

## North East Planning Committee

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



Wednesday, 7th April, 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 10th March, 2021. 3 – 9

### DEVELOPMENT MANAGEMENT - REPORTS BY THE HEAD OF PLANNING

4. **20/02057/FULL - STREET LIGHT COLUMNS, QUEENS GARDENS, ST ANDREWS** 10 – 23  
Installation of new and replacement streetlight columns and lanterns (part retrospective).
5. **20/02232/FULL - FOOTPATH RESURFACING, QUEENS GARDENS, ST ANDREWS** 24 – 37  
Resurfacing of footpath (part retrospective).
6. **20/02950/FULL - FALSIDE FARM, KENLY, BOARHILLS** 38 – 50  
Erection of dwellinghouse, formation of hardstanding and associated vehicular access.
7. **21/00123/FULL - SITE AT CUPAR ROAD, NEWBURGH** 51 – 91  
Erection of 34 affordable dwellings and associated access road and SUDS, land to the North of Cupar Road, Newburgh.

### DEVELOPMENT MANAGEMENT - DELEGATED ITEMS

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

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

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

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

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Finance and Corporate Services

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31st March, 2021

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

10th March, 2021

1.30 p.m. – 5.15 p.m.

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

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

**APOLOGIES FOR ABSENCE:** Councillors Margaret Kennedy and Brian Thomson.

**253. DECLARATIONS OF INTEREST**

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

**254. MINUTE**

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

**Decision**

The Committee agreed to approve the minute.

**255. 20/01913/FULL - LAND TO THE EAST OF FALFIELD STEADINGS, FALFIELD, LARGOWARD**

The Committee considered a report by the Head of Planning relating to an application for the erection of holiday accommodation (Class 7) and ancillary art studio including landscaping, SUDS and parking.

**Motion**

Councillor Holt, seconded by Councillor Miklinski, moved to refuse the application on the grounds that:

- (a) the proposed development, in the interests of safeguarding the countryside from unjustified development, was not considered to be justified at this location nor was there considered to be a proven need and therefore no overriding reason to permit new development contrary to Scottish Planning Policy and Policies 1 and 7 of the Adopted FIFEPlan (2017);

(b)/

## 2021 NEPC 153

- (b) the proposed development did not comply with Policies 1, 3, 7 and 11 of the Adopted FIFEplan (2017) as its location was considered unsustainable in terms of availability of public transport links necessitating the need for the use of private vehicles to access local amenities; and
- (c) the proposed development did not comply with Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) in terms of road safety due to increased traffic and substandard visibility splays.

### **Amendment**

Councillor Lothian, seconded by Councillor Connor, moved as an amendment to approve the application subject to the 8 conditions and for the reasons detailed in the report.

### **Roll Call Vote**

**For the Motion** - 10 votes

Councillors Docherty; Heer; Holt; Liston; Marjoram; MacDiarmid; Nolan; Miklinski; Porteous; and Verner.

**For the Amendment** - 2 votes

Councillors Connor and Lothian.

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

### **Decision**

The Committee:-

- (1) agreed to refuse the application on the grounds that:
  - (a) the proposed development, in the interests of safeguarding the countryside from unjustified development, was not considered to be justified at this location nor was there considered to be a proven need and therefore no overriding reason to permit new development contrary to Scottish Planning Policy and Policies 1 and 7 of the Adopted FIFEPlan (2017);
  - (b) the proposed development did not comply with Policies 1, 3, 7 and 11 of the Adopted FIFEplan (2017) as its location was considered unsustainable in terms of availability of public transport links necessitating the need for the use of private vehicles to access local amenities; and
  - (c) the proposed development did not comply with Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) in terms of road safety due to increased traffic and substandard visibility splays; and

(2)/

## 2021 NEPC 154

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

*Councillors Brett and Tepp joined the meeting following consideration of the above item.*

### 256. **20/02492/FULL - 5 KINBURN PLACE, DOUBLEDYKES ROAD, ST ANDREWS**

The Committee considered a report by the Head of Planning relating to an application for the erection of three flatted dwellings and formation of vehicular access and hardstanding (partial demolition of existing guesthouse (Class 7)).

#### **Motion**

Councillor Miklinski, seconded by Councillor Porteous, moved to approve the application subject to the 10 conditions and for the reasons detailed in the report.

#### **Amendment**

Councillor Liston, seconded by Councillor Verner, moved as an amendment to refuse the application on the grounds that the proposed development did not comply with:

- (a) Policies 1 and 14 of the Adopted FIFEplan (2017) and the St Andrews Conservation Area Appraisal and Management Plan (2010) on the basis that the development would have a detrimental visual impact on the conservation area, streetscape and historic environment (including adjacent architectural features) due to its form, design and choice of materials; and
- (b) Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance 2018) on the basis that the development would not provide the required number of off street parking spaces therefore giving rise to an adverse impact on road safety relating to access visibility exacerbated by the proximity of a nearby junction.

#### **Roll Call Vote**

**For the Motion** - 6 votes

Councillors Brett, Heer, Lothian, Miklinski, Porteous, and Tepp.

**For the Amendment** - 8 votes

Councillors Connor, Docherty, Holt, Liston, Marjoram, MacDiarmid, Nolan and Verner.

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

#### **Decision/**

**Decision**

The Committee agreed:

- (1) to refuse the application on the grounds that the proposed development did not comply with:
  - (a) Policies 1 and 14 of the Adopted FIFEplan (2017) and the St Andrews Conservation Area Appraisal and Management Plan (2010) on the basis that the development would have a detrimental visual impact on the conservation area, streetscape and historic environment (including adjacent architectural features) due to its form, design and choice of materials; and
  - (b) Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance 2018) on the basis that the development would not provide the required number of off street parking spaces therefore giving rise to an adverse impact on road safety relating to access visibility exacerbated by the proximity of a nearby junction.
- (2) to delegate to the Head of Planning, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

The Committee adjourned at 3.00 p.m.

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The Committee reconvened at 3.10 p.m.

**257. 20/02311/FULL - LAND TO SOUTH OF BALGOVE ROAD, BALGOVE ROAD, GAULDRY**

The Committee considered a report by the Head of Planning relating to an application for the erection of 30 affordable housing units with associated drainage, parking and landscaping (demolition of existing dwellinghouse).

**Motion**

Councillor Brett, seconded by Councillor Miklinski, moved to refuse the application on the grounds that the proposed development was contrary to Scottish Planning Policy and Policies 1, 7 and 8 of the Adopted FIFEplan (2017) as the development site was outwith the designated settlement boundary and was not zoned for residential development. Further, there was no sufficient justification for residential development at this location having regard to a proven need together with a detrimental impact on available infrastructure.

**Amendment/**

**Amendment**

Councillor Tepp, seconded by Councillor Marjoram, moved as an amendment to approve the application subject to:

- (1) the 17 conditions and for the reasons detailed in the report; and
- (2) an additional condition that the development may not proceed until it was established that the current network capacity for waste-water and sewage was sufficient to meet the needs of the proposed development and that the development would not cause the network to become over capacitated, creating issues for neighbouring properties.

**Roll Call Vote**

**For the Motion** - 5 votes

Councillors Brett, Heer, Holt, Liston and Miklinski.

**For the Amendment** - 9 votes

Councillors Connor, Docherty, Lothian, Marjoram, MacDiarmid, Nolan, Porteous, Tepp and Verner.

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

**Decision**

The Committee agreed to approve the application subject to:

- (1) the 17 conditions and for the reasons detailed in the report; and
- (2) an additional condition that the development may not proceed until it was established that the current network capacity for waste-water and sewage was sufficient to meet the needs of the proposed development and that the development would not cause the network to become over capacitated, creating issues for neighbouring properties.

*Having experienced intermittent wi-fi connection issues, the Convener left the meeting at this point and the Vice-Convener thereafter took the chair for the remaining items.*

*Councillor Tepp left the meeting prior to consideration of the following item.*

**258. 20/02046/PPP - 2 HALLOWHILL, ST ANDREWS, FIFE**

The Committee considered a report by the Head of Planning relating to planning permission in principle for the erection of dwellinghouse with associated access and parking.

**Motion/**

**Motion**

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

- (a) Policies 1 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance 2018, on the basis that the proposal was considered overdevelopment and out of character with the surrounding area; and
- (b) Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance 2018 on the basis that the proposed development would have a detrimental impact on the visual amenity of the streetscape and surrounding area.

**Amendment**

Councillor Porteous, seconded by Councillor Connor, moved as an amendment to approve the application subject to the 8 conditions and for the reasons detailed in the report.

**Roll Call Vote**

**For the Motion** - 9 votes

Councillors Docherty, Heer, Holt, Liston, Marjoram, MacDiarmid, Nolan, Miklinski and Verner.

**For the Amendment** - 2 votes

Councillors Connor and Porteous.

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

**Decision**

The Committee agreed:

- (1) to refuse the application on the grounds that the proposed development did not comply with:
  - (a) Policies 1 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance on the basis that the proposal was considered overdevelopment and out of character with the surrounding area; and
  - (b) Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance on the basis that the proposed development would have a detrimental impact on the visual amenity of the streetscape and surrounding area; and

(2)/



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

### **259. 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 25th January to 21st February, 2021.

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<b>ITEM NO:</b>	<b>4</b>
<b>APPLICATION FOR FULL PLANNING PERMISSION</b>	<b>REF: 20/02057/FULL</b>
<b>SITE ADDRESS:</b>	<b>STREET LIGHT COLUMNS QUEENS GARDENS ST ANDREWS</b>
<b>PROPOSAL :</b>	<b>INSTALLATION OF NEW AND REPLACEMENT STREETLIGHT COLUMNS AND LANTERNS (PART-RETROSPECTIVE)</b>
<b>APPLICANT:</b>	<b>FIFE COUNCIL BANKHEAD CENTRAL BANKHEAD PARK GLENROTHES</b>
<b>WARD NO:</b>	<b>W5R18 St. Andrews</b>
<b>CASE OFFICER:</b>	<b>Jamie Penman</b>
<b>DATE REGISTERED:</b>	<b>08/10/2020</b>

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

More than 5 representation have been received which are contrary to the Case Officer's recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Conditional Approval

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

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

## 1.1 Background

1.1.1 This application relates to the footways on the east and west side of Queen's Gardens, an adopted road within the settlement boundary of St Andrews and the Central St Andrews Conservation Area. Queens Gardens links South Street to the north and Queens Terrace to the south, and the street as a whole is approx. 3300 sq.m in area. Along the east side of the street lies the Category B listed Burgh Offices, Town Hall and no. 3 Queen's Gardens, as well as Category C listed residential properties (No's 4-21), and St. Regulus Hall. At the south west corner, at the junction with Queens Terrace, lies the B-listed St. Andrews Episcopal Church. Along the west side of Queens Gardens lies a row of gardens that have been historically connected to the residential properties opposite. In terms of boundary treatment with the footpath on the west side of the street, the majority of the length of the street features approx. 0.6m tall traditional stone walling with coping stones, topped by wire mesh fencing and in places hedging up to approx. 1.2m in height, as well as numerous mature trees. At the south-east corner of the site at the junction with Queens Terrace, there is a single mature tree in the grounds of St Regulus Hall.

1.1.2 Prior to works commencing, the street contained seven streetlights (numbered 1-7): a mixture of two approx. 5m high modern columns (styled to look traditional), with modern 'Windsor' style lanterns (lantern no's 1 & 2), and five original 19th century fluted columns (approx. 3m tall) with modern 'Windsor' style lanterns (no's 3-7). The applicant has confirmed that column numbers 1&2 were installed over 10 years ago: these are being retained and do not form part of this planning application. Currently, the other five columns (no's 3-7) remain in place on site, but their lanterns have been removed. Installed next to these 5 older columns are 5 new approx. 5m high modern columns (styled to look traditional), with modern 'Windsor' style lanterns.

1.1.3 The Historic Environment Scotland (HES) listing description for the Town Hall (Cat B) is as follows: "1858, J Anderson Hailton, architect; extended 1885. Baronial snecked rubble with diagonally placed corbelled angle turret; slated; panel of 1565 from Old Tolbooth in lobby. Altered 1960." The listing for the Burgh Offices (Cat B) is as follows: "1869, David Rhind architect. Renaissance, 2-storey and attic; stugged ashlar and slate; mansard roof and stone dormers." The listing for the 4-21 Queens Gardens (Cat C), which relates specifically to the group interest of the subject, is as follows: "1859-69, (some by J Milne, architect, some by G Rae). 2-storey and attic, ashlar and slated terrace row. treatment varies, sculpture by Walker of Edinburgh at nos 16 and 17." The listing for St Regulus Hall is as follows: "C.1868, George Rae, architect; additions Paul Whitehouse 1928; again c.1950, Gillespie & Scott. Baronial, 3-storey and basement, part with attic, snecked rubble and slate; turret and bay window features." The listing for St Andrews Episcopal Church (Cat B) is as follows: "1867-9, Sir R. Rowand Anderson, architect; hall added by David Henry 1894. Early English, bull-faced rubble and slate; nave and aisles with clerestory and chancel; partly demolished tower. Fine interior with good sculptured detail, nave piers alternatively circular and octagonal, red sandstone; arcading and Portsmouth arch in chancel; Mosaic altar-piece designed by RTN Spier of Culdees, executed by Powell of London."

1.1.4 This partially-retrospective application seeks full planning permission for the replacement of five street lights on Queens Gardens (replacing column no's 3-7), and the additional proposed erection of a single additional street light (no.8) in a location where no lantern was located previously (and of which the installation has not yet started). All of these street lights would be new approx. 5m high modern columns (styled to look traditional), with modern 'Windsor' style lanterns, and would match the already installed columns (no's 1&2) at the north end of the street.

The proposed Windsor lanterns of these new street lights are heritage lanterns with a specification of 4.64klm and a temperature of 4000k (white light). A dimming regime set would be timed so that between dusk and 2200 they would be at full power, from 2200 till 0500 they would be dimmed to 70% power, and from 0500 onwards to full power.

## 1.2 Planning History

1.2.1 Planning history associated with this site includes:

- 20/00352/ENF Replacement surfacing works being carried out was lodged on 20/08/2020 and closed on the submission of this planning application
- 20/02232/FULL A concurrent (retrospective) application for the resurfacing of the western footpath on Queens Gardens has been lodged and is pending consideration.
- 07/03192/EFULL Installation of Parking Meters in Town Centre was permitted with conditions on 01/05/2008
- 11/04156/FULL Installation of parking ticket machine was permitted without conditions on 30/11/11

## 1.3 Procedural Issues

1.3.1 The 2009 Notification Direction and Circular came into effect on 1 April 2009 and advises that Ministers should be notified where a planning authority has an interest in a development and where the proposal involves a significant departure for the authority's own Development Plan. This revision to the notification procedures is to ensure central government plays a more proportionate involvement in planning cases. The new Direction also advises that planning authorities do not require to inform objectors of their intention to grant planning permission or advise them of their reasons for doing so, nor does it require an authority to invite further comment prior to notifying Ministers. In this instance the proposal is not considered to be a significant departure from the Development Plan and therefore, if approved, should not be referred to Scottish Ministers for consideration.

## 2.1 Planning Assessment

2.1.1 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 Impact
- Road Safety Impact
- Tree Impact
- Archaeology Impact

## 2.2 Principle of Development

2.2.1 The Scottish Government's Scottish Planning Policy (SPP) (2020) and Policy 1 of the Adopted FIFEplan Local Development Plan (2017) apply with regards to the principle of development for this proposal. SPP promotes the use of the plan-led system to provide a practical framework for decision making on planning applications, thus reinforcing the provisions of Section 25 of the Town and Country Planning (Scotland) Act 1997 [the Act]. The document also aims to promote high quality design and the protection of the existing urban character. Policy 1 of FIFEplan sets out that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Such

development proposals must meet one of the points in Part A and conform to all applicable requirements in Parts B and C. Part A states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan.

2.2.2 The application site is located within the settlement envelope of St Andrews, as per FIFEplan (2017). The site is a public street with existing street lighting, and the council has a statutory duty to install street lighting. Given the continued use of the site, the development is deemed to be acceptable in general land use terms and would meet the requirements of FIFEplan outlined above.

2.2.3 The proposal would therefore comply with the Development Plan in this respect and would be acceptable in this instance. The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

## 2.3 Design and Visual Impact on Historic Environment

2.3.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2020) (Valuing the Historic Environment), Designing Streets (2010), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), the St Andrews Conservation Area Appraisal and Management Plan (2010), St Andrews Design Guidelines (2008), Historic Environment Scotland Historic Environment Policy for Scotland (May 2019), Managing Change in the Historic Environment (2010) and Managing Change in the Historic Environment: Setting (2016) apply with regard to this proposal.

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

2.3.3 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 the asset and to ensure that its special characteristics are protected, conserved or enhanced. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

2.3.4. Designing Streets (2010) states that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets marks the Scottish Government's commitment to move away from processes which tend to result in streets with a poor sense of place and to change the emphasis of policy requirements to raise the quality of design in urban and rural development. It goes on to state that lighting should illuminate both the carriageway and the footway. Lighting should be appropriate

and sympathetic to the context. A street lighting assessment can be helpful in determining both the level of lighting and the type of equipment used in the area. In street design, consideration should be given to the purpose of lighting, the scale of lighting relative to human users of the street, the width of the street and the height of surrounding buildings. The colour of lighting is another important consideration. Generally, pedestrians prefer whiter lighting. Lighting should generally be in accordance with BS EN 13201-2, BS EN 13201-3, and BS EN 13201-4. Guidance on lighting design is given in BS 5489-1, the Code of Practice for the Design of Road Lighting, to comply with the requirements of BS EN 13201. It is noted, however, that this is a guidance document only and local circumstances may require different approaches.

2.3.5 Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. FIFEplan policy 14 specifically relates to the built historic environment and states that development which protects or enhances conservation areas and buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported, however, where it is considered, they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest.

2.3.6 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.

2.3.7 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings, shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

2.3.8 HES's Managing Change in the Historic Environment: Setting (2016) recognises that the importance setting has on the historic environment, including listed buildings and conservation areas. 'Setting' is the way the surroundings of a historic asset contribute to how it is understood, appreciated and experienced. The guidance notes that buildings are designed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Setting is therefore unrelated to modern landownership, often extending beyond immediate property boundaries into the wider area. The setting of a historic asset can incorporate a range of factors, including; views to, from and across or beyond the historic asset; the prominence of the historic asset of place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting; general and specific views including foregrounds and backdrops; and relationships with other features.

