terms as it would comply with the Local Development Plan in this respect. However, specific design details and amenity impacts also need to be considered to determine if the proposal is acceptable as proposed.

## 2.3 Residential Amenity

2.3.1 Policies 1 and 10 of the Adopted FIFEplan, Fife Council's Making Fife Place's Supplementary Guidance (2018), Fife Council's Customer Guidelines on Garden Ground and Home Extensions (including garages and conservatories) apply with regard to this proposal. Policy 1 of the Adopted FIFEplan 2017 advises that a development proposal will be supported if it is in a location where the proposed use is supported by the Local Development Plan and proposals address their individual and cumulative impacts. Policy 10 of the Adopted FIFEplan 2017 advises that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses and will not lead to a significant detrimental impact on the amenity in relation to traffic movements and loss of open space and green networks. Fife Council's Making Fife Place's Supplementary Guidance (2018) focuses on site appraisal and the context of a site to ensure there is no impact on residential amenity.

2.3.2 Fife Council's Customer Guidelines on Garden Ground and Home Extensions advise that proposals should not reduce the neighbour's quality of life or harm the quality of the local environment by blocking sun or overlooking. Proposals shall be compatible with their surrounds in terms of land use and relationship to existing dwellings and not intrude on neighbour's privacy. It is important that personal privacy and amenity is protected and must be considered in determining a planning application as outlined in the relevant policies and guidelines. All new and existing residential properties shall be served by in curtilage garden ground sufficient in quantity, quality and usability to provide for the normal needs and activities of existing and future residents, to retain proper space standards between buildings. The Garden Ground guidance advises that all new development should not take up more than 25% of the original usable garden ground and new development must not cast a shadow or appear overbearing from a neighbour's house.

2.3.3 Objectors raised concerns that this proposal has a detrimental impact on the garden area and no garden ground is left for nature, overdevelopment of the site and overlooking to neighbouring properties and impact on residential amenity. Concerns have also been raised regarding a lack and impact of parking provision, increase in traffic congestion and pollution, safety of pedestrians and cyclists which all affects the enjoyment of the area as a visitor. They also state that the block plan submitted makes it difficult to see where residents and visitors will park.

2.3.4 In this instance this property has a large rear garden and the proposed addition to the existing extensions would only have a minimal impact and increase to the footprint of the dwellinghouse. The development would ensure that not more than 25% of the original usable garden ground is developed with this proposal and it would meet the Garden Ground policy guidelines by retaining sufficient rear garden ground for the day to day activities of the owners. The proposal, therefore, cannot be considered to be overdevelopment of the site. Owing to the height of the boundary walls and relationship of neighbouring properties, the proposed extension would not introduce any further overlooking or privacy issues to neighbouring properties, nor would it impact any further on daylight or sunlight issues with no further impact to residential amenity. With respect to loss of

sunlight received in neighbour's gardens, it is not considered that the development would have any significant impact to the adjoining gardens.

2.3.5 Other objector concerns relate to the lack of parking provision within the street and this proposal would have a further impact to parking within the area. This proposal is only increasing the size of the existing rooms within the building to give an open plan aspect with the creation of a new shower room. No further bedrooms are being added to the building which would be a requirement to provide additional in-curtilage parking provision for the property. Objectors are relating the impact and lack of parking to a bed and breakfast establishment next door to this property, which should bear no relevance to this proposed extension and therefore is not a material consideration in the assessment of this planning application. The proposal would not increase traffic congestion and although there may be additional traffic volumes during construction and building times, this would only be for a limited period of time. Other objection concerns focus on the understanding that double yellow lines would be applied to the other side of the road and the development of the University buildings would increase traffic congestion and pollution. Furthermore, the block plan makes it difficult to see where the residents and visitors will park. These issues, however, are not material considerations for this proposal and any impact on the lack of parking and enjoyment of the area should not be a justified reason to refuse this proposal, as it does not impact the current parking issues to the area.