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

The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019). In discussing the history of Queens Gardens, it states that a new Town Hall was built between 1858 and 1861 to replace it, and this ushered in the development of Queen Street (now Queen's Gardens) which was laid out in 1862-64 beside St Mary's College, with developments on the east side. By 1887 Queen's Terrace was laid out along the eastern end of the Lade Braes Walk and continued into the Walk westward. Queen's Gardens is described as a key listed and unlisted buildings in terms of its group interest, as are all ecclesiastical buildings within the precinct (and the Town Hall and St Regulus Hall are mentioned as well). Greyfriars Garden and Queen's Gardens are mentioned for the unusual feature of these streets is that the gardens are situated opposite the houses on the other side of the street. As with the less visible rigg gardens, the use of residences as businesses premises and multiple occupancy flats has resulted in neglect. It is important to recognise the significance of these gardens and their contribution to the character of the streetscape. Regarding streetscape generally, the Appraisal states regarding streetscape that the street surfaces are significant as the foreground for the historic buildings, and as the continuous link giving cohesion to the townscape as a whole. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019).

2.3.10 St Andrews Design Guidelines (2008) sets out appropriate principles to guide public and private works in St Andrews central conservation area and the townscape on its main approaches. This document aims to ensure an appropriate approach to conservation, repair, adaptation, improvement and renewal of historic buildings and streetscape; restoring original materials and details where practicable. The guidance advises that development should respect the historic townscape but ensure the continued economic vibrancy of the town centre and embrace the opportunities for high quality design solutions, including contemporary design where appropriate. The 'Windsor' lantern type has been successfully reintroduced at several locations recently and may be appropriate in narrow streets, lanes and pedestrian routes, mounted on traditional fluted columns or façade mounted brackets. An example of this in Union Street is used for illustrative purposes in figure 57, a style which Guideline 36 encourages conformity to (see below). A policy of 'white light' should apply to all new lighting installations; the level of illumination should not exceed mandatory requirements to avoid diminishing the effect of illumination of historic building facades. Lanterns should be mounted on kerbside columns of varying heights (from 5-8 metres, depending on the space characteristics of the location), except in wider civic spaces and lanes/pedestrian routes where wall-mounted brackets should be used (with cables and control boxes out of sight). Columns and brackets should be positioned diagonally along streets, using lanterns with directional optics to minimise number of columns required. They should be positioned to take account of street trees, important building facades (sited opposite the junction of adjoining facades), and vistas along streets (avoiding the axis at 'T' junctions). Columns should be suitable for mounting litter bins, signs and floral displays. The method and style of mounting and lantern is determined by the character and importance of the location within the historic core and on the main approaches to St Andrews. On the main streets within the historic core, columns, brackets and fittings for traditional lanterns should be in dark colours or black.

Key principles related to the proposed development include:

- o Guideline 10 - Design street and other outdoor lighting to meet statutory requirements and community safety concerns (fear of crime and support for CCTV) but avoid 'spillage' and higher levels of illumination than necessary. Adopt a presumption against floodlighting all but the most important buildings.

- o Guideline 11 - Use lamps producing 'white' light for new development and, as quickly as resources permit, replace all existing 'orange' low pressure sodium lamps.
- o Guideline 35 - Select new lighting installations and replacements (where appropriate and resources permit) for the public realm of the historic core and on the main approaches to St Andrews to conform with the range of street lighting set out in Figures 56-60.
- o Guideline 36 - For traditional installations specify lanterns with columns or brackets of the type used at the location in the past.

Figure 60 of this document features a table which advises the type of streetlighting which should be used in specific areas throughout the conservation area. In narrow streets such as Queens Gardens this table specifies that columns should be a classic fluted design painted dark colour / black with a Windsor lantern, and be 5-6m in height.

2.3.11 Additionally, the St Andrews Design Guidelines (2008) advise that a policy of 'white light' should apply to all new lighting installations; the level of illumination should not exceed mandatory requirements to avoid diminishing the effect of illumination of historic building facades. Lanterns should be mounted on kerbside columns of varying heights. Columns and brackets should be positioned diagonally along streets, using lanterns with directional optics to minimise number of columns required. They should be positioned to take account of street trees, important building facades (sited opposite the junction of adjoining facades), and vistas along streets (avoiding the axis at 'T' junctions). Following public consultation, a contemporary streetlight has been selected that is appropriate in the public realm within the gateways throughout the historic core.

2.3.12 Concerns have been raised by objectors regarding the visual impact of the light columns and lanterns, in that they would not be in keeping with the surrounding area and they would have a negative impact on the setting of adjacent listed buildings.

2.3.13 There is no statutory requirement for developers to consult regarding Local applications. It is noted, however, that the St Andrews Design Guidelines (2008) were developed following extensive consultation, and forms the basis of this assessment.

2.3.14 Fife Council's Built Heritage (BH) Officer was consulted and stated that the street contained a mixture of original 19th century fluted columns with modern 'Windsor' style lanterns (4 no.); and modern different traditional style columns with modern similar style lanterns (3 no). Clarification was sought regarding this initial assessment and it was realised that, in fact, five original 19th century fluted columns with modern 'Windsor' style lanterns pre-existed development works (no's 3-7), and two modern different traditional style columns and modern lanterns (no's 1&2 at the north end of the street). He stated that the five historic street lighting columns contribute to the special character and appearance of the conservation area and the setting of the adjacent listed buildings. He stated that while the design of lanterns for proposed new columns is appropriate, the height of the columns gives them a modern appearance which is unacceptable. Because no case was made for the removal of the existing when the application was initially submitted, refusal was recommended. It is noted that the BH Officer was not in receipt of justification for the height of the proposed new columns at the time of his assessment.

2.3.15 Further justification was therefore requested of the applicant regarding the need to remove the existing lamp-posts and why the column height was required. The following statements were submitted in support of the application: "the existing lanterns were all beyond repair. The ingress protection had completely broken down on all lanterns and all had varying degrees of mould, vegetation and other material inside them. All existing lanterns have been scrapped. Lantern 3 had completely broken down and had a fully established plant growing inside it, Lanterns 5 and 6



were missing the glass/plastic panels, Lanterns 4 and 7 showed signs of failed glass/plastic panels. The existing columns are not the correct height to illuminate the street to the desired standard. It is simply not possible to illuminate the area to the desired standard with columns of this height without the need for additional columns. As they were originally gas-powered lighting columns and were converted to electric, they have an obsolete electrical supply and disconnection system housed in the base of the bracket that attached them to the column shaft. This housing unit was made of steel and were all failing and beyond repair. The existing lanterns and brackets were removed on safety grounds and the electrical supply transferred to the new columns to keep the street illuminated. To retain the existing cast columns would require additional street furniture at all columns to house the electrical supply and disconnection equipment. This is unnecessary clutter which would look unsightly and cause obstructions. The St Andrews Design Guidelines allows for the use 5m columns of this style. We require this height as a minimum to illuminate the area to the desired standard. The colour temperature is 4000k. (White light)." The applicant also stated that the replacement and new lighting would match the existing two lanterns at the north end of the street.

2.3.16 It is noted that Street lights no. 1 and 2 have already been installed, more than 10 years ago, that this application proposes no change to them, and that they are approx. 5m tall modern columns (traditional in appearance) topped by Windsor lanterns. It is accepted that the existing Windsor lanterns of the remaining 5 historic 3m columns were beyond repair. Their removal is therefore considered acceptable, also because existing lanterns were not original, being all more modern replacements as indicated by the BH Officer.

2.3.17 Regarding the five original 19th century fluted columns, it is noted that the BH Officer states that they contribute to the special character and appearance of the conservation area and the setting of the adjacent listed buildings. It is accepted, however, that the existing columns were not the correct height to illuminate the street to the required standard. It is also noted that these original columns could not be readily converted and repaired to ensure the required safety standards, and that even if this were possible, the extra housing required at street level would also have a negative impact. On balance, therefore, it is considered that their removal is acceptable, given that they would be replaced by a style of column that complies with the St Andrews Design Guidelines (as discussed below), thus protecting the character of the Conservation Area.

2.3.18 Regarding the replacement lighting columns and new column (no.8), the colour of the street lighting and the design of the Windsor lanterns are acceptable in light of BH Officers comments, protecting the character of the Conservation Area and complying with the St Andrews Design Guidelines which state that for narrow streets such as Queens Gardens, Figure 60 specifies that columns should be a classic fluted design painted dark black with a Windsor lantern. The design of the lighting column and lantern also complies with Figure 57, one of the types of street lighting which must be complied with according to Guideline 35. Furthermore, the colour temperature complies with Guideline 11, being white light. It is also noted that the Design Guidelines encourage continuity along stretches of streetscape with regards to lighting, and that the replacement and columns would match each other and the existing two columns at the north end of the street.

2.3.19 Regarding layout and general positioning of the lamp-posts, it is noted that the new posts maintain the position of existing, respect the historic layout, and thus protect the character of the Conservation Area in this regard.

2.3.20 While the comments of the BH officer and representations are noted in regard to the height of the replacement (modern) columns compared to the four existing original 19th century fluted columns, it is also noted that Guideline 10 states that street and other outdoor lighting must be

designed to meet statutory requirements, and that Figure 60 specifies that columns in narrow streets should be 5-6m in height. The height differential between the previously existing and the newly erected columns is approximately 2m. It is also noted that these original columns could not be readily converted and repaired to ensure the required safety standards, and that even if this were possible, the extra housing required at street level would also have a negative impact. On balance therefore, and taking account of the general acceptability of the design of the replacement columns as detailed above, it is considered that the height of the columns is acceptable, and would protect the character of the Conservation Area.

2.3.21 In line justification noted above, it is also considered on balance that the new light columns and lanterns would protect the setting of the adjacent listed buildings.

2.3.22 In light of the above, the development is considered acceptable, complying with the design and visual amenity terms of the Development Plan and associated guidelines, protecting the character of the St Andrew's Conservation area and the setting of the surrounding listed buildings, subject to condition.

## 2.4 Residential Amenity Impact

2.4.1 Policies 1 and 10 of Adopted FIFEplan Local Development Plan (2017) and Planning Advice Note (PAN) 51: Planning Environmental Protection and Regulation (2006), Scottish Executive Guidance Note: Controlling Light Pollution and Reducing Energy Consumption (2007) 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 In terms of light pollution, PAN 51: Annex (Environmental Protection Regimes), advises on the consideration of light-generating proposals in relation to residential amenity. A follow up Guidance Note: Controlling Light Pollution and Reducing Energy Consumption (Scottish Executive, March 2007) provides further detailed guidance for designers and applicants of such proposals as well as policy for decision takers to assess new proposals. This includes a requirement that new lighting proposals shall be commensurate in appearance to the existing luminance of the surrounding area.

2.4.4 As a broad guide, the following intensities of light would be associated with the following levels of illuminance (in Lux, all approximate). Direct Sunlight is 32,000 to 100,000 Lux; Ambient Daylight is 10,000 to 25,000; Overcast Daylight is 1000; Sunset & Sunrise is 400; Moonlight (Full moon) is 1; Night (No moon) is less than 0.01; Supermarket, Sports Halls are 750; Homes, Theatres are 150; and a Family Living Room is 50.

2.4.5 Objectors have raised concerns regarding the increased height of the lights and the impact light pollution is/will have on neighbouring residential properties.

2.4.6 Fife Council's Environmental Health (Public Protection) team was consulted and stated that given the retrospective nature of the application, they were not aware of any complaints associated with the use of streetlight columns and associated lanterns being received by the Environmental

Health (Public Protection) Team, relating to the above site. Therefore, they had no objections to make at this stage of the planning process. They noted, however, that should this planning application be successful, if after completion of the development, complaints of nuisance are received by the Environmental Health (Public Protection) Team, the team are duty bound to investigate. If nuisance is established, then works / further works may be required to abate the nuisance.

2.4.7 It is noted that the council has a statutory duty to install street lighting on adopted roads, and that the design has been arrived at to meet to meet statutory requirements, as required by Guideline 10 of the St Andrews Design Guidelines.

2.4.8 For flood lighting and similar installations that impact on residential properties, it is normally expected that light levels at the boundary of the property, do not exceed one lux. It is considered however that for street lighting, this level cannot commonly be achieved due to the statutory requirement for the whole street to be adequately and safely lit. In such cases, a limit of 50 lux is generally applied. Light spill diagrams have been provided by the applicant which show that this level can be achieved at the facades of adjacent residential properties. Whilst the impact of the new lighting may be greater than the previous lighting, it is not considered that the additional impact would have a significant residential amenity impact in this instance. A condition has been attached to this application requiring the proposed lighting to not exceed 50 lux. If this level is exceeded, this shall be investigated by the light unit operator and a light luminance level report with appropriate mitigation measures included shall be submitted to this planning authority for further final approval.

2.4.10 In light of the above it is considered that the proposal is acceptable and in compliance with the Development Plan and relevant policies and guidelines regarding residential amenity, subject to condition.

## 2.5 Road Safety Impact

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

2.5.2 The proposed development would seek to upgrade the street lanterns on this public street. Fife Council's Transportation Development Management (TDM) team were consulted and expressed no objections to the proposed development, nor requested any transport related conditions.

2.5.3 The proposal would therefore comply with the Development Plan in this respect and would be acceptable.

## 2.6 Tree Impact

2.6.1 Policy 13 of Adopted FIFEplan (2017), Making Fife's Places (2018) and Fife Customer Guidelines on Trees and Development apply. Development proposals will only be supported

where they protect or enhance natural heritage and access assets. Where adverse impacts on existing assets are unavoidable, we will only support proposals where these impacts will be satisfactorily mitigated.

2.6.2 As a result of the fact that works to install all 5 of the replacement lanterns have already occurred, and the fact that these works, where they broke ground, either took place away from the RPA (Root Protection Area) of trees on the eastern footway, or, if on the western footway, did not involve linear trenchwork and were established on the other side of the low boundary walling which could reasonably be assumed to have prevented tree root growth from the gardens beyond, it is considered that the impact of these works on the RPA's of nearby trees has been minimal. It is also noted that no works had been undertaken to cut back any neighbouring 3rd party trees as a result of development operations. In this regard, the proposal is therefore acceptable. It was noted, however, that proposed streetlight number 8, which is yet to be installed, would have potentially impacted the branches of a tree in the grounds of St Regulus Hall, a third-party tree in the Conservation Area. Conversations were held in this regard and amended drawings submitted relocating the proposed column 8 further to the north, out with the canopy spread and RPA of the tree.

2.6.3 In light of the above, it is considered that the proposals would not significantly detrimentally impact the existing situation and therefore complies with the relevant policies and guidelines regarding trees.

## 2.7 Archaeology Impact

2.7.1 Policies 1 and 14 of FIFEplan (2017) apply with regard to archaeology. FIFEplan Policy 14 states that all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Development proposals which impact on archaeological sites will only be supported where: remains are preserved in-situ and in an appropriate setting or there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigations is proposed. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations. Guideline 20 of the St Andrews Design Guidelines states that the Fife Council archaeologist should be contacted in relation to all development proposals that involve sub-surface disturbance works in the historic core.

2.7.2 Fife Council's Archaeology Team was consulted and stated that the sub-surface disturbance will be limited to areas of ground that are already considered to be archeologically sterile due to previous episodes of ground disturbance, concluding that should consent be granted, then no archaeological works will be required.

2.7.3 In light of the above, the proposal considered to be acceptable in this regard, complying with relevant FIFEplan policies and associated guidance.

## CONSULTATIONS

Community Council

Comments received late. Comments registered as a representation rather than statutory consultee.

Built Heritage, Planning Services

Refusal. Lanterns appropriate but height of columns gives a modern appearance.

Transportation, Planning Services	No objections.
Environmental Health (Public Protection)	No objections.
Archaeology Team, Planning Services	No objections.

## REPRESENTATIONS

10 objections have been received.

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

- Light pollution impact on residential properties and health impacts this may cause - Addressed in Section 2.4
- No light spill calculations have been submitted - Submitted by applicant on March 9 2021
- No details of lanterns have been submitted - Submitted by applicant on March 9 2021
- New lights are too high compared to old lights and not appropriate for area - Addressed in Section 2.3
- Visual impact on setting of historic buildings - Addressed in Section 2.3
- Existing lamps are original - Addressed in Section 2.4
- Lights should be similar to those they replaced - Addressed in Section 2.4
- There should be continuity of light columns and lanterns along the whole street - Addressed in Section 2.4

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

- Consideration needs to be given to improving light along the length of Queen's Gardens. Not just replacing old columns
- Lights were installed without planning consent
- Height of lanterns causes uneven illumination
- Impact on view
- increased height of lanterns has not provided any better visibility
- Nothing wrong with old lanterns or height
- Plan to reduce illumination to 70% does not take into account safety impact

## CONCLUSIONS

The proposal is considered to be acceptable in meeting the terms of Development Plan, the relevant Council Planning Customer Guidelines and is compatible with its surrounds in terms of land use. The proposal is considered to be acceptable in relation to trees, road safety and design and visual impact, and would protect the character of the St Andrews Conservation Area and the setting of surrounding listed buildings.

## RECOMMENDATION

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

1. The street lighting hereby approved shall not generate light levels exceeding 50 lux when measured at the boundary of neighbouring third-party properties. Any complaints received regarding excessive light spillage shall be investigated by the light unit operator and a light luminance level report with appropriate mitigation measures included shall be submitted to this planning authority for further final approval. Thereafter, all approved necessary adjustments

required as a result of this assessment shall be made to the satisfaction of this planning authority within 3 months of the further approval, unless otherwise agreed in writing with this planning authority.

Reason: In the interests of protecting residential amenity and avoiding unnecessary light pollution within the local area.

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

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

### National Policy/Guidelines:

Sections 59 and 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)  
Managing Change in the Historic Environment (2010)  
Planning Advice Note (PAN) 51: Planning Environmental Protection and Regulation (2006)  
Scottish Executive Guidance Note: Controlling Light Pollution and Reducing Energy Consumption (2007)

### Development Plan:

Adopted FIFEplan (2017)  
Making Fife's Places (2018)

### Other Guidance:

Fife Council's St Andrews Conservation Area Appraisal and Management Plan (2010)  
St Andrew Design Guidelines (2008)

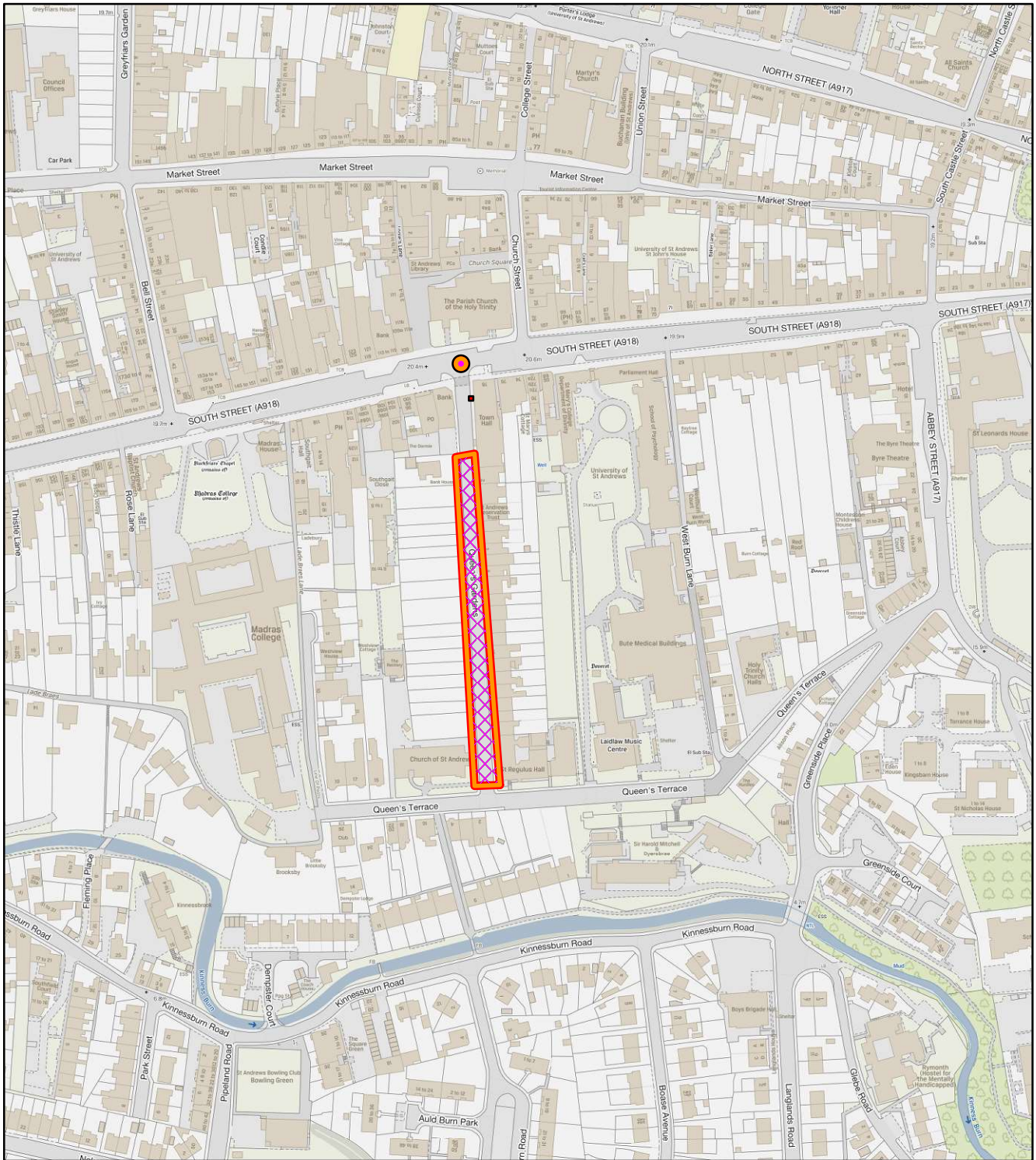
Report prepared by Jamie Penman (Graduate Planner)

Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 26/3/21.

Date Printed 12/03/2021



## Street Light Columns Queens Gardens St Andrews



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

**ITEM NO: 5**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02232/FULL**

**SITE ADDRESS: FOOTPATH RESURFACING QUEENS GARDENS ST ANDREWS**

**PROPOSAL : RESURFACING OF FOOTPATH (PART-RETROSPECTIVE)**

**APPLICANT: MR ANDREW WISHART  
BANKHEAD CENTRAL BANKHEAD PARK GLENROTHES**

**WARD NO: W5R18  
St. Andrews**

**CASE OFFICER: Jamie Penman**

**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 representations which are contrary to the Case Officer's recommendation.

**SUMMARY RECOMMENDATION**

The application is recommended for:

Unconditional Approval

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

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



## 1.1 Background

1.1.1 This application relates to the footway on the west side of Queen's Gardens, an adopted road within the St Andrews settlement boundary and the Central St Andrews Conservation Area. Although a small stretch at the north of the street lies within the designated Town Centre, the majority of the street does not. Queens Gardens links South Street to the north and Queens Terrace to the south, and the street as a whole is approx. 3300 sq.m in area. Along the east side of the street lies the Category B listed Burgh Offices, Town Hall and no. 3 Queen's Gardens, as well as Category C listed residential properties (No's 4-21), and St. Regulus Hall. At the south west corner, at the junction with Queens Terrace, lies the B-listed St. Andrews Episcopal Church. Along the west side of Queens Gardens lies a row of gardens that have been historically connected to the property's opposite. Prior to the current asphalt surfacing, the footway on the west side of the street was surfaced largely with pre-cast concrete paving slabs from the 1980s, with a section of concrete footway towards the north end of the street, and featuring whinstone kerbs all along its length. The footway on the east side of the street meanwhile is surfaced in granolithic concrete without any curbs. There are currently 7 lighting columns of traditional appearance and various ages along Queens Gardens (4 located on the western footway). These are in process of being replaced, with an additional 8th lighting column proposed at the south end. In terms of boundary treatment with the footpath on the west side of the street, the majority of the length of the street features approx. 0.6m tall traditional stone walling with coping stones, topped by wire mesh fencing and in places hedging up to approx. 1.2m in height, as well as numerous mature trees. At the south-east corner of the site at the junction with Queens Terrace, there is a single mature tree in the grounds of St Regulus Hall.

1.1.2 The Historic Environment Scotland (HES) listing description for the Town Hall (Cat B) is as follows: "1858, J Anderson Hamilton, architect; extended 1885. Baronial snecked rubble with diagonally placed corbelled angle turret; slated; panel of 1565 from Old Tolbooth in lobby. Altered 1960." The listing for the Burgh Offices (Cat B) is as follows: "1869, David Rhind architect. Renaissance, 2-storey and attic; stugged ashlar and slate; mansard roof and stone dormers." The listing for the 4-21 Queens Gardens (Cat C), which relates specifically to the group interest of the subject, is as follows: "1859-69, (some by J Milne, architect, some by G Rae). 2-storey and attic, ashlar and slated terrace row. Treatment varies, sculpture by Walker of Edinburgh at nos 16 and 17." The listing for St Regulus Hall is as follows: "C.1868, George Rae, architect; additions Paul Whitehouse 1928; again c.1950, Gillespie & Scott. Baronial, 3-storey and basement, part with attic, snecked rubble and slate; turret and bay window features." The listing for St Andrews Episcopal Church (Cat B) is as follows: "1867-9, Sir R. Rowand Anderson, architect; hall added by David Henry 1894. Early English, bull-faced rubble and slate; nave and aisles with clerestory and chancel; partly demolished tower. Fine interior with good sculptured detail, nave piers alternatively circular and octagonal, red sandstone; arcading and Portsmouth arch in chancel; Mosaic altar-piece designed by RTN Spier of Culdees, executed by Powell of London."

1.1.3 This partially-retrospective application seeks full planning permission for the resurfacing of the western footway of Queens Gardens. Works already completed have involved the removal of the remaining existing sections of concrete and pre-cast concrete slabs, replacing them with flexible footway construction (asphalt). This application in addition proposes to install a section on Caithness slabs at the north end of the street (works not yet started), leading back approximately 22 metres from the junction with South Street. The existing whinstone kerb has been and would continue to be retained along the whole street. There are no current plans for resurfacing works for the eastern footway.

## 1.2 Planning History

1.2.1 Planning history associated with this site includes:

- 20/00352/ENF Replacement surfacing works being carried out was lodged on 20/08/2020 and closed on the submission of this planning application
- 20/02057/FULL A retrospective application for the installation of new and replacement streetlight columns and lanterns along Queens Gardens has also been lodged and is pending consideration.
- 07/03192/EFULL Installation of Parking Meters in Town Centre was permitted with conditions on 01/05/2008
- 11/04156/FULL Installation of parking ticket machine was permitted without conditions on 30/11/11

## 1.3 Procedural Issues

1.3.1 The 2009 Notification Direction and Circular came into effect on 1 April 2009 and advises that Ministers should be notified where a planning authority has an interest in a development and where the proposal involves a significant departure for the authority's own Development Plan. This revision to the notification procedures is to ensure central government plays a more proportionate involvement in planning cases. The new Direction also advises that planning authorities do not require to inform objectors of their intention to grant planning permission or advise them of their reasons for doing so, nor does it require an authority to invite further comment prior to notifying Ministers. In this instance the proposal is not considered to be a significant departure from the Development Plan and therefore, if approved, should not be referred to Scottish Ministers for consideration.

## 2.1 Planning Assessment

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

- Principle of Development
- Design and Visual Impact on Historic Environment
- Road Safety Impact
- Archaeology Impact

## 2.2 Principle of Development

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

2.2.2 Because the proposal lies within the settlement boundary of St Andrews, as defined in the Adopted FIFEplan (2017) there is a presumption in favour of development subject to satisfactory details. The proposal is for replacement surfacing for footpaths in an area where residential is the predominant surrounding land use, and is therefore acceptable in planning land use terms. The proposal would therefore comply with the Development Plan in this respect and would be acceptable in this instance. The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

## 2.3 Design and Visual Impact on Historic Environment

2.3.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2020) (Valuing the Historic Environment), Designing Streets (2010), Policies 1, 10 and 14 of the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), the St Andrews Conservation Area Appraisal and Management Plan (2010), St Andrews Design Guidelines (2008), Historic Environment Scotland Historic Environment Policy for Scotland (May 2019), Managing Change in the Historic Environment (2010) and Managing Change in the Historic Environment: Setting (2016) apply with regard to this proposal.

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

2.3.3 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 the asset and to ensure that its special characteristics are protected, conserved or enhanced. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

2.3.4. Designing Streets (2010) states that good street design should derive from an intelligent response to location, rather than the rigid application of standards, regardless of context. Designing Streets marks the Scottish Government's commitment to move away from processes which tend to result in streets with a poor sense of place and to change the emphasis of policy requirements to raise the quality of design in urban and rural development. Designing Streets promotes a sense of place can be considered as the character or atmosphere of a place and the connection felt by people with that place. A positive sense of place is fundamental to a richer and more fulfilling environment. It comes largely from creating a strong relationship between the street and the buildings and spaces that frame it. A positive sense of place encompasses a number of aspects, most notably the street's: local distinctiveness; visual quality; and potential to encourage social and economic activity.

2.3.5 Policies 1 and 10 of FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. FIFEplan Policy 14 specifically relates to the built historic environment and states that development which protects or enhances conservation areas and buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported, however, where it is considered they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest.

2.3.6 Making Fife's Places (2018) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how developments proposals can be evaluated to ensure compliance with the six qualities of successful places (Distinctive; Safe and Pleasant; Easy to Move Around; Welcoming; Adaptable; and Resource Efficient).

2.3.7 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings, shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment, including conservation areas.

2.3.8 HES's Managing Change in the Historic Environment: Setting (2016) recognizes that the importance setting has on the historic environment, including listed buildings and conservation areas. 'Setting' is the way the surroundings of a historic asset contribute to how it is understood, appreciated and experienced. The guidance notes that buildings are designed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Setting is therefore unrelated to modern landownership, often extending beyond immediate property boundaries into the wider area. The setting of a historic asset can incorporate a range of factors, including; views to, from and across or beyond the historic asset; the prominence of the historic asset of place in views throughout the surrounding area, bearing in mind that sites need not be visually prominent to have a setting; general and specific views including foregrounds and backdrops; and relationships with other features.

2.3.9 Fife Council's St Andrews Conservation Area Appraisal and Management Plan (2010) provides a detailed conservation review of the town's Conservation Area boundaries. Further to this, it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the conservation area's future management. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019). In discussing the history of Queens Gardens, it states that a new Town Hall was built between 1858 and 1861 to replace it, and this ushered in the development of Queen Street (now Queen's Gardens) which was laid out in 1862-64 beside St Mary's College, with developments on the east side. By 1887 Queen's Terrace was laid out along the eastern end of the Lade Braes Walk and continued into the Walk westward. Queen's Gardens is described as a key listed and unlisted buildings in terms of its group interest, as are all ecclesiastical buildings within the precinct (and the Town Hall and St Regulus Hall are mentioned as well). Greyfriars Garden and Queen's Gardens are mentioned for the unusual feature of these streets is that the gardens are situated opposite the houses on the other side of the street. As with the less visible rigg gardens, the use of residences as businesses premises and multiple occupancy flats has resulted in neglect. It is important to recognise the significance of these gardens and their contribution to the character of the streetscape. Regarding streetscape generally, the Appraisal states regarding streetscape that the street surfaces are significant as the foreground for the historic buildings, and as the continuous link giving cohesion to the townscape as a whole. The general advice, guidance, and management considerations referred to are relevant to all new development opportunities within the Conservation Area itself and mirror the advice contained within SPP and HES Historic Environment Policy for Scotland (May 2019).

2.3.10 The St Andrews Design Guidelines (2011) sets out appropriate principles to guide public and private works in St Andrews central conservation area and the townscape on its main approaches. This document aims to ensure an appropriate approach to conservation, repair, adaptation, improvement and renewal of historic buildings and streetscape; restoring original materials and details where practicable. The guidance advises that development should respect the historic townscape but ensure the continued economic vibrancy of the town centre and embrace the opportunities for high quality design solutions, including contemporary design where appropriate. Key principles related to the proposed development include:

- o Guideline 26 - Conserve the surviving traditional natural surfacing stones and details unless there are absolutely compelling functional reasons for change / replacement.
- o Guideline 27 - Lay new footpath and carriageway surfacing according to the hierarchy of materials and elements set out in Figures 49 & 50 and relating to adjacent building frontages.
- o Guideline 28 - Use simple unobtrusive contemporary detail design solutions to meet requirements for drop kerbs, tactile surfaces etc.
- o Guideline 29 - Restrict the use of modern concrete surfacing materials to areas beyond the public realm of the historic streets.

The guidance states that street surfaces are important as the foreground for the historic buildings, and as the continuous link giving cohesion to the townscape as a whole. Within the historic core, repairs and new work - to adopted carriageways and pavements and areas visible from the public realm - should continue the restoration or reintroduction of traditional materials and details wherever possible. Despite high initial costs, natural surfacing materials have been found to retain their appearance and give much greater life expectancy than manufactured products. The expected lower lifetime costs and the benefit in amenity should be taken into account when specifications are being prepared. Should cost restrictions limit the use of traditional materials, and new surfaces are urgently needed, asphalt surfacing with or without surface dressing may be used, together with traditional materials and details for road and pavement edges. This solution should be restricted to locations of lesser heritage significance - secondary streets/spaces and connecting links: high quality natural materials will be required on the main streets, along key frontages and in the main civic spaces. The precise boundaries between different treatments will be determined by the setting of the adjacent buildings so that the layout of materials relates to building frontages rather than changing at an arbitrary line. Figure 49 provides a table setting out a hierarchy of paving materials and elements appropriate to the character and importance of the location within the historic core.

2.3.11 Figure 49 of the Design Guidelines states that for the pavement on main streets/key frontages/civic spaces Caithness slabs are acceptable, while for the pavement on secondary streets/spaces/connecting links the pavement asphalt is acceptable (in both cases setts should be new sawn granite and horizons formed of slithers & pebbles).

2.3.12 Ten representations were received, all objecting to the proposal on design and visual amenity grounds. Issues raised included the following: 1) the resurfacing material (asphalt) is inappropriate for a street flanked by listed buildings in the Central St Andrews Conservation Area, including the Town Hall; 2) Queens Gardens should be considered a 'main street' according to the St Andrew's Design Guidelines, not a 'secondary street', because it is in the Conservation Area, flanked by listed buildings with gardens opposite, including the Town Hall and St Regulus Hall, and is specifically mentioned in the Conservation Area Management plan (see para 2.3.8 above). 3) one representation acknowledged that the St Andrews Design Guidelines do not define in detail which streets are secondary streets and which are main streets. 4) a concern that guidelines say that "high quality natural materials will be required on the main streets, along key frontages and in the main civic spaces." 5) a concern that the Conservation Area appraisal states that "street

surfaces are significant as the foreground for the historic buildings, and as the continuous link giving cohesion to the townscape as a whole." 6) a concern that the Conservation Area Appraisal highlights that Greyfriars Gardens and Queens Gardens feature gardens situated on the other side of the street, and that it is important to recognise the significance of the gardens themselves and their contribution to the streetscape. 7) concerns that Greyfriars Gardens has recently experienced an upgrade using Caithness flagstone, and that Queens Gardens should be considered no differently from Greyfriars Gardens. 7) A concern that the replacement of concrete slabs adjacent to the Bank of Scotland with Caithness stone slabs should be extended to the entire length of the western footpath, but an even more appropriate surface would be stone or granite sets. 8) A statement that the key principle which should inform any work in this streetscape is, according to Historic Environment Scotland's standards, to replace like with like, or to make an improvement in conservation terms which supports its historic importance. 9) concerns that relevant policies in Designing Streets (2010), St Andrews Design Guidelines (2008) and Making Fife's Places Appendix G - Transportation Development Guidelines be taken into account.

2.3.13 There is no statutory requirement for developers to consult regarding Local applications. It is noted, however, that the St Andrews Design Guidelines (2008) was developed following extensive consultation, and forms the basis of this assessment.

2.3.14 Fife Council's Built Heritage Officer was consulted, stating that the St Andrews Design Guidelines refer to the detrimental impact of the past use of concrete paving slabs. Section 4.9 therefore recommends the reintroduction of traditional materials (Caithness slabs), and for their additional long-term cost benefits, 'within the historic core'. It was also noted that the guidelines contain a matrix which indicates that 'secondary streets' should use asphalt for new surfacing. The Built Heritage officer took a position that Queens Gardens are within what would be considered the 'historic core' for conservation purposes. Furthermore, they noted that the connection between the listed buildings and their gardens opposite is significant and the surface treatment contributes to the historic setting and links the two parts. Although the past use of concrete was inappropriate the use of traditional style paving enhances the context and historic character of the street, whereas the use of asphalt would diminish this. It was concluded that the removal of the existing concrete paving slabs is acceptable, and the use of traditional Caithness paving for the section at the junction with South Street is appropriate. However, they stated that the street is within the historic core and the connection between the listed buildings and gardens is significant. The use of Caithness slabs as a surfacing material for the whole length of the footpath would enhance the historic character of the conservation area and the setting of the listed buildings. They took a position that the use of asphalt would have a detrimental visual impact.