## 2.4 Design and Visual Impact

2.4.1 Policies 1, 10 and 14 of the Adopted FIFEplan, Fife Council's Making Place's Supplementary Guidance (2018) and Fife Planning Customer Guidelines on Home Extensions (including garages and conservatories) apply with regard to this proposal. Policy 1 (Development Principles), and Policy 10 (Amenity) of the Adopted FIFEplan Local Development Plan require all new development to be placed where the proposed use is supported by the Local Development Plan and should be well located and designed to ensure it makes a positive contribution and protects the overall landscape and environmental quality of the surrounding area. Making Fife's Places Supplementary Guidance sets out Fife Council's expectation in the role of good design, by evaluating a successful development under the 6 qualities of a successful place. All proposals, no matter how small, should be appropriate to their surroundings, should respect and enhance the surrounding built environment and minimise visual impact. Good design plays a vital role to maintain the character and quality that affects people's experience of a place. Fife Council's Planning Customer Guidelines on Home Extensions (2016) expands on those policies highlighted above and outlines in greater detail what the design expectations should be. How an extension will affect the character of an existing dwellinghouse as well as how it will affect the general character of the surrounding area will be considered. Home extensions should not dominate or detract from neighbouring development, they should look as if they have been designed as part of the original house, be appropriate in scale and finish and be physically sub-ordinate to the original dwellinghouse.

2.4.2 Objectors have raised concerns that the proposal is unacceptable in terms of design, materials and the appearance is out of keeping with the area with a detrimental visual impact and overdevelopment of the site. In this instance, there would be no change to the principal public elevation with this proposal and the proposed extension to the rear of the property would be obscured from the public view by the existing boundary walls and mature planting. There are numerous large extensions to other properties within this area which are of a modern and contemporary design. It is considered in this instance that the development would create a more uniformed style and finish to the rear elevation which would be a sympathetic proposal to complement the property with a sensitive appearance within the local context. The finishing



materials would match the existing dwellinghouse with the addition of horizontal timber cladding added to the central area to give an attractive and contemporary finish to the building, which would enhance the overall visual appearance of the rear elevation of the property. It is considered the proposal respects the character, appearance and prevailing pattern of the adjacent townscape in terms of density, scale and external finishes and therefore complies with the relevant policies and guidelines relating to design and visual impact.

## CONSULTATIONS

Scottish Water

No objections to make.

## REPRESENTATIONS

Nine objections have been submitted with regard to this proposal with concerns that the design, unacceptable materials and appearance of the proposal is out of keeping with the area with a detrimental impact on the garden area and no garden ground left for nature, overdevelopment of the site and overlooking to neighbouring properties and impact on residential amenity. Concerns have also been raised regarding a lack and impact of parking provision, increase in traffic congestion and pollution, safety of pedestrians and cyclists which all affects the enjoyment of the area as a visitor. The block plan makes it difficult to see where residents and visitors will park. The concerns raised in the objections can be summarised with a Planning Officer response as follows and the issues have been addressed and considered earlier in this report:

1. The design, unacceptable materials and appearance of the proposal is out of keeping with the area with a detrimental impact on the garden area and no garden ground left for nature.

Case Officer response: This concern has been fully considered and addressed in Section 2.4.2 of this report.

2. Overdevelopment of site and overlooking to neighbouring properties.

Case Officer response: This concern has been fully considered and addressed in Sections 2.3.4 and 2.4.2 of this report.

3. Lack and impact of parking provision, increase in traffic congestion and pollution, safety of pedestrians and cyclists which all affects the enjoyment of the area as a visitor. The block plan makes it difficult to see where residents and visitors will park.

Case Officer response: These concerns has been fully considered and addressed in Section 2.3.5 of this report. There is no requirement to provide parking provision on a block plan for neighbouring properties within a street.

## CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of the Local Development Plan and Fife Council Planning Customer Guidelines. The proposal is compatible with its surrounds in terms of land use, design, scale and finishing materials and would not cause any detrimental impact on the surrounding properties and residential amenity.