2.3.15 Further justification was requested of the applicant, who stated the following: "we have no plans for replacement works for the foreseeable future on the east footway. It can be maintained by patching works when required, like for like." In terms of a justification as to why the majority of Queens Gardens had seen a replacement of asphalt for concrete flagstones, a material considered to be of comparatively lesser quality than that proposed for the northern section next to South Street, the applicant advised that it was primarily based on unit cost based on decreasing budgets. The cost of using Caithness Slabs over an asphalt footway surface would be 4 times more expensive. Ultimately this would have a detrimental impact and reduce the number of footway improvements that could be carried out within the NE Fife Area budget. The applicant considered that this particular location does not merit such high-level materials and would not therefore be best use of the limited funding already available. Originally the proposals were for asphalt surfacing to tie into the Caithness Slabs which turned the corner from South Street into Queens Gardens. As the guidelines refer to 'areas visible to the public realm' it was considered necessary to increase the length of footway where Caithness slabs installed down to the end of

the building where there is a suitable break point in the streetscape i.e. carpark area. It was also stated by the applicant that "while the eastern footway of Greyfriars Gardens is Caithness flagstones, the western footway of Greyfriars Gardens (on the garden side) consists of concrete flagstones.

2.3.16 The removal of the existing concrete slabs is acceptable in light of the response of the Built Heritage Officer and because it does not infringe on either the requirements of Guidelines 26 to conserve the surviving traditional natural surfacing stones and details, or the requirement of Guideline 29 to restrict the use of concrete surfacing materials. The existing whinstone kerb would be retained, which is also acceptable. The use of traditional Caithness paving for the section at the junction with South Street is also acceptable, being an upgrade to the existing surfacing at a stretch of the footway that connects with South Street.

2.3.17 It is noted that there is a policy gap regarding the specific designation of Queen's Gardens: policy documents do not specifically state whether this particular street should be considered a 'main street' or a 'secondary street'. It is noted that the gardens opposite have been identified in and of themselves as important features of the Conservation Area, but also that they are not specifically mentioned in the Listing description for no's 4-21 Queen's Gardens, nor are they listed themselves. It is also noted that asphalt is an acceptable solution for secondary Streets and does not breach the requirement of Guideline 29, but that Caithness flagstones should be used for main streets.

2.3.18 Acknowledging that cost restrictions may prevent this, policy states that within the historic core, the restoration or reintroduction of traditional materials and details wherever possible should continue. This forms the basis of a general ideal for the whole area, but allows for a pragmatic assessment that it is unlikely for cost reasons that the whole of the Conservation Area of Central St Andrews could be paved in Caithness flagstones. While policy utilises the phrase 'historic core', a clear spatial or textual definition of this phrase is not provided. At its widest, one might interpret 'historic core' to refer to all areas of St Andrews that are located within its conservation areas. At its narrowest, one might interpret it to refer to the area defined by its original medieval street layout (North Street, Market Street and South Street). While it is clear that the historic core must include the latter, it is not the case that the historic core in terms of its use in the St Andrews Design Guidelines can be considered as contiguous with the Central St Andrews Conservation Area, or wider. If this latter were true in policy terms, the Design Guidelines would have used the term "St Andrews Conservation Area). Queens Gardens as a street was originally developed in 1862. While clearly historic, it is not clear that this Victorian extension can rightly be considered in terms of the policy regarding paving as forming part of the 'historic core' of St Andrews.

2.3.19 In light of lack of clarity of the term 'historic core' with regard to Queens Gardens discussed above, at the heart of the assessment of this proposal therefore is the core question of whether Queens Gardens should be understood in terms of the Design Guidelines as a 'secondary street' or a 'main street.' The Design Guidelines do not specifically define in geographic terms which streets are secondary streets and which are main streets. Again, this is a policy gap in terms of the precise definition of Queens Gardens. While it is clear that South Street must be considered a main street, it is equally clear that Queens Terrace must be considered a secondary street, being a connecting link that is significantly distant from the town centre. While South Street has Caithness flagstones, Queens Terrace is paved with asphalt and whinstone kerbs. Queens Gardens as a street connects these primary and secondary streets, and this falls physically between them just as it falls into the uncertainty of a policy gap with regards its status as a main or secondary street.

2.3.20 Queens Gardens is a historic Victorian street featuring several Category B and C listed buildings, including a public elevation of the Town Hall, and featuring the gardens opposite. However, it is primarily a residential street, not commercial, and it forms an axis leading away from the main street of South Street and the town centre towards the wider town. The guidelines define secondary streets and spaces as being of lesser heritage significance and being connecting links, whereas main streets feature key frontages and main civic spaces. All of this in the context of the extremely rich historical built environment of St Andrews. Taking all of the above into account (and while it is acknowledged that the key frontage of the Town Hall presents one of its public elevations to the north end of Queen Street) because Queens Gardens is primarily a later Victorian, residential, connecting street and not a main thoroughfare, located largely outwith the defined town centre of St Andrews, and featuring no main public civic spaces, it is considered on balance that Queens Gardens should rightly be considered a secondary street. This takes into account that in the context of the rich historic built environment of St Andrews, the predominantly residential category C listed buildings of the bulk of the street, while important, are best considered as being of 'lesser' heritage significance.

2.3.21 As a result, while acknowledging that the policy ideally for the 'historic core'/St Andrews Conservation area would be having Caithness flagstones for every street, given that Queens Gardens should be understood to be a secondary street, and following Guideline number 27 and Figure 49 of the St Andrews Design Guidelines, it is considered generally that the proposed asphalt (together with the retention of the whinstone kerb) is an acceptable alternative pavement surface for Queens Gardens in terms of this policy document. This assessment also takes into account the position of the applicant with regards to the stated cost implications of laying Caithness flagstones instead, and that extending the Caithness flagstones along to the entire length of the western footpath would be cost prohibitive. This allows for the policy guidance which states that should cost restrictions limit the use of traditional materials, asphalt and traditional edge detailed are acceptable.

2.3.22 It is also noted that despite the additional cost, Caithness flagstones are proposed for the part of the works to the western footway that are located opposite the Town Hall. This means that insofar as the development proposes changes only to the western footway, and despite Queens Gardens being a secondary street, the proposed Caithness flagstones would be located opposite the main entrance of the key frontage of the Town Hall, complying in this regard with the higher expectation of paving quality in such cases.

2.3.23 The concern has been raised in representations that Queens Gardens with its feature private garden arrangement opposite the residential properties should be considered in a similar light to Greyfriars Gardens, which has seen an upgrade to Caithness flagstones in the last decade. It is acknowledged that the Conservation Area Appraisal highlights the significance of these two streets with the Conservation Area. Regarding the existing physical context of Greyfriars Gardens, it is noted that Greyfriars Gardens links Market Street and North Street, two of St Andrew's main streets, according to the Design Guidelines. While Caithness flagstones have been laid along the eastern footway of Greyfriars Gardens, adjacent to the historical buildings, all of which are B-listed, and many featuring commercial premises on the ground floor, concrete paving stones remain along the western footway adjacent to the gardens on the opposite side. Greyfriars Gardens therefore differs from Queens Gardens in that, while in some regards being considered a 'connecting' street, it connects two (originally medieval) main streets not a main street and a secondary street, and is located clearly within the bounds of the medieval street layout. Furthermore, it features a significant number of commercial premises and runs along a row of frontages that lie within the town centre for its whole length. Lastly, all of the properties along its whole frontage are category B-listed. For all of these reasons, it is considered that Greyfriars



Gardens is rightly considered a main street in terms of the St Andrews Design Guidelines, and that in this regard an upgrade, especially along its eastern footway, to Caithness flagstones, is warranted in light of policy. This assessment also takes into account that while the private gardens of Queens Gardens are within the conservation area, they are not specifically mentioned within the listing descriptions of the C-listed residential properties opposite. In addition, it is noted that even on this main street, and notwithstanding any potential future plans that may emerge to upgrade this side of the street as well, the existing context is that concrete flagstones form the existing surfacing of the western footway of the street adjacent to the private gardens.

2.3.24 An assessment must be made of the impact of development proposals not only in light of the Design Guidelines and Conservation Area Appraisal, but also with regards to their location in a Conservation Area and within the Setting of Listed Buildings, as is required by legislation and the Adopted FIFEplan. While it is acknowledged that the asphalt surfacing is of a lesser standard than Caithness flagstone, it is also noted that asphalt has been accepted in other parts of the St Andrews Conservation Area, including the nearby secondary Street of Queens Terrace, and elsewhere. While the position of the Built Heritage officer is noted that the use of asphalt would have a detrimental impact, the key issue in planning terms is whether the intervention would represent an additional impact over and above the existing situation. It is considered in this regard that asphalt has replaced the previous concrete slabs, being materials of a comparable quality, and replacing like with like in this sense. While it is acknowledged that ideally Caithness flagstones or similar would be installed, on balance, therefore, it is considered that the development is acceptable, not having a significant detrimental impact on the existing situation, and not causing additional harm the character or appearance of the conservation area. As such, following the SPP, the development should be treated as preserving its character or appearance.

2.3.25 With regard to the impact of the development on the setting of nearby listed buildings, it is noted first of all that no works are proposed immediately adjacent to or touching the frontages of any listed building on the east side of the street, but rather on the opposite side of the road. While it is acknowledged that the asphalt surfacing is of a lesser standard than Caithness flagstone, it is also noted that asphalt has been accepted in front of Cat B and Cat C building frontages on the nearby secondary street of Queens Terrace, and elsewhere in the St Andrews Conservation Area where listed structures are nearby. The works have not affected the private gardens themselves, and in any case the gardens are not specifically featured in the listing description of the residential properties opposite. While the position of the Built Heritage officer is noted that the use of asphalt would have a detrimental impact, the key issue in planning terms is whether the intervention would represent an additional impact over and above the existing situation. It is considered in this regard that asphalt has replaced the previous concrete slabs, being materials of a comparable quality, and replacing like with like in this sense. While it is acknowledged that ideally Caithness flagstones or similar would be installed, on balance, therefore, it is considered that the development is acceptable, not having a significant detrimental impact on the existing situation, and not causing additional harm the character or appearance of the conservation area. As such, following the SPP, the development should be treated as preserving its character or appearance.

2.3.26 Regarding the issue of the location of the break between the replacement asphalt and the proposed Caithness flagstones, the proposed location of the break at the car-park behind the bank is acceptable, given that policy states that the precise boundaries between different treatments should be determined by the setting of the adjacent buildings so that the layout of materials relates to building frontages rather than changing at an arbitrary line.

2.3.27 In conclusion, on balance it is considered that the proposal complies with Guideline 27 of the St Andrews Design Guidelines, and would result in the laying of a new footpath and

carriageway surfacing according to the hierarchy of materials and elements set out in Figures 49 & 50 and relating to adjacent building frontages. In addition, it would protect the existing surfacing quality in terms of the Conservation Area and Setting of nearby Listed buildings.

2.3.28 In light of the above, the development is considered acceptable, complying with the design and visual amenity terms of the Development Plan and associated guidelines, protecting the character of the St Andrew's Conservation area and the setting of the surrounding listed buildings.

## 2.4 Road Safety Impact

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

2.4.2 Fife Council's Transportation Development Management (TDM) team were consulted and expressed no objections to the proposed development, nor requested any transport related conditions.

2.4.3 The proposal would therefore comply with the Development Plan in this respect and would be acceptable.

## 2.5 Archaeology Impact

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

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

2.5.3 Fife Council's Archaeology Team was consulted and stated that the sub-surface disturbance will be limited to areas of ground that are already considered to be archeologically sterile due to previous episodes of ground disturbance. Therefore no archaeological works will be required.

2.5.4 In light of the above, the proposal considered to be acceptable in this regard, complying with relevant FIFEplan policies and associated guidance, subject to condition.

## **CONSULTATIONS**

Community Council

Response received 1 day late so comments are treated as a representation rather than a Statutory Consultee comment.

Transportation, Planning Services  
Built Heritage, Planning Services

No objections.  
Refusal. Removal of concrete paving is acceptable however the use of asphalt would have a detrimental impact.

Archaeology Team, Planning Services

No objections.

## **REPRESENTATIONS**

Ten representations were received, including from the STACC Planning and Licensing Committee, the Confederation of St Andrews Residents Associations and the Queens Gardens and Queens Terrace Residents Associations, all objecting to the application. Concerns and objections were raised regarding design and visual amenity, which have been dealt with in the Report of Handling above:

For objections and comments regarding Design and Visual Amenity see section 2.3 above

Other concerns/objections not covered in the report of handling above include the following:

- A statement that the west side gutters were left unswept for 2 years, leaves compacting into muck and soil: Maintenance issues such as this cannot form part of this planning assessment.
- A concern regarding process, and the titling of this application as retrospective. The applicants have specifically applied for (part) retrospective planning permission have the majority of the street in asphalt, and this department is obliged to assess the proposal as submitted.
- A concern that tourist footfall in Queen's Gardens is significant because people are looking at the unique features on individual buildings. Tourist footfall cannot be taken into account in the assessment of this planning application.

## **CONCLUSIONS**

The proposal is considered to be acceptable in meeting the terms of Development Plan, relevant Fife Council Planning Guidelines and is compatible with its surrounds in terms of land use, design and scale. The proposal is considered to be acceptable in relation to and design and visual impact and road safety, and would protect the character of the St Andrews Conservation Area and the setting of surrounding listed buildings.

## **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 Policy/Guidelines:

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

Scottish Planning Policy (2020) (Valuing the Historic Environment),  
Designing Streets (2010)

Historic Environment Scotland (HES) Policy Statement (May 2019)

Managing Change in the Historic Environment (2010)  
HES Guidelines on New Design in Historic Settings

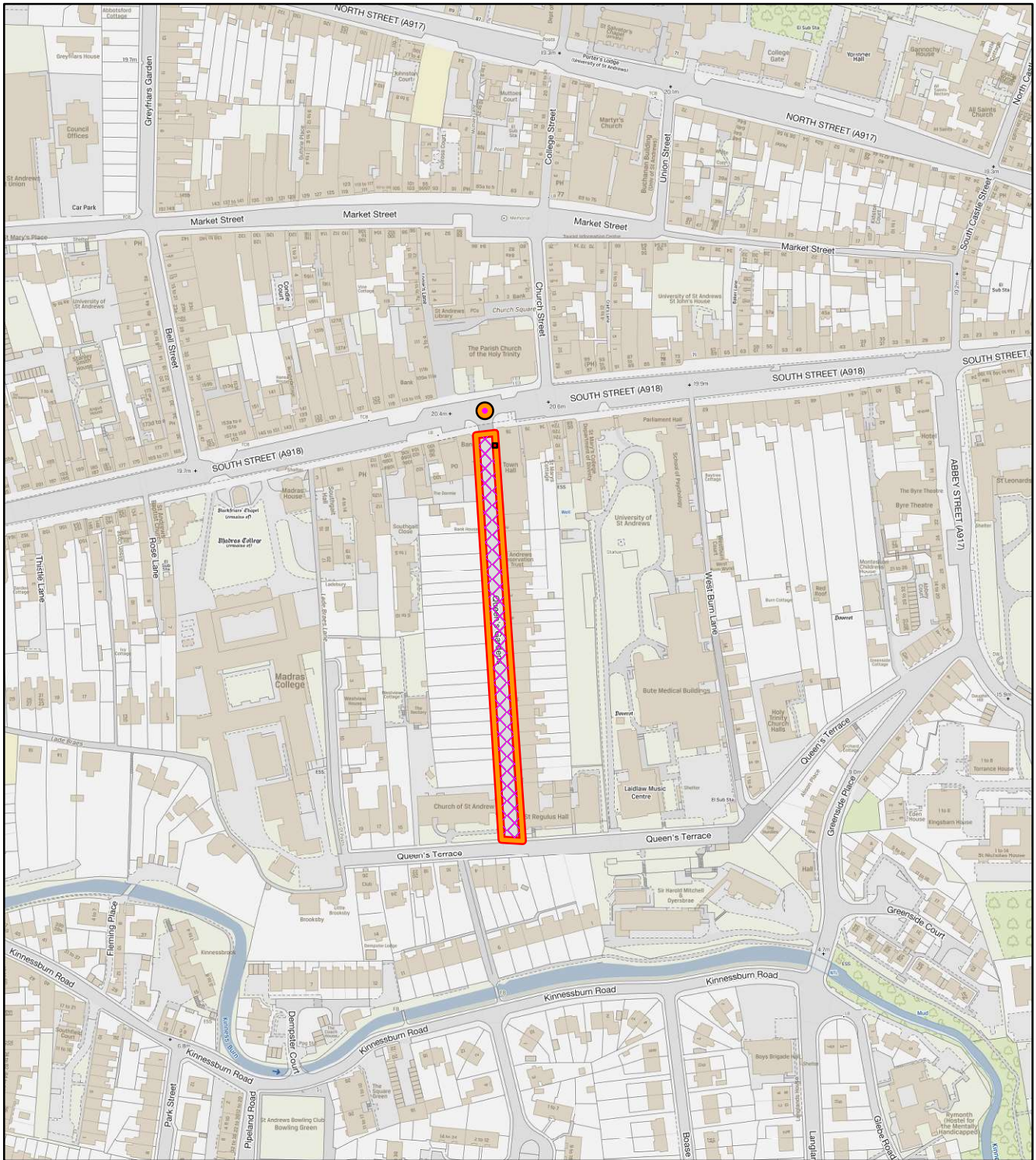
Development Plan:  
Adopted FIFEplan (2017)  
Making Fife's Places (2018)

Other Guidance:  
Fife Council's St Andrews Conservation Area Appraisal and Management Plan (2010)  
St Andrew Design Guidelines (2008)

Report prepared by Jamie Penman (Graduate Planner) Case officer  
Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 26/3/21.

Date Printed 11/03/2021

## Footpath Resurfacing Queens Gardens St Andrews



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

**ITEM NO: 6**

**APPLICATION FOR FULL PLANNING PERMISSION REF: 20/02950/FULL**

**SITE ADDRESS: FALSIDE FARM KENLY BOARHILLS**

**PROPOSAL : ERECTION OF DWELLINGHOUSE, FORMATION OF  
HARDSTANDING AND ASSOCIATED VEHICULAR ACCESS**

**APPLICANT: LUMGAIR FARMING  
FALSIDE FARM FALSIDE FARM BOARHILLS**

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

**CASE OFFICER: Jamie Penman**

**DATE 04/01/2021  
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 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 associated with Falside Farm, which is located within the countryside, as defined by FIFEplan (2017). More specifically, the site is located approximately 1.5 miles to the north west of Kingsbarns. The existing farm buildings (including steading events venue) can be accessed via a private track that leads off the A917 (40mph). The application site is located approximately 300m to the south west of the existing farm buildings, in an isolated position, surrounded by agricultural fields. Fife Council records indicate that the site is located on Prime Agricultural Land. Falside Farm comprises of approximately 72 hectares of arable land, a 3 bedroomed farmhouse, a potato/grain store and a steading complex which has recently been restored and developed into an events venue. There are two further cottages associated with the farm which are located approximately 350m to the north west of the main farm complex, on the north side of the A917.

1.1.2 Due to the prevailing Covid 19 situation, site visits are only being undertaken for proposals where it is deemed absolutely necessary. A risk assessment has been carried out and it is considered in this instance, given the evidence and information available to the Case Officer, that there is a sufficient level of information available in order to fully assess and determine the proposal, without undertaking a site visit.

1.1.3 This application is seeking full planning permission for the erection of a dwellinghouse, formation of hardstanding and associated vehicular access.

1.1.4 In addition to the applicant's farming activities at Falside Farm, they also run an events venue next to the main farmhouse. The derelict steadings were successfully redeveloped in 2018 and accommodate the events venue. Supporting information has been submitted which details that whilst the farm manager currently stays in the existing farmhouse, the events venue business now also needs a manager to stay on site. It is therefore proposed by the applicant that they would move out of the main farmhouse and into the proposed dwellinghouse, to allow the main farmhouse to be occupied by the events venue manager.

1.1.5 Planning history associated with this site includes:

- 17/00926/FULL Change of use and external alterations to farm steadings to form events venue including installation of replacement roof, windows and doors, formation of hardstanding and extension to dwellinghouse. This application was approved in December 2017.
- 18/03514/FULL Change of use and external alterations of farm steadings to form events venue (Class 11) including replacement roof, windows and doors, formation of access and associated car parking area (amendment to Ref. 17/00926/FULL). This application was approved in December 2018.
- 20/00694/FULL Erection of a dwellinghouse, formation of hardstanding and associated vehicular access - This application was withdrawn prior to determination July 2020.

## 2.1 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
- Low Carbon Fife

- Flooding
- Prime Agricultural Land
- Land & Air Quality
- Natural Heritage

## 2.2 Principle of Development

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

2.2.2 Policy 1, Part A, Policy 7 and Policy 8 of the Adopted FIFEplan (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, may be acceptable, if it is essential to support an existing rural business.

2.2.3 FIFEplan (2017) guidance notes regarding 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. They will also need to demonstrate that there is no potential for using existing accommodation in the area or the renovation of an existing property. There should also be no evidence of houses or plots having previously been sold from the farm or business holding to private buyers. To justify a housing proposal, a site selection report will require to be submitted, illustrating how the site has been chosen and the stages undertaken to arrive at the chosen location. 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 FIFEplan (2017) guidance notes state further that if planning permission is applied for a house based on its relationship to agriculture, forestry, or another type of rural business, supporting information will need to be submitted to allow the proposal to be assessed. For agriculture and forestry, this information will need to include: where the farm or business boundaries are; the number of existing buildings; whether buildings are used or occupied or not; the number of workers, where they live and if they are full or part time; the type of work the house is needed for and why; and any other information the applicant feels is necessary to justify the proposal.



2.2.5 A supporting statement and a justification report prepared by the Scottish Agricultural College (SAC report) have been submitted with this application.

2.2.6 The supporting statement notes that the day to day running of the existing established events venue and farming business requires two full time positions. It is the intention of the applicant to re-purpose the existing farmhouse (which is located adjacent to the events venue and is currently occupied by the Farm Manager) to be used as accommodation for an Events Manager, and build a new single dwellinghouse for himself, as the Farm Manager. The supporting statement argues that it is essential to the running of the overall business, which is owned by the applicant, that both the Events Manager, and the Farm Manager live onsite, and are actively and easily able to oversee the day to day running of each separate business entity. The supporting statement goes on to explain that with only one dwelling currently existing on the site (the existing farmhouse occupied by the Farm Manager), it is essential to the future diversity and running of the wider farming business, that a second dwelling is built; which enables a separate Event's Manager house (conversion of existing), alongside a new Farm Manager's house (the proposal).

2.2.7 The supporting statement explains that it is important that the Events Manager is located adjacent to the steadings to deal with all the requirements pre, during and post events taking place, where that individual would be working the associated hours required by the events taking place. Furthermore, it states that the proposal would also allow the Farm Manager to continue to stay on site which is essential for him to have a continuous presence in a strategic location on the farm for Operational Efficiency, Health and Safety, Security and Animal Welfare purposes.

2.2.8 The supporting statement notes that a site selection process was undertaken, looking at the surrounding locale, and the land ownership of the applicant. The supporting statement highlights that several properties currently for sale in the local area were observed, however these were discounted from the site selection process as they were all out with the applicant's budget, and it claims that more importantly, there is a need for a continuous presence on site at Falside Farm and therefore these properties would not be appropriate. The supporting statement continues to examine land within the ownership of the applicant. It states that existing buildings at Falside Farm comprise of the converted steadings which now operates as an events venue, and Falside Farmhouse which is located adjacent to the events venue which is the current residence of the applicant (Farm Manager). The supporting statement goes on to state that approximately 370m from the Events Venue and Farmhouse, and on the adjacent side of the busy A917, are 2 cottages, one of which is a 2-bedroom property which is the residence of the applicant's mother, and the other cottage being a 2-bedroom property which is currently being renovated, and once completed will provide accommodation for wedding parties etc using the events venue, providing an additional income stream to the business. The supporting information states that the location of the cottages are not suitable for the management requirements due to it being off site across the busy A917. The supporting statement concludes this section by noting that there are no buildings or units on site that are suitable or available for to accommodate the proposal and expansion on the business enterprise.

2.2.9 The supporting statement continues to discuss why the application site was chosen. It states that thorough analysis of the site has concluded that the proposed location takes the best advantage of site conditions and topography allowing the proposed house to sit comfortably in its surroundings, blend into the landscape and be a discrete addition to the farm, but still in close proximity to the main farm steading. The supporting statement states that the overriding reason for the proposal being located a distance from the existing steading is down to residential amenity. The applicant (Farm Manager) wants the proposal to be located in a quieter location which would not be adversely affected by the noise generated by the events venue, often at late hours when

he is required to be up early to tend to the crops and animals on the farm. The supporting statement claims that, the proposal is in close proximity to the steadings so that the applicant can help if required as he will still be involved in the events management side of the business, but to a lesser degree than he currently is once the Events Manager is employed.

2.2.10 The submitted SAC report discusses the labour requirement needs of the existing businesses. It states that the agricultural part of the business requires 1.3 labour units. It also discusses the labour required of the applicant's other farm which is located in Angus however it this is not deemed to be relevant in this case. The SAC report states that the labour requirement at Falside Farm will increase significantly. It explains that the agricultural business at Falside is in the fertility building phase of organic conversion. Once the land is converted to organic production then the labour requirement will increase significantly due to the introduction of organic crops and livestock. The SAC report calculates that the agricultural labour requirement will increase from 1.3 to 4.1 at Falside Farm.

2.2.11 The SAC report also calculates the labour requirement of the events venue. It states that the management of the events venue is a 7 day per week job for 52 weeks of the year. The SAC report explains that this is a job for 1.5 people and an events manager will be employed, with the applicant taking a more back seat role but still picking up the other 0.5 required. It goes on to state that there is already a marketing manager working 3 days per week for the events venue which will increase to 5 days per week. The proposal will be required for the applicant to still live on site and allow the events manager to reside in the existing farmhouse. This will ensure that all the relevant business requirements can be dealt with timeously which are often out of hours. The SAC report explains that although each event will be tailored to each individual customer needs, a typical event would require the following: Day 1 - Pre-event: including venue showing, bookings, organising services, receiving deliveries etc. Day 2 - Caterers, band, florist etc set up, liaising with organisers, dealing with last minute snagging. Day 3 - Event takes place. Day 4 - Clean up. Day 5 - Deep Clean.

2.2.12 The SAC report also discusses the financial viability of the business. It states that for the years end 2017 and 2018, it can be confirmed that the underlying trading enterprises are profitable. The key performance indicator for the events venue being profitable is 30 bookings per year. So far there are 40 bookings for the first 14 months. A list of future bookings and positive customer reviews has also been submitted.

2.2.13 The SAC report concludes by noting that it is the professional opinion of the author, that a house on site is justified to allow the applicant to continue to grow and operate an efficient profitable agricultural and events business based at Falside. If a suitable house is not built on the farm then the business will suffer operational difficulties in the future. Animal welfare could also suffer. There will also be implications for health and safety and farm security.

2.2.14 Supporting representations have been received which state that the proposal would have wider economic and social benefits on the surrounding area, it would be meeting an essential need for an on-site presence, the proposed design would blend in with the surrounding area, it would enhance security of surrounding countryside, it would provide safer access to events venue when compared to a vacant cottage and that alternative suitable housing is in short supply locally and expensive.

2.2.15 This application has been made, because it is the intention of the applicant, to house an events manager in the existing farmhouse. The applicant would then move to the new dwellinghouse, to continue to oversee the requirements of the farming business. As such, the requirement for an onsite presence must therefore be examined for both parts of the business.

2.2.16 The supporting statement discusses that there is a requirement in terms of Operational Efficiency, Health and Safety, Security and Animal Welfare purposes, for a farm manager to have a continuous presence on the site, however it should be noted that the farm manager already lives on site, in the existing farmhouse. The submitted SAC report indicates that the existing farm has a current labour requirement of 1.4 people, which is expected to rise to around 4.1 people in the future. In the context of this application, the farm's current labour requirement has to be taken into account. As the farm manager already lives on site, and is consequently able to undertake the duties that require a continuous on-site presence, it would not be deemed unreasonable to conclude that there is not currently an essential need for a new dwellinghouse on this site, to support the existing farm business.

2.2.17 The proposed dwellinghouse would facilitate the existing farmhouse becoming available, to house the events manager. Through consideration of the requirements of the events business, whilst it is accepted that it would be beneficial for an events manager to live on site, there does not appear to be an essential need for a continuous on-site presence i.e. security/animal welfare etc. reasons. It would again therefore, be reasonable to conclude, that there is not currently an essential need for a new dwellinghouse on this site, in a countryside location to support the events business and in turn, the farming business.

2.2.18 With regard to support comments, it accepted that the continued operation of the events venue would continue the economic benefit on the wider area and surrounding businesses. It is considered however that the events venue business could continue to successfully trade without having a events manager, residing permanently on site. It is also considered that the erection of a new dwellinghouse would have limited social benefits on the surrounding area.

2.2.19 It is further considered that there is currently a vacant cottage which is within the applicant's ownership, within relatively close proximity to the farm complex (370m), albeit on the opposite side of the A917. The submitted supporting information states that it is proposed to use this vacant cottage, as part of the existing events business and that access to the events venue from the cottage would be dangerous. It is considered however, that if the applicant deems the need for a new dwellinghouse to be essential, this vacant dwellinghouse could be utilised to provide accommodation which is close to the site for an events venue manager or the farm manager.

2.2.20 It has been noted that the proposed site has been selected to provide the farm manager with a better level of residential amenity than that which is currently experienced in the existing farmhouse. It is noted however that it is within the applicant's control to manage any adverse residential amenity impacts that they may be experiencing. The proposed site would be deemed to be in an isolated position, away from existing building groups, as such, its built form would be deemed to have a negative impact on the open and undeveloped nature of the surrounding countryside.

2.2.21 In light of the above, it is duly considered that the supporting information has failed to demonstrate that there is an essential need for a dwellinghouse on this site in line with adopted policy criteria. The proposal would be occupied by the farm manager (who already lives on site); this would facilitate the existing farmhouse to become vacant and provide accommodation for an events manager. From the information submitted however, whilst it is accepted that it would be

beneficial for an events manager to reside on site, an essential need for a continuous on-site presence has not been established. In light of this, the farmhouse would continue to be available for the farm manager which would in turn, would negate any essential need for a new dwellinghouse for the farm manager. It should also be noted that there is alternative accommodation within the ownership of the applicant, which can be utilised if they deemed the need for additional accommodation, as essential. Furthermore, the proposed site would be deemed to in an isolated position within the countryside, located away from existing building groups, which would be deemed to have a negative impact on the open nature of the surrounding countryside. The principle of development cannot therefore be accepted in this instance and would therefore be deemed contrary to FIFEplan (2017) Policies 1, 7, 8, 10, 13 and 14 in this instance.

### 2.3 Design/Visual Impact on the Countryside

2.3.1 FIFEplan (2017) policies 1, 10, 13 and 14 apply in this instance. Policies 1 and 10 indicate development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance, the policies will be applied to assess the visual impact of the proposed development on the surrounding area. Policy 13 relates to the natural environment and aims to protect and enhance natural heritage assets. Policy 14 specifically relates to the built environment and aims to encourage better quality places across Fife and deliver new, good quality development and in which environmental assets are maintained. FIFEplan (2017) Policy 8 is also relevant in this instance and states that all development within the countryside should be of a scale and nature compatible with surrounding uses; well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and located and designed to protect the overall landscape and environmental quality of the area. Making Fife's Places 2018 also applies.

2.3.2 Support comments have been received which argue that the development would blend in with its surroundings and have no adverse visual impact.

2.3.3 The proposal would be located approximately 300m to the south west of the existing farm complex and approximately 420m away from the A917. It would not be easily visible from any public elevation. The dwellinghouse would be 1.5 storeys and have a unique, modern appearance. It would also be built into the surrounding land, helping to reduce its overall height and in turn soften its impact. When assessing the appearance of the proposed dwellinghouse in isolation, it would raise no significant visual concerns. One of the key characteristics of the countryside, however, is its largely undeveloped nature. When examining the proposed site, in that it is located in an isolated position, away from the main farming complex and that the principle of development has not been established in this instance, the proposal would be deemed to have a significant adverse visual impact on the open nature of the surrounding countryside.

2.3.4 In light of the above, the proposal cannot be deemed of a scale and nature, compatible with surrounding uses; well-located in respect of available infrastructure; and located and designed to protect the overall landscape and environmental quality of the area. As such, the proposal would be deemed contrary to FIFEplan (2017) Policies 1, 7, 8, 10 and 14 in this instance.

### 2.4 Residential Amenity Impact

2.4.1 FIFEplan policies 1 and 10 apply in this instance. These policies indicate development will only be supported where it does not have a significant detrimental impact on the amenity of existing or proposed land uses. In this instance the policies will be applied to assess the impact the proposed development would have on existing levels of residential amenity. This includes, but

is not limited to, privacy, daylight and sunlight and garden ground. Fife Council's Planning Customer Guidelines on Daylight/Sunlight, Garden Ground and Minimum Distances between Window Openings also apply.

2.4.2 Given that the proposed site would be located in an isolated position, no significant residential amenity concerns would be raised in this instance. Furthermore, the proposal could also provide in excess of 100sqm of private garden ground.

2.4.3 In light of the above, the proposal would be deemed to comply with FIFEplan (2017) Policies 1 and 10 in this instance. However, as the principle of the proposal is not considered acceptable, this is not considered to be a determining factor in supporting this proposal in this instance.

## 2.5 Road Safety Impact

2.5.1 FIFEplan (2017) Policies 1, 3 and 10 apply in this instance. These policies indicate development will only be supported where it has no road safety impacts. In this instance the policies will be applied to assess what impact the proposed development would have on the general road safety of the surrounding area. Making Fife's Places Transportation Development Guidelines also apply.

2.5.2 The application site would be accessed by a private track which has a junction on to the A917 (40mph). It is proposed to extend the private track approximately 300m from the existing farm complex to the proposed site. Fife Council's Transportation Development Management Team have been consulted on this application and have noted that the required visibility splays are available at the junction of the private track at the A917 and that there is a public service bus which passes on the A917. As such they would have no objections to the development. It is also noted that the required level of parking could be provided.

2.5.3 In light of the above, the proposal would have no significant road safety impacts and as such, be deemed to comply with FIFEplan (2017) Policies 1, 3 and 10 in this instance. However, as the principle of the proposal is not considered acceptable, this is not considered to be a determining factor in the determination of this proposal in this instance.

## 2.6 Low Carbon

2.6.1 SPP, 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.

2.6.2 Supporting comments have been received commending the applicant's approach to a sustainable development and the eco principles of the buildings design.

2.6.3 A low carbon checklist has been submitted with this application and solar panels are shown on the proposed elevations.

2.6.4 In light of the above, the proposal would be deemed to comply with FIFEplan (2017) Policies 1 and 11 in this instance. However, as the principle of the proposal is not considered acceptable, this is not considered to be a determining factor in supporting this proposal in this instance.

## 2.7 Flooding

2.7.1 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.

2.7.2 The 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 SUDS.

2.7.3 In light of the above, the proposal would be deemed to comply with FIFEplan (2017) Policies 1 and 12 in this instance. However, as the principle of the proposal is not considered acceptable, this is not considered to be a determining factor in supporting this proposal in this instance.

## 2.8 Prime Agricultural Land

2.8.1 FIFEplan policies 1 and 7 advise that development on prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or for small-scale development directly linked to a rural business; or for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is a commitment to restore the land to its former status within an acceptable timescale.

2.8.2 As the proposal would be linked to a rural business and that the site covers a relatively small area, no significant concerns would be raised with the development of Prime Agricultural Land in this instance.

2.8.3 In light of the above, the proposal would be deemed to comply with FIFEplan (2017) Policies 1 and 7 in this instance. However, as the principle of the proposal is not considered acceptable, this is not considered to be a determining factor in supporting this proposal in this instance.

## 2.9 Land & Air Quality

2.9.1 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 land.

2.9.2 Fife Council's Land and Air Quality Team have been consulted. Their response noted that the application site is adjacent to a former railway line and therefore recommended a suspensive condition requiring any unforeseen contamination to be reported to Fife Council and rectified thereafter. However, as the principle of the proposal is not considered acceptable, this is not

considered to be a determining factor in supporting this proposal in this instance, but were committee to support the proposal then the recommended standard condition should be imposed.

## 2.10 Natural Heritage Impact

2.10.1 Policies 1 and 13 of FIFEplan (2017), Making Fife's Places Supplementary Guidance Document (2018) apply in this instance with regards to natural heritage protection.

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

2.10.3 Fife Council's Natural Heritage Officer was consulted on this proposal and stated that a badger sett has previously been identified close to the application site. The response requests further information in this regard, including mitigation measures where required. The response also notes that a license may be required from NatureScot before any works could take place.

2.10.4 No information has been submitted by the applicant with regard to the above, however, it is important to note that this consultation response was received only recently and there was no opportunity to relay the concerns on to the applicant. It is considered however that there would likely be a solution to this issue and as such, it would not be reasonable to include the proposal's natural heritage impact as a refusal reason.