## **RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally

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

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

### Development Plan

Adopted FIFEplan Local Development Plan (2017)

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

### Other Guidance

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

Fife Council's Planning Customer Guidelines - Home Extensions (including garages and conservatories) (2018)

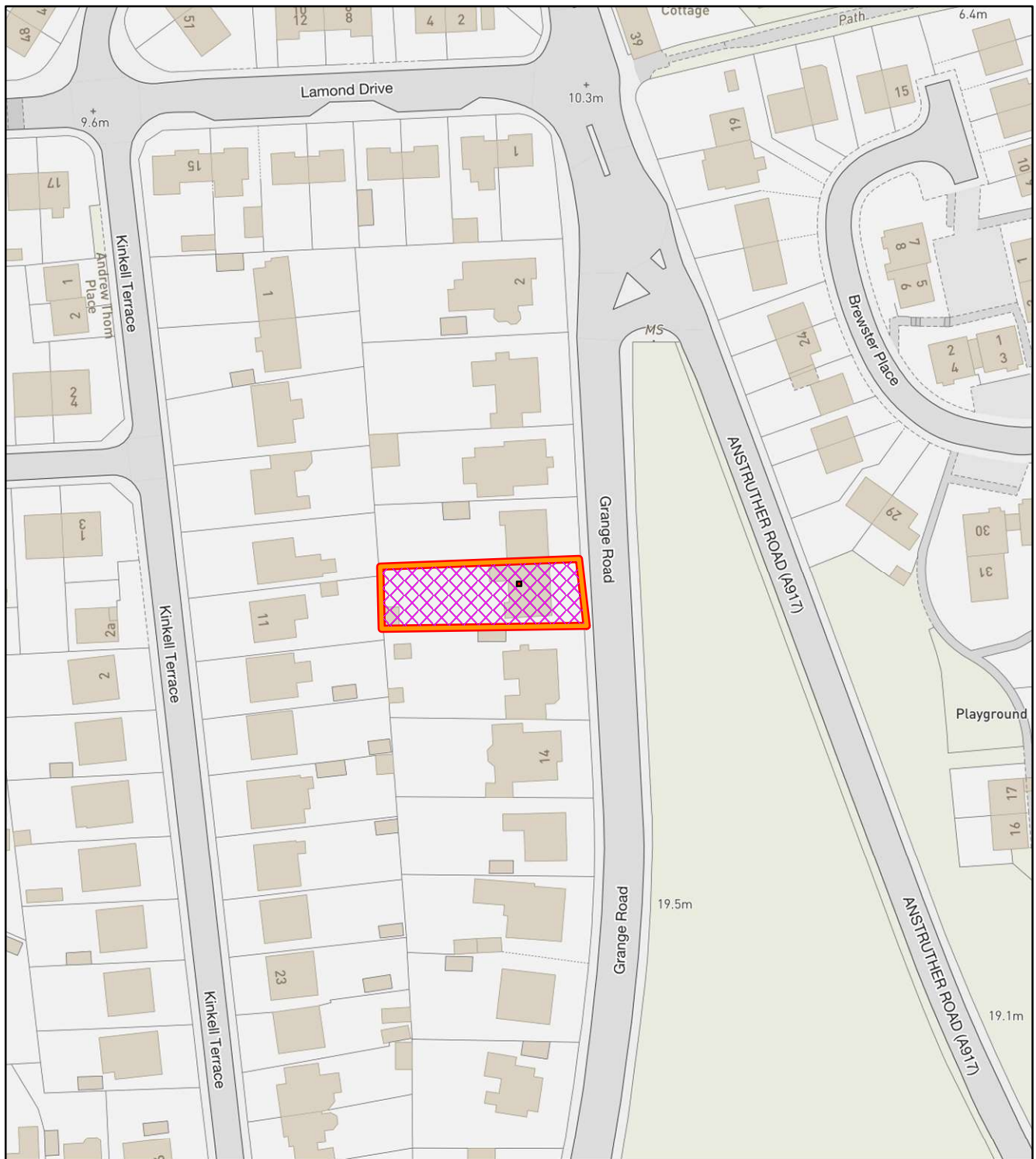
Report prepared by Fiona Kirk, Case Officer and Planning Assistant

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 5/7/21.

Date Printed 01/07/2021

# 21/01423/FULL

10 Grange Road St Andrews



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<b>Legend</b>			
	Application Boundary		

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