## CONSULTATIONS

Scottish Water	No objection
Transportation and Environmental Services - Operations Team	No objections
Transportation, Planning Services	No objections
Natural Heritage, Planning Services	No response
Land and Air Quality, Protective Services	Condition recommended

## REPRESENTATIONS

12 support comments have been received. Points raised which are relevant to the assessment of this application includes:

- Applicant is short of accommodation for himself, family and staff - Addressed in Section 2.2
- Applicant's business supports other businesses in the local area - Addressed in Section 2.2
- New house would blend into the surroundings - Addressed in Section 2.3
- Building would use sustainable materials and eco building techniques - Addressed in Section 2.6
- More people living in the countryside would support local communities and businesses - Addressed in Section 2.2

- Essential need for house has been demonstrated - Addressed in Section 2.2
- Nature of the farming and events business requires an on-site presence - Addressed in Section 2.2
- Location of proposal would help noise issue from events venue - Addressed in Section 2.2
- Location of house would benefit security in surrounding area - It is not considered that the position of the proposed dwellinghouse would have any significant impact on improving security of the surrounding area
- Proposal would secure long term future of Falside Farm - Addressed in Section 2.2
- Houses in surrounding area are in short supply and are often very expensive - Addressed in Section 2.2

## **CONCLUSIONS**

It is considered that the supporting information has failed to demonstrate that there is an essential need for a new dwellinghouse on this site. The proposal would be occupied by the farm manager (who already lives on site); this would facilitate the vacating of the existing farmhouse and provide accommodation for an events manager. From the information submitted however, whilst it may be beneficial for an events manager to reside on site, an essential need for a continuous on-site presence has not been established in this instance. In light of this, the farmhouse would continue to be available for the farm manager which in turn, would negate any essential need for a new dwellinghouse for the farm manager. It should also be noted that there is alternative accommodation within the ownership of the applicant, which could be utilised if they deemed the need for additional accommodation which is close to the site, as essential. Furthermore, the proposed site would be deemed to be in an isolated position within the countryside, located away from existing building groups, which would be deemed to have a negative impact on the open and undeveloped nature of the surrounding countryside. This application would therefore be deemed contrary to FIFEplan (2017) Policies 1, 7, 8, 10 and 14 in this instance.

## **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 interests of protecting the visual amenity and safeguarding the rural character of the surrounding area; due to the isolated nature of the dwellinghouse, it cannot be considered to be of a scale, design and nature compatible with its surrounds or be located and designed to protect the overall landscape and environmental quality of the surrounding rural area; all contrary to Policies 1, 7, 8, 10 and 13 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

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

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



National:

Scottish Planning Policy (2020)

Development Plan:

Adopted FIFEplan (2017)

Making Fife's Places Planning Policy Guidance (2018)

Low Carbon Fife Supplementary Guidance (2019)

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)

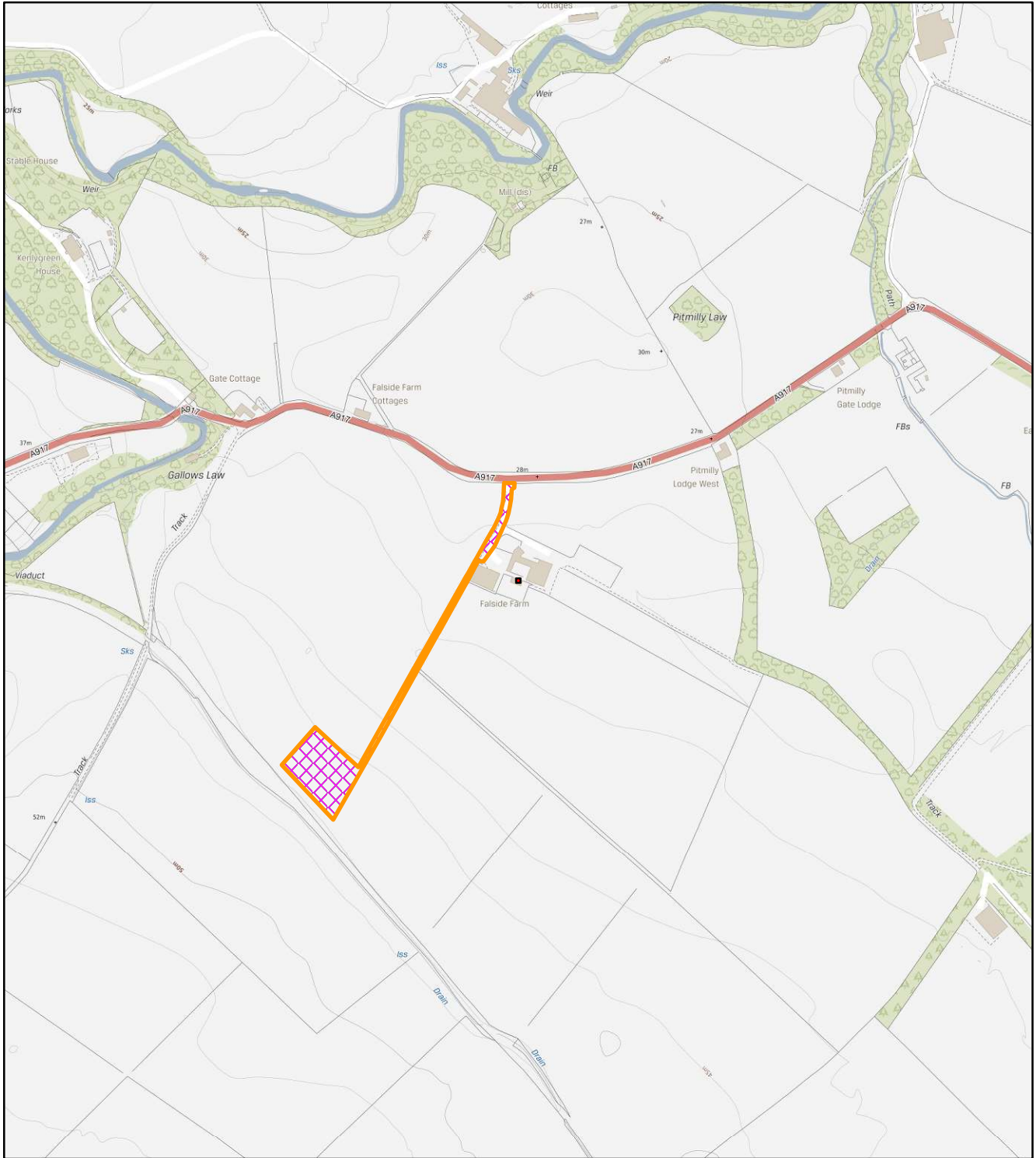
Report prepared by Jamie Penman 14/03/2021 (Graduate Planner)

Report agreed and signed off by Alastair Hamilton, Service Manager(Committee Lead) 30/3/21.

Date Printed 14/03/2021

# 20/02950/FULL

## Falside Farm Kenly Boarhills St Andrews



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

**ITEM NO: 8**

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

**SITE ADDRESS: SITE AT CUPAR ROAD NEWBURGH**

**PROPOSAL : ERECTION OF 34 AFFORDABLE DWELLINGS AND  
ASSOCIATED ACCESS ROAD AND SUDS  
LAND TO THE NORTH OF CUPAR ROAD, NEWBURGH**

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

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

**CASE OFFICER: Bryan Reid**

**DATE 16/02/2021  
REGISTERED:**

**REASONS FOR REFERRAL TO COMMITTEE**

This application requires to be considered by the Committee because:

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

**SUMMARY RECOMMENDATION**

The application is recommended for:

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.

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

### **1.0 BACKGROUND**

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

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

1.3 The application is for planning permission for the erection of 34 affordable housing units with associated access, drainage, parking and landscaping. The proposed 34 units would comprise of a mixture of detached, semi-detached and terraced buildings, including single and two storey properties. A total of 30 dwellinghouses and 4 flatted dwellings (4 in a block) are proposed. A single point of vehicular access is proposed to be taken directly from Cupar Road, with two cul-de-sacs proposed. No pedestrian access points or through routes are proposed. Finishing materials proposed include white and buff drydash, grey and brown concrete roof tiles, uPVC doors (assortment of colours), facias (white) and windows (white), silk grey and buff margins and cills, silk grey and white timber facias, soffits and cladding, grey paving slabs and bracken coloured block paviours. Timber fences are proposed to divide rear gardens, with a timber fence featuring stone piers proposed along the eastern site boundary. Tree planting and landscaping is proposed throughout the site, with a row of trees proposed to be planted along Cupar Road (this planting is outwith the application site/red line boundary). The proposed development also includes a circular SuDS basin to the north east of the dwellings.

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

1.5 The application is not classed as a 'Major Development' per The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 given the area of the site is less than 2ha. and the number of units proposed is less than 50. However, as part of the FIFEplan Local Development Plan (2017) requirements for the development of the application site (NEB002), a Development Framework covering sites NEB001 and NEB002 is required to be prepared by the developer for Fife Council approval with input from all land owners and following consultation with the local community. The Development Framework submitted as part of this application details future phases of development across sites NEB001 and NEB002. The proposals contained within the submitted Development Framework includes up to 275 dwellings, 1ha. of employment land, 1.2ha. of land for a cemetery extension and 0.6ha of land allocated for a primary school extension. The applicant therefore carried out Pre-Application Consultation (PAC) by holding public information events (Ref: 17/02027/PAN). A PAC report outlining comments made by the public and the consideration of these in the design process of the proposal has been submitted as part of this application. Two events were undertaken, both were held at the Tayside Institute Community Centre, 90-92 High Street, Newburgh. The public events were advertised in The Courier, with leaflets also delivered to and displayed at various public buildings and shops throughout Newburgh. The manner of public consultation was therefore acceptable.

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

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

## 2.0 PLANNING ASSESSMENT

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

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

## 2.2 PRINCIPLE OF DEVELOPMENT

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

2.2.2 Scottish Planning Policy (SPP) (2014) seeks to promote successful sustainable places with a focus on low carbon place; a natural, resilient place; and, a more connected place. The SPP promotes the use of the plan-led system with plans being up-to-date and relevant, thus reinforcing the provisions of Section 25 of the Act. The SPP (Promoting Rural Development), amongst other criteria, states that in areas of intermediate accessibility and pressure for development, Development Plans should be tailored to local circumstances, seeking to provide a sustainable network of settlements and a range of policies that provide for economic development, and the varying proposals that may come forward, while taking account of the overarching objectives and other elements of the plan. It elaborates that in accessible or pressured rural areas, plans and decision making should generally guide most new development to locations within or adjacent to settlements and should promote economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation, and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced. The SPP (Enabling the Delivery of New Housing) also requires the Development Plan to identify a generous supply of housing land, within a range of attractive, well designed sites that can contribute to the creation of successful and sustainable places. The Development Plan is the preferred mechanism for the delivery of housing / residential land rather than individual planning applications.

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

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

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

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

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

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

- a) within a defined settlement boundary and compliant with the policies for the location; or
- b) in a location where the proposed use is supported by the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

2.2.11 Fife Council's most recent Housing Land Audit (2019) identifies that in the Greater Dundee LHSA, there is an expected shortfall of 24 units (all tenure) in the five-year housing land supply target (2019-2024). This shortfall was calculated using the housing supply target figures within TAYplan (40 units per annum). In accordance with the recent 'Gladman decision', using TAYplan's



housing land requirement figure (44 units per annum), it is recognised that the expected (all tenure) shortfall in the five-year land supply increases to 50 units. Per the updated Paragraph 125 of the SPP, the housing shortfall is a material consideration in favour of the proposal during the Planning Authority's determination of the application.

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

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

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

2.2.14 Policy 7 of the Adopted Local Plan stipulates that development in the countryside will be supported where it, is required for agricultural, horticultural, woodland, or forestry operations; will diversify or add to the above land-based businesses to bring economic support to the existing business; is for the extension of established businesses; is for small-scale employment land adjacent to settlement boundaries, excluding green belt areas, and no alternative site is available within a settlement boundary which contributes to the Council's employment land supply requirements; is for facilities for access to the countryside; is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location; or is for housing in line with Policy 8 (Houses in the Countryside). Additionally, in all cases, development must: be of a scale and nature compatible with surrounding uses; be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area.

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

- A Development Framework covering sites NEB001 and NEB002 should be prepared by the developer for Fife Council approval with input from all land owners and following consultation with the local community. This will identify the limits and phasing of development.
- The Development Framework for these sites will be a vehicle to deliver the mix of uses required and the infrastructure to secure implementation. The land areas specified for these uses are indicative only. It is anticipated that subsequent planning approvals may be subject to appropriate planning obligations to secure full implementation.

- Primary access off the A913 with junction also serving development to south of Cupar Road. Secondary access required. Transport Assessment required.
- Design and layout must ensure that there is no adverse impact on the nearby Category A Listed Lindores Abbey, which is also a Scheduled Ancient Monument.
- Development proposals will be tested against the 6 qualities of successful places established in the Scottish Government's Designing Places policy. Fife Council's Making Fife's Places Supplementary Guidance also provides further information on the site appraisal process to be undertaken; the design principles which apply to all developments in Fife; and, how Fife Council will evaluate if a proposal meets the 6 qualities of successful places.

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

2.2.17 As set out above, Development Framework has been submitted as part of this application which covers sites NEB001 and NEB002 which contains a masterplan, setting out the vision for future developments across the two allocated sites, including the phasing. The Development Framework/masterplan also identifies specific areas of land for each of the differing land uses proposed as part of the NEB001 site allocation. In this regard, it is noted that the Development Framework proposes to divide the 1.9ha. NEB002 site between 34 affordable dwellings (subject of this application) and 1ha. of employment land to the north of this. The Development Framework sets out that the applicant envisions for the employment land to be delivered by Lindores Distillery as an extension to their existing operation located east of the site. Noting that the land areas specified for the varying uses with the FIFEplan proposals is only indicative and given the intension for the employment land to be taken over/delivered by Lindores Distillery, a principal employer in Newburgh and north west Fife, the Planning Authority is supportive of the principle of locating the necessary 1ha. of employment land to the north of the current application site. The application therefore complies with the requirements of policy 5 of FIFEplan (2017). Fife Council's Economic Development Officers confirmed that they were satisfied with the positioning of the proposed employment land, however noting that no evidence of a formal agreement with Lindores Distillery to develop the land had been presented to the Planning Authority, they recommended conditions to ensure the land identified is made available for general employment use, and is fully serviced and delivered upon the completion of the 50th residential unit or two years from the start of the development (whichever comes first). A further condition was recommended for the employment land to have a direct frontage onto Abbey Road. Whilst the conditions recommended by Economic Development are noted, it is considered that their restrictive nature would not align with the applicant's proposed phasing or intension for the employment land to be delivered by the distillery, whilst it may also not be viable for the applicant to deliver the employment land after completing just 16 market units. Were this application to be recommended for approval, it is considered that it would be more appropriate to include a condition for the timing of the delivery of the employment land to be agreed as part of any future phase 2 application.

2.2.18 Whilst the location of the employment land would reduce the land availability for the 50 units identified for NEB002, the applicant would be able to provide additional land for residential development in the NEB001 site. Whilst only one access point is proposed, it is noted that a secondary, independent, access point would be provided for the proposed employment area to the north. The locations identified for the cemetery and primary school extensions are considered

to be acceptable. Overall, it is considered that the submitted Development Framework and indicative masterplan, including proposed land use allocations, for the development of sites NEB001 and NEB002 in FIFEplan (2017) is acceptable in principle. A condition could be used, were this application recommended for approval, for the Development Framework and masterplan to be updated upon the submission of each subsequent application.

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

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

2.2.21 Notwithstanding the above acceptance of the principle of development in land use terms, as shall be explored in greater detail in subsequent paragraphs of this report, the Planning Authority considers that the proposed development would have an adverse impact which would outweigh the benefits of addressing the small shortfall when assessed against the wider policies of FIFEplan (2017). The development would also undermine Fife's Spatial Strategy as it would not encourage high quality development (paragraph 2). Furthermore, through the failure of the proposal to meet the six qualities of successful places, it is considered that the proposed development would not meet the specific requirements for the allocated site. The application is therefore considered to be contrary to Policy 2 of FIFEplan (2017) and requirements for development of NEB002.

2.2.22 As established above, there is a small housing shortfall identified in the Greater Dundee HMA (housing supply target shortfall of 24 units and a housing land requirement shortfall of 50 units). Whilst SPP and Policy 2 of FIFEplan (2017) sets out that the identified housing shortfall in the HMA is a material consideration in favour of approval of the proposal, the SPP also advises that the weight to be afforded to any shortfall is a matter for decision-makers to determine. In this regard, the Planning Authority consider the small shortfall to be of limited weight on this occasion when assessing the proposed development against the wider policies of FIFEplan (2017), namely Policies 10, 13 and 14 and Making Fife's Places Supplementary Guidance (2018); this shall be explored in detail later in this report. The Planning Authority considers that, through the poorly designed layout of the proposed residential development, the application is considered to be contrary to Policies 1 and 2 of FIFEplan (2017) and is therefore recommended for refusal.

### 2.3 DESIGN AND LAYOUT/VISUAL IMPACT

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

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

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

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

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

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

2.3.6 Policy 7 of FIFEplan (2017) advises that development proposals must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area. Policy 10 (Amenity), requires proposals to demonstrate that development would not result in a significant detrimental impact on amenity in relation to visual impact. Policy 13 (Natural Environment and Access) aims to protect natural heritage and access assets and encourages the enhancement of designated sites of local importance, including Local Landscape Areas as well as landscape character and views more generally. Policy 14 of FIFEplan (2017) advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Policy 14 additionally sets out that developments are expected to achieve the six qualities of successful places.

2.3.7 FIFEplan (2017) Policy 13: Natural Heritage and Access states that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas. Where adverse impacts on existing assets are unavoidable, the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. Making Fife's Places Supplementary Guidance sets out the level of site appraisal an applicant is expected to undertake as part of the design process. This includes

consideration of the landscape setting, character and the topography of the site. This consideration is particularly important when determining proposals at the edge of a settlement. The appraisal process may also require an assessment of the townscape character of the site context, where appropriate. Applicants are encouraged to demonstrate that the proposal has followed a robust design process. Making Fife's Places includes an evaluation framework to guide the assessment of the design process undertaken. Appendix B of the Supplementary Guidance sets out the detailed site appraisal considerations in relation to landscape change.

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

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

2.3.9 With regard to the green network requirements for the site, it is recognised that the proposed development includes a row of tree planting along the north side of Cupar Road. This proposed tree planting was added to the proposal by the applicant following concerns raised by the Case Officer and the Council's Urban Design Officer regarding the visual impact on the development on approach to Newburgh from the east. Concerns were raised regarding the orientation and density of properties proposed which would form the new visually prominent eastern boundary of Newburgh; the timber fence proposed for the eastern boundary was also considered to be inappropriate. Overall, it is considered that the proposed development would not create a welcoming and gradual rural to urban transition. The row of trees were included in the proposal to screen views of the eastern edge of the development from vehicles and pedestrians traveling along Cupar Road. The proposed timber fence along the eastern boundary was also amended to include stone piers. Whilst the proposed trees would undoubtedly lead to biodiversity enhancement and screen views of the proposed development, it is considered that they would not reflect the wider rural character of the eastern approach to Newburgh as a key entrance to the village. Presently, when travelling along Cupar Road (before and after Burnside), the land to the north (identified as the Den Burn and Eastern Approach Green Network and Taycoast LLA) is noted for its strong rural character which is significant in shaping and defining the approach to the settlements, with distant views of the River Tay also possible. This open aspect is considered to greatly contribute to the setting of Newburgh (and Burnside), with views of the Tay, fields, farm buildings and houses beyond contributing to the gradual transition from rural to urban. By planting mature trees along Cupar Road (to the bend in the road where the village first starts to become visible), it is considered that the rural character of the area and views of the Tay would be compromised. As highlighted in the Urban Design Officer's consultee response, it is considered that whilst the tree belt would screen the development from the main road, it is considered that developments should stand on their merits from a design perspective and their visual interaction with the surrounding context should not necessitate 'screening' to effectively hide the negative impact on this edge of settlement location. Overall, it is considered that the green network requirements for the site have not been met and the proposed development would not represent a positive rural to urban transition as the new settlement edge of Newburgh. The proposed development is therefore considered to be contrary to Policies 10, 13 and 14 of FIFEplan (2017), Making Fife's Places Supplementary Guidance (2018) as well as the 'Distinctive' and 'Welcoming' principles of the six qualities of successful places which seek to ensure the relationship between new development and the countryside is sensitively handled. Should Members choose to overturn the Officer recommendation, it should be noted that the Applicant has expressed a willingness verbally to relocate the trees proposed along Cupar Road to the eastern site boundary and would

be supportive of a condition to secure this – this relocated tree belt would address some of the Planning Authority's above concerns.

2.3.10 Giving consideration to the design, massing and finishing materials of the proposed dwellings themselves, it is considered that they would be suited to the urban surroundings and there is nothing to suggest to the Planning Authority that the units would not be constructed to a standard comparable to market housing. The fronting of the semi-detached and terraced properties on to Cupar Road, set behind low hedges, is also welcomed. Notwithstanding the acceptable appearance of the proposed dwellings when viewed directly from the public road, the internal layout and poor public realm are considered to be great concern. One of the key aspects of SPP and the six qualities of successful places is that streets – in particular those in residential areas – should not be designed to principally serve vehicles. Development proposals should include principles to address how the design of any shared surface streets (or internal roads) balances out the needs of people (for walking, socialising, play etc) with vehicular movements – through design, materials, street furniture etc. The proposed development however fails to incorporate these principles, with internal streets and footpaths dominated by views of high timber fences and long rows of parked cars, contrary to the essential requirements of the 'Safe and Pleasant' principle within the six qualities of successful places. The street design presented would give the appearance that it caters to the needs of vehicles above people. The proposed road layout, comprising of two cul-de-sacs, would not reflect the requirements of 'Designing Streets', resulting in a restrictive, introverted layout which fails to integrate with its surroundings and does not promote pedestrian permeability, further highlighted by the lack of pedestrian access points and any sense of public realm (above trees planted every so often between parking spaces). Furthermore, the proposed green amenity space (SuDS basin) would be located on the edge of the development and would not be well overlooked by the dwellings and would feature a single point of access. The proposed 450mm 'timber knee rail fences' are also not considered to be a visually attractive or robust front boundary treatment. An opportunity was presented to the applicant to amend the proposed development and address the concerns raised. Whilst some improvements were included in the revisions, most notably the addition of street trees, the general layout remained as was initially proposed. Overall, it is considered that the proposed layout of the development is a poor design response which, internally, fails to consider the needs and views of pedestrians and perspective residents, promoting vehicles above creating a sense of place. This would also be contrary to Policy 2 of TAYplan (2017) and Fife's Spatial Strategy, set out within FIFEplan (2017) which encourages new, high quality development to secure investment in economic growth and regeneration. Whilst it would not be sufficient to alter the Planning Authority's recommendation, the applicant has expressed a willingness verbally to soften the rear boundary treatments along the east/west internal access road; Members may wish to consider the use of planning conditions to this effect should they decide to approve the application.

2.3.11 Further to the above, during discussions with the applicant, the Planning Authority expressed their desire for pedestrian accesses to be provided on to Cupar Road and Abbey Road to the north, noting that the proposed development also included a single point of vehicular and pedestrian access onto Cupar Road. However, the applicant advised that as development had been designed to conform to the 'Secured by Design' accreditation principles, there was no possibility for the desired pedestrian access points to be included as part of the proposal, further noting that any connection to Abbey Road would require to be taken through the proposed employment area. The 'Secured by Design' accreditation principles also restricted the ability to make large scale alterations to the layout as set out above. Whilst the Planning Authority is sympathetic to the applicant's desire to adhere to 'Secured by Design' accreditation principles, noting that the applicant also has control of the NEB001 site to the south, it is considered additional land could have been made available to perhaps reduce the number of dwellings proposed in the

subdivided NEB002 site or realign the proposed employment land to secure a footpath connection to Abbey Road. The Council's Urban Design Officer additionally suggested that the visual dominance of parked cars throughout the public realm of the site may be a result of overdevelopment. In this regard, it is noted that the proposed approximately 15 units per acre would be significantly greater than the 10 units per acre envisioned for the site in the FIFEplan (2017) allocation (50 units over 1.9ha.) Overall, it is considered steps could have been taken to better integrate the proposed development with the existing settlement, promote pedestrians above vehicles by incorporating a choice of movement routes and improve the internal appearance of the site, as required by 'Easy to Move Around and Beyond' and 'Safe and Pleasant' successful places principles. Should Members overturn the Officer recommendation, given as the land to the north of the site is within the applicant's control, it is recommended that Members consider the use of condition to require an updated site layout plan prior to the commencement of development to ensure a pedestrian footpath is provided to Abbey Road.

2.3.12 With regard to the Development Framework and masterplan, whilst no detailed site layouts have been included as this stage, there is a concern that if the proposed site layout were to be approved, this could set an unwelcomed precedent for the future phases of development which may look to continue this design approach, ultimately leading to the proposed eastern expansion of Newburgh being disconnected from the existing settlement, with little public realm to serve the additional 275 houses proposed in FIFEplan (2017).

2.3.13 As set out previously in this report, there is an identified housing shortfall in the local HMA. Given the scale of this shortfall of between 24 and 50 units (depending on HST vs HLR method) over five years, the Planning Authority considers that the negative visual impact of the development on the transition from the rural to urban environments and poor internal layout and connectivity of the development, which gives priority to vehicles over pedestrians and features a poor public realm, would outweigh the small housing shortfall identified.

2.3.14 In conclusion, notwithstanding the housing shortfall in the HMA, when considered against the wider policies of FIFEplan Local Development Plan (2017), the poor internal layout and adverse visual impacts on the proposed development are considered to outweigh the small shortfall in the Planning Authority's overall determination of the application. The proposed development is considered to be contrary to Policy 2 of TAYplan (2017), Policies 1, 10, 13 and 14 of FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018). The application is therefore recommended for refusal.

## 2.4 IMPACT ON HISTORIC ENVIRONMENT

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

2.4.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 sets out that in considering whether to grant planning permission for development which affects a listed building or its setting, the planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application, the Planning Authority should pay

special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Design and materials which will affect a conservation area or setting of a listed building shall be appropriate to both the character and appearance of the building or area and its setting.

2.4.3 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use. Section 145 of Scottish Planning Policy (2014) notes that 'Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances'.

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

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

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

2.4.7 HES Historic Environment Policy for Scotland (May 2019) advises that new work, including alterations to historic buildings shall enhance its surroundings. This document, in essence, is a good practice guide for developments involving the historic environment. HES Managing Change in the Historic Environment: Setting; recognises the importance setting has on the historic environment, including listed buildings and conservation areas. 'Setting' is the way the surroundings of a historic asset contribute to how it is understood, appreciated and experienced.



The guidance notes that buildings and gardens are designed and orientated deliberately, normally with reference to the surrounding topography, resources, landscape and other structures. Setting is therefore unrelated to modern landownership, often extending beyond immediate property boundaries into the wider area. The setting of a historic asset can incorporate a range of factors, including: views to, from and across or beyond the historic asset; the prominence of the historic asset of place in views throughout the surrounding area, bearing in mind that sites need to be visually prominent to have a setting; general and specific views including foregrounds and backdrops; and relationships with other features.

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

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

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

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

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

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

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

## 2.5 TRANSPORTATION/ROAD SAFETY

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

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

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

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

2.5.5 The application is for 34 affordable dwellings, accessed by a single vehicular junction off the A913/Cupar Road. At this location the speed limit on Cupar Road is 30mph. With no secondary pedestrian routes proposed, the junction with Cupar Road would serve as the only vehicular and

pedestrian route to the site. The proposed single point of vehicular/pedestrian access is considered to be contrary to Designing Streets which advocates that new development should have multiple access points. The single point of access for pedestrians was highlighted as an area of concern by Fife Council's Transportation Development Management (TDM) and Urban Design Officers in their initial consultation responses on this application.

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

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

2.5.8 During discussions with the applicant, the Planning Authority expressed their desire for pedestrian accesses to be provided on to Cupar Road and Abbey Road to the north. However, the applicant advised that as development had been designed to conform to the 'Secured by Design' accreditation principles, there was no possibility for the desired pedestrian access points to be included as part of the proposal, further noting that any connection to Abbey Road would require to be taken through the proposed employment area. Whilst the Planning Authority is sympathetic to the applicant's desire to adhere to 'Secured by Design' accreditation principles, noting that the applicant also has control of the NEB001 site to the south, it is considered that scope exists across the two allocated development sites to perhaps reduce the number of dwellings proposed in the subdivided NEB002 site. This reduction in housing density could have allowed for additional points of pedestrian access to be incorporated whilst adhering to 'Secured by Design' accreditation principles. Overall, it is considered steps could have been taken to better integrate the proposed development with the existing settlement and promote a choice of movement routes, as required by 'Easy to Move Around and Beyond' successful places principle.

2.5.9 In addition to the above concerns regarding lack of pedestrian access points, it is considered that the proposed road layout, comprising of two cul-de-sacs, would not reflect the requirements of 'Designing Streets', resulting in a restrictive, introverted layout which fails to integrate with its surroundings and does not promote pedestrian permeability. This lack of pedestrian permeability is highlighted by the lack of pedestrian access points and any sense of public realm, with routes through the site facing onto high timber fences (notably the east/west road) and long rows of parking spaces positioned perpendicular to the internal roads. This has resulted in the site layout appearing visually dominated by parked cars and pedestrians being considered secondary to vehicles, contrary to Design Streets and the six qualities of successful. It was suggested to the applicant that a continuous internal loop road or shared surface arrangement could have resulted in a more positive street layout and user hierarchy which would have placed pedestrians above private motor vehicles.

2.5.10 With regard to the proposed car parking arrangements, 61 spaces are proposed, the majority of which would be communal, laid out in perpendicular rows between the internal roads

and dwellings or around the turning heads of the cul-de-sacs. TDM have confirmed that the proposed parking arrangements are acceptable for an affordable housing development – it is noted that the Transportation Development Guidelines support a reduced number of parking spaces for affordable housing developments.

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

2.5.12 Notwithstanding TDM's supported for the proposed development, and whilst it would not give rise to road safety concerns, through the proposed road layout, which would be dominated by views of parked cars and restrict pedestrians as secondary users of the space, whilst also failing to provide a choice of movement routes, the proposed development is considered to be a poor design response which would be contrary to Scottish Planning Policy (Streets for People) (2014), Designing Streets (2010), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017), and the Adopted Fife Council Making Fife's Places Supplementary Planning Guidance (2018), and is therefore recommend for refusal.

## 2.6 LOSS OF PRIME AGRICULTURAL LAND

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

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

- 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
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

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

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

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

## 2.7 RESIDENTIAL AMENITY

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

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

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

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

2.7.4 The REHIS Briefing Note 017 Noise Guidance for New Developments advises that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided. Predictions of internal noise levels within noise sensitive premises must be calculated based on an open window scenario. For the purposes of this guidance exceptional circumstances are considered to be proposals which aim to promote sustainable development and transport within the local authority area and which would provide benefits such as: (a) reducing urban sprawl (b) reducing uptake of greenfield sites (c) promoting higher levels of density near transport hubs, town and local centres (d) meeting specific needs identified in the local development plan.

2.7.5 The scope of WHO's Guidelines for Community Noise document is to consolidate actual scientific knowledge on the health impacts of community noise and to provide guidance to professionals trying to protect people from harmful effects of noise in non-industrial environments. WHO recognises that uninterrupted sleep is a prerequisite for good physiological and mental functions and that a lack of sleep as a consequence of noise can have adverse health implications. WHO advises that for a good night's sleep, the equivalent sound level should not exceed 30dB.

Section 3.3 of this document further sets out that 'for a good sleep, it is believed that indoor sound pressure levels should not exceed approximately 45 dB LAFmax more than 10-15 times per night', i.e. residents should not be subjected to individual noise events through the night exceeding 45 dB more than 10-15 times between 23:00-07:00. With regard to external areas, the WHO advises that to avoid people from becoming seriously annoyed during the daytime, the average sound pressure level should be below 55dB (referred to as the upper limit), whilst to ensure people are not moderately annoyed during the daytime, the average sound pressure level should be below 50dB (referred to the lower limit).

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

2.7.7 As per Fife Council Customer Guidelines on Daylight and Sunlight (2018), sunlight is considered to be the rays of light directly from the sun from a southerly direction, whereas daylight is the diffuse light from the sky that can come from any direction. The guidance considers these two forms of natural light as follows; sunlight received by residential properties' main amenity spaces; and daylight received by neighbouring windows serving habitable rooms. The guidance details the 25 degree and 45 degree assessment to measure the impact of loss daylight as a consequence of a development. This guidance additionally states that proposed developments should allow for the centre point of neighbouring properties' amenity spaces to continue to receive more than two hours of sunlight (calculated on 21st March). Fife Council's Minimum Distance between Window Openings (2011) guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the angle between the windows increases. If there is a road or pavement between the existing and proposed properties, or a permanent high barrier, the distances can be less.

2.7.8 Fife Council's Planning Customer Guidelines on Garden Ground advises that all new detached and semi-detached dwellings should be served by a minimum of 100 square metres of private useable garden space; with 50 square metres for terrace properties; and that a building footprint to garden space ratio of 1:3 is required. Garden ground provision does not include space for garages, parking or manoeuvring vehicles.

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

2.7.10 The modelled noise levels reported in the NIA illustrated that several of the (indicative) plots facing the Cupar Road and Abbey garage would fail to achieve the recommended WHO daytime noise levels for external garden areas and internal night-time levels (with windows partially open for ventilation). To effectively mitigate exceedances in external levels, the NIA recommended that the properties facing the Cupar Road should have the gardens re-oriented to behind the buildings,

whereby the buildings would act as a shield to provide the additional attenuation required. In addition, a recommendation was also made for the erection of a barrier (in the form of a close-boarded timber fence with a surface density of at least 20 kg/m<sup>2</sup>) around the garden boundary of the properties facing Abbey Garage (Plots 21-24).

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

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

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

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

required for the proposed employment land part of the masterplan. This further NIA shall consider the potential impacts of employment based land uses on existing neighbouring properties and the 34 units proposed in this application (should members decide to go against the Officer recommendation). Planning conditions would be able to secure this.

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

2.7.16 With regard to privacy/window-to-windows distances within the site, the proposed development has been laid out in such a way to either meet the minimum distances/angles recommended in the Fife Council Customer Guidelines, or makes use of intervening roads or permanent boundary treatments to prevent direct views between windows and into private garden areas. Additionally, it is calculated that, given the distance between the proposed dwellings (as well as area of open space) and existing properties, with intervening boundary treatments, the privacy of neighbouring properties would not be adversely impacted by the proposed development. Furthermore, it is calculated that the layout of the proposed development would ensure that the habitable rooms of each dwelling would receive adequate daylight, whilst neighbouring residential properties would not experience a loss of daylight. Lastly, given the layout of the proposed development, path of the sun and position of neighbouring amenity spaces, it is considered that neighbouring properties would not be subjected to material loss of sunlight.

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

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



the acceptability of development with regard to residential amenity, this is not considered to be the determining factor in the assessment of this application and the application is recommended for refusal.

## 2.8 LOW CARBON FIFE

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

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

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

2.8.4 Information required by Fife Council's Low Carbon Sustainability Checklist for Planning Applications has been submitted as part of this application. The information submitted details that the proposed development would contain solar PV panels, whilst the generally north-south orientation would allow properties to benefit from natural solar gain. The information submitted details that the proposed development would adopt a 'fabric first' approach, making use of high levels of insulation to minimise heat loss. This approach would reduce the energy consumption of the dwellings to a minimum, with the small amount of energy required to heat the buildings partly produced using low carbon technologies, namely solar PV panels. The proposed solar panels would contribute to the 20% CO<sub>2</sub> emissions reduction target. To off-set the closed panel construction and low infiltration rates, the proposed dwellings would feature centralised mechanical extract units, strategically located trickle ventilators and extract points and, in some case, individual constantly running extract units. This ensures that the ventilation and extract rates are accurately controlled, provide a comfortable indoor environment, and contribute to the energy efficiency of the dwellings. There would be sufficient internal and external spaces for the storage of mixed recycling facilities consistent with current Building Standards. With regard to travel and transport, it is acknowledged that the application site is located within close proximity to bus stops along Cupar Road and is within walking distance to the town centre and local amenities, including the primary school. Lastly, the submitted information contains supporting calculations to confirm that it would not be viable to install a heat work to serve the proposed development given the low output from the neighbouring distillery which was identified as potential source; the Planning Authority is accepting of these calculations.

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

## 2.9 CONTAMINATED LAND

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

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

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

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

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

## 2.10 FLOODING AND DRAINAGE

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

2.10.2 The SPP (Managing Flood Risk and Drainage) indicates that the planning system should promote a precautionary approach to flood risk taking account of the predicted effects of climate

change; flood avoidance by safeguarding flood storage and conveying capacity; locating development away from functional flood plains and medium to high risk areas; flood reduction: assessing flood risk and, where appropriate, undertaking flood management measures. Development should avoid an increase in surface water flooding through requirements for Sustainable Drainage Systems (SuDS) and minimising the area of impermeable surface.

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

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

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

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

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

2.10.8 Fife Council's Structural Services Officers were consulted on this application. With regard to the submitted FRA, the Structural Services Officer did not raise any concerns with the findings, conclusions or layout of the proposed development, however they did note completed FRA compliance and independent check certificates (contained within Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)) had not been provided. The Planning Authority would normally request that this information be provided prior to determination, and whilst it has not been submitted at the time of writing, the information has been requested to be submitted prior to the committee meeting – Members shall be updated on the submission of this information verbally at the committee meeting.

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

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

## 2.11 TREES

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

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

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

which accompanies living in close proximity of large trees. These threats can however be reduced by orientating proposed properties to remove any perceived overbearing impacts from the trees.

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

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

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

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

2.11.8 In conclusion, the proposed development and masterplan are deemed to be acceptable with consideration to existing trees within and surrounding the allocated sites. This is not however considered to outweigh the recommended refusal of the application for the reasons set out above. Should members choose to overturn the Officer recommendation, it is recommended that conditions be included to ensure protective fencing is erected to protect neighbouring trees during construction works, and for appropriate buffers to be maintained between development proposed in the masterplan and trees surrounding the NEB001 site.

## 2.12 NATURAL HERITAGE

2.12.1 Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011), and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.12.2 Policy 13 of the FIFEplan (2017) states that where a proposed development will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Where adverse impacts on existing assets are unavoidable the Planning Authority will only support proposals where these impacts will be satisfactorily mitigated. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Making Fife's Places Supplementary Guidance. Where the proposed development would potentially impact on natural heritage assets (including species), a detailed study must be undertaken by a suitably qualified person detailing the potential impact of the development.

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

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

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

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

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

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

As discussed in detail earlier in this response, the proposed development would include a row of mature trees along the north side of Cupar Road on approach to Newburgh. Whilst this would not meet the original recommendation of FIFEplan (2017), it is considered that the proposed tree belt and landscaping throughout the application site would result in biodiversity enhancement of the site in comparison to the existing grassland. Detailed landscaping proposals and a maintenance schedule could be secured via planning conditions and it is recommended the Members include such conditions should they overturn the Officer recommendation to refuse the application.

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

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

2.12.9 In conclusion, the proposed development would not give rise to any adverse natural heritage or protected species impacts, whilst proposing suitable biodiversity enhancement which meets the green network requirements for the site. The proposed development is therefore considered to be acceptable in this regard. Should members choose to overturn the Officer recommendation, it is recommended that conditions be included to secure the formation and maintenance of the landscaping and trees.

## 2.13 AFFORDABLE HOUSING

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

2.13.2 PAN 2/2010: Affordable Housing and Housing Land Audits provides advice on how the planning system can support the Government's commitment to increase the supply of affordable housing. Policy 1 of FIFEplan (2017) states that development proposals must meet the requirements for affordable housing. Policy 2 of FIFEplan sets out that open market housing developments must provide affordable housing at the levels for each Housing Market Area (HMA), consistent with the Affordable Housing Supplementary Guidance. Such affordable housing units must be fully integrated into development sites and be indistinguishable from other housing types. In order to achieve mixed and balanced communities, mixed tenure developments will be promoted. Off-site contributions shall be sought for developments comprising of 10-19 units in urban areas. Fife Council's Supplementary Guidance on Affordable Housing (2018) sets out that housing proposals must accord with the Fife Local Housing Strategy (2015-2020). The Supplementary Guidance further sets out that affordable housing units provided on site should be fully integrated into the development and be visually indistinguishable from market housing, with an approximate density of 30 units per hectare.

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

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

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

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

2.13.7 In conclusion, as the proposed development is for affordable housing, the mix and type of which has been agreed with Housing Services, there would be no requirement for the applicant to



provide additional affordable housing contributions at this time if this application were to be approved. Additional affordable housing units would be required if more than 170 market units were delivered by the applicant.

## 2.14 DEVELOPER CONTRIBUTIONS

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

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

2.14.3 Policy 1, Part B, of the FIFEplan advises that development proposal must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure. Policy 4 of the FIFEplan advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments will be exempt from these obligations if they proposals for affordable housing.

2.14.4 Fife Council's Planning Obligations Supplementary Guidance (2017) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance sets out when planning obligations will be sought, where exemptions will apply and how methodologies will be applied when considering the 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.

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

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

## 2.14.7 DEVELOPER CONTRIBUTIONS: EDUCATION

2.14.8 The Planning Obligations Supplementary Guidance (2017) advises that new residential developments across Fife will have an impact on the school estate and certain types of development will be required to provide education contributions where there is a shortfall in local school capacity. These contributions will only be required when the need for additional school capacity is brought about directly through the impact of the development and these obligations will take the form of either direct school and nursery provision or financial contributions towards the cost of creating additional capacity for increased pupil numbers. Affordable housing is exempt from contributions towards education, unless there is a critical capacity risk within a school in the catchment. Critical capacity is defined as where there is an expected shortage of school places within two years from the date of the education assessment, due to the cumulative impact of development within the relevant school catchment. In these instances, where critical capacity is an issue, the Council may have to refuse an application unless the capacity issue can be addressed through the provision of planning obligations in line with the methodologies included in the Planning Obligations Framework Supplementary Guidance (2017).

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

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

### Newburgh Primary School

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

### Bell Baxter High School

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

### St Columba's Roman Catholic Primary School

At the Pupil Census there were 237 pupils on the school roll organised in 9 classes in accordance with class size regulations. The school has 10 class areas available which would provide capacity

for a maximum of 292 pupils only if all classes are 100% full at all stages across the school. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at St Columba's Roman Catholic Primary School.

#### St Andrew's Roman Catholic High School

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

#### Howe of Fife local nursery area

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

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

#### 2.14.12 DEVELOPER CONTRIBUTIONS: OPEN SPACE AND PLAY AREAS

2.14.13 Policy 1 (Part C, criterion 4) of the FIFEplan requires proposals to provide green infrastructure in accordance with the Green Network Map. Policy 3 of FIFEplan (2017) ensures that new development makes provision for infrastructure requirements to support new development; including green infrastructure and green network requirements such as open space and amenity space. As detailed in The Planning Obligations Supplementary Guidance (2017), open space provides one part of the strategic green infrastructure requirement for a site, it is space designed for people to undertake recreational activity. Green infrastructure also includes structural landscaping, amenity planting, sustainable drainage systems, paths, and community growing spaces.

2.14.14 Making Fife's Places Supplementary Guidance (2018) sets out that the requirement for open space provision should be assessed on a case by case basis taking into account any existing greenspaces, play areas and sports facilities which may serve the proposed development. If there are existing open space facilities located within easy walking distance, along a safe and attractive

route; then it may be more appropriate for a new proposal to contribute to improvements to existing nearby spaces and facilities rather than providing additional open space onsite.

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

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

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

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

#### 2.14.19 DEVELOPER CONTRIBUTIONS: PUBLIC ART

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

2.14.21 The Planning Obligations Supplementary Guidance (2017) and Making Fife's Places Supplementary Guidance (2018) state that contributions will be sought from major applications for housing. In these cases, the required contribution would be £300 per unit. This includes market

units only; affordable units would be exempt from this requirement. This can be in the form of pieces of physical art, enhanced boundary treatment, enhanced landscaping etc. The Planning Obligations Supplementary Guidance (2017) sets out that once the financial contributions have been established, the public art element of the development should in general be integrated into the overall design of the proposal rather than providing a sum of money to be spent separately.

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

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

2.14.23 Public art that is commissioned for a particular site must be relevant to the context of that location and to its audience - the public or community who occupy, use or see into that space. The main objective of public art is to enhance the quality of a place, so it must be an integral part of the design process for the overall development and considered from the outset. It is closely related to urban design in the consideration of issues and design principles.

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

## 2.15 HOUSE IN MULTIPLE OCCUPATION (HMO)

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

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

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

## 2.16 ARCHAEOLOGY

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

2.16.2 FIFEplan Policy 14 states that all archaeological sites and deposits, whether statutorily protected or not, are considered to be of significance. Development proposals which impact on

archaeological sites will only be supported where: remains are preserved in-situ and in an appropriate setting or there is no reasonable alternative means of meeting the development need and the appropriate investigation, recording, and mitigations is proposed. If unforeseen archaeological remains are discovered during development, the developer is required to notify Fife Council and to undertake the appropriate investigations.

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

2.16.4 Should members decide to overturn the Officer recommendation, it is recommended that a condition for an archaeological survey to be carried out prior to development commencing be included.

## CONSULTATIONS

Scottish Water	No objections.
Archaeology Team, Planning Services	No objections. Condition recommended.
Land and Air Quality, Protective Services	No objections. Condition recommended.
Policy and Place Team (North East Fife Area)	No comment.
Education (Directorate)	Overview of education infrastructure provided. No contribution required at this time.
Housing and Neighbourhood Services	Affordable housing mix presented is consistent with local identified need.
Structural Services - Flooding, Shoreline and Harbours	No objection. Certificates and scaled drawings requested.
Parks Development and Countryside	No comment.
Natural Heritage, Planning Services	No comment
Environmental Health (Public Protection)	No objections providing Planning Authority are satisfied exceptional criteria is met. Acoustic barrier and further clarification of alternative ventilation recommended.
Transportation, Planning Services	No objections. Conditions recommended.
Urban Design, Planning Services	Do not support.
Transportation and Environmental Services - Operations Team	No comment.
NatureScot	No comments.
Network Rail	No comments/objection.

Historic Environment Scotland	Do not object, recommended that Planning Authority request further information to assess impact on historic environment.
Built Heritage, Planning Services	Further information requested to assess impact on historic environment.
Business and Employability	Support location of employment area.
Scottish Environment Protection Agency	No comment.
Community Council	Object as statutory consultee.

## REPRESENTATIONS

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

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

1. Design, layout and density of proposed development not in-keeping with settlement pattern
  - The individual design of the proposed dwellings is not considered to be of concern, however as expressed throughout this report, the proposed cul-de-sac layout of the development is not considered to be acceptable.
2. Impacts on wildlife
  - Information has been submitted to confirm that the proposed development would not have an adverse impact on ecology or wildlife. See section 2.12 of this report for further information.
3. Increase in traffic congestion
  - A Transport Statement has been provided to support the application which confirms the existing surrounding road network would be able to cope with the additional traffic generated from the proposed development.
4. Noise pollution from construction
  - Were this application to be approved, the site contractors would be bound by Environmental Health legislation when carrying out work.
5. Impacts from construction traffic using Abbey Road
  - Were this application to be approved, a planning condition could ensure a traffic management plan is prepared to ensure minimum disruption to residents and road users in the vicinity of the site.
6. Impact on setting of Newburgh on approach from east
  - The proposed development would not reflect the wider rural character of the approach to Newburgh from the east as a key entrance to the village and by failing to create a strong landscape edge along the eastern boundary, the development proposal would not provide a

positive rural to urban transition as the new edge of the village. See section 2.3 of this report for further information.

7. Development would lead to increased flood risk

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

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

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

9. Neighbouring properties not notified

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

10. Public consultation was inadequate

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

## CONCLUSIONS

Whilst it is considered that the proposed development would not raise any adverse concerns with respect to residential amenity, flooding, natural heritage, the historic environment or low carbon targets, it is considered that the application proposal, through its cul-de-sac layout, lack of pedestrian thoroughfares and public realm, approach to off-street parking, and failure to provide an appropriate eastern edge to the settlement, would be contrary to Scottish Planning Policy (2014), Policy 2 of TAYplan (2017) Policies 1, 10, 13 and 14 of the FIFEplan Local Development Plan (2017) and Making Fife's Places Supplementary Guidance (2018).

## RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of visual amenity and placemaking; the cul-de-sac layout of the proposed residential development, with no pedestrian thoroughfares and streets visually dominated by parked cars and timber fences, is not acceptable and does not adhere to the principles of good placemaking as it would not promote a positive public realm for users of the space, nor does it comply with the six qualities of successful places, undermining Fife's Spatial Strategy. The application proposal is therefore contrary to Scottish Planning Policy (2014); Designing Streets (2010); Policy 2 of TAYplan (2017), Policies 1, 10 and 14 of the Adopted FIFEplan Local Development Plan (2017); and the Adopted Fife Council Making Fife's Places Supplementary Planning Guidance (2018).
2. In the interests of visual amenity and placemaking; the application proposal, through its choice of boundary treatments, massing and general form, would not reflect the wider rural character of the approach to Newburgh from the east as a key entrance to the village. By failing to create



a positive landscape edge along the eastern boundary, the development proposal would not provide a positive rural to urban transition as the new edge of the village, a green network priority identified in FIFEplan Local Development Plan (2017). The application proposal is therefore contrary to Scottish Planning Policy (2014); Policies 1, 10, 13 and 14 of the Adopted FIFEplan Local Development Plan (2017); and the Adopted Fife Council Making Fife's Places Supplementary Planning Guidance (2018).

3. In the interests of visual amenity and placemaking; the development proposal would not adhere to the principles of good placemaking as it would not promote a positive public realm for users of the space, failing to comply with the six qualities of successful places and as a result would undermine Fife's Spatial Strategy. In addition to this, by failing to create a strong landscape edge along the eastern boundary, and not providing a positive rural to urban transition as the new edge of the village, the application proposal would have an adverse impact which would outweigh the benefits of addressing the small housing shortfall in the Greater Dundee Housing Market Area. The application proposal is therefore contrary to Scottish Planning Policy (2014); Designing Streets (2010); Policy 2 of TAYplan (2017); Policies 1, 2, 10, 13 and 14 of the Adopted FIFEplan Local Development Plan (2017); and the Adopted Fife Council Making Fife's Places Supplementary Planning Guidance (2018).

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

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

### National Guidance:

Scottish Planning Policy (2020)

PAN 1/2011: Planning and Noise

PAN 2/2010: Affordable Housing and Housing Land Audits

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

Scottish Government Designing Streets (2010)

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

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

Wildlife and Countryside Act 1981 (as amended)

Wildlife and Natural Environment (Scotland) Act (2011)

Nature Conservation Scotland Act 2004 (as amended)

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

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

### Development Plan:

TAYplan Strategic Development Plan (2017)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Affordable Housing Supplementary Guidance (2018)

Planning Obligations Supplementary Guidance (2017)

### Other Guidance:

Fife Council Transportation Development Guidelines

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

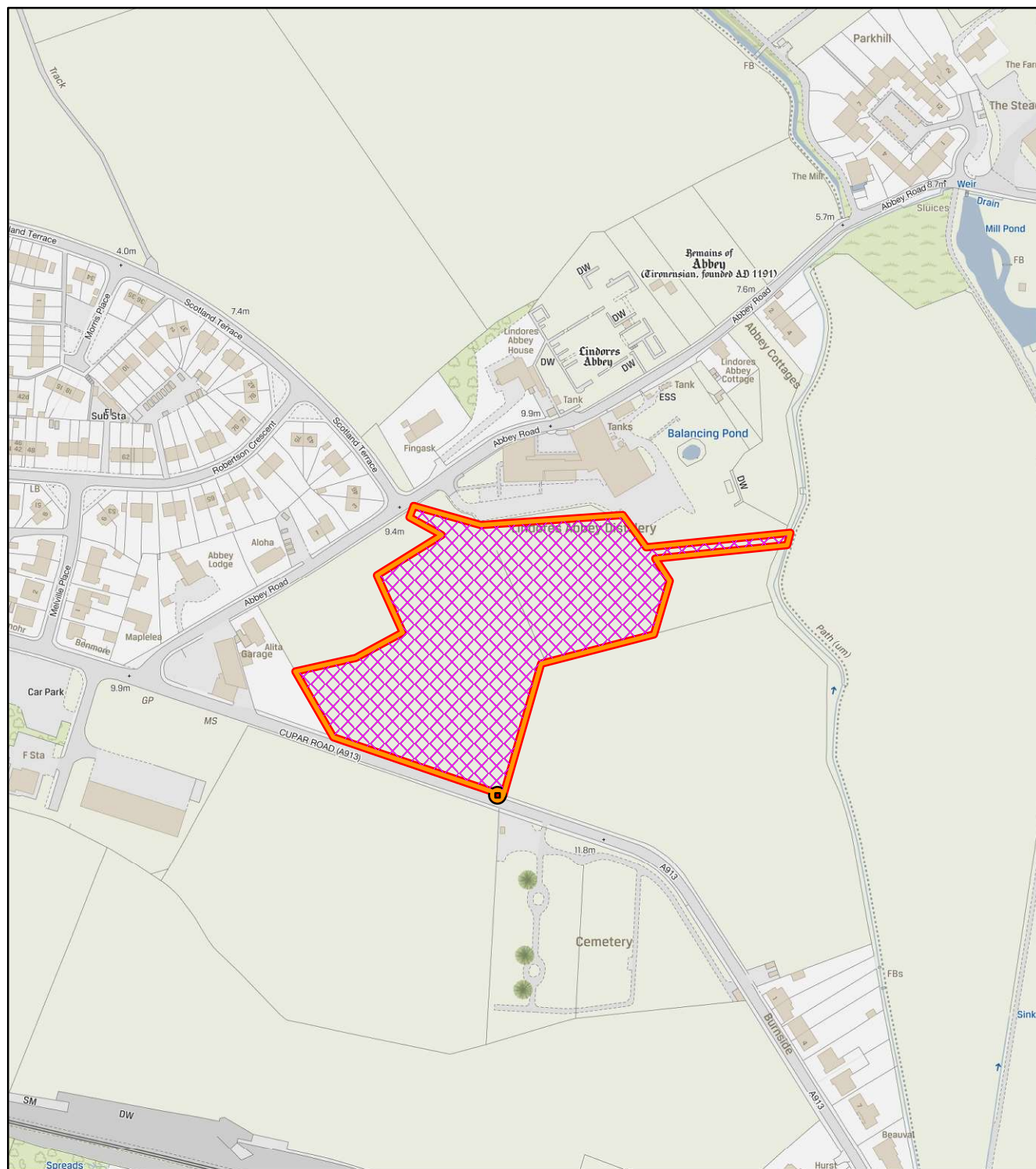
Fife Council Planning Customer Guidelines on Garden Ground (2016)  
Fife Council Planning Customer Guidelines on Daylight and Sunlight (2018)  
Fife Council Planning Customer Guidelines on Minimum Distances between Window Openings (2011)  
Fife Council Strategic Housing Investment Plan 2021/22 - 2025/26  
Fife Council Housing Land Audit 2019  
Fife Council Local Housing Strategy 2020-2022

Report prepared by Bryan Reid, Planner  
Report agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 30/3/21

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# 21/00123/FULL

## Street Record Cupar Road Newburgh



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