

AGENDA

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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 8 October 2025. 5 – 7
4. **25/01711/CON - THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017 APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989** 8 – 32  

Application for the proposed West Springfield Solar PV and Battery Energy Storage at Scottish Government Consultation, Fife.
5. **25/01680/FULL - CRAIL AIRFIELD, BALCOMIE ROAD, CRAIL** 33 – 59  

Change of use from former military cinema/gym (Class 11) to wet weather hall/mixed use events space (sui generis) with ancillary cafe, offices and outdoor seating and play area and external alterations including extension to rear, installation of rooflights, rainwater goods, windows and doors and air source heat pump, re-roofing/rendering and formation of timber decking, hardstanding and car parking/access with associated infrastructure and landscaping.
6. **25/01300/FULL - WATTS OF CUPAR, STATION ROAD, CUPAR** 60 – 91  

Change of use and extension to nightclub (Class 11) to form mixed use development (Class 1A, Class 3, Class 11), erection retail property (Class 1A), erection of cafe (Class 3) with ancillary drive through (Sui Generis), including formation of car parking, and associated works.
7. **25/01299/CAC - WATTS OF CUPAR, STATION ROAD, CUPAR** 92 – 101  

Conservation area consent for demolition of nightclub extension, and 2 no. commercial properties.
8. **25/01298/LBC - WATTS OF CUPAR, STATION ROAD, CUPAR** 102 – 116  

Listed Building Consent for internal and external alterations to property, including demolition of existing extension, erection of extension.

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<b>9. 25/01829/FULL - KINCAPLE LODGE, KINCAPLE, ST ANDREWS</b>	117 – 131
Single storey extension including dormer extensions to side of dwellinghouse.	
<b>10. 25/01342/FULL - 5 NELSON STREET, ST ANDREWS, FIFE</b>	132 – 142
Change of use of dwellinghouse (Class 9) to 2 no. flatted dwellings (Sui Generis) and external works including erection of two-story extension.	
<b>11. 25/01360/FULL - ELIE HOLIDAY PARK, EASTER GRANGE, EARLSFERRY</b>	143 – 156
Change of use of land to allow siting of mobile sauna unit and associated works (retrospective).	
<b>12. 25/00591/FULL - LAND ADJACENT TO THE WEST OF 33 KIRK ROAD, NEWPORT ON TAY</b>	157 – 171
Change of use of land to allow siting of mobile sauna unit and associated works.	
<b>13. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.</b>	

<https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2>

**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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29 October 2025

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## **BLENDED MEETING NOTICE**

This is a formal meeting of the Committee and the required standards of behaviour and discussion are the same as in a face to face meeting. Unless otherwise agreed, Standing Orders will apply to the proceedings and the terms of the Councillors' Code of Conduct will apply in the normal way

For those members who have joined the meeting remotely, if they need to leave the meeting for any reason, they should use the Meeting Chat to advise of this. If a member loses their connection during the meeting, they should make every effort to rejoin the meeting but, if this is not possible, the Committee Officer will note their absence for the remainder of the meeting. If a member must leave the meeting due to a declaration of interest, they should remain out of the meeting until invited back in by the Committee Officer.

If a member wishes to ask a question, speak on any item or move a motion or amendment, they should indicate this by raising their hand at the appropriate time and will then be invited to speak. Those joining remotely should use the "Raise hand" function in Teams.

All decisions taken during this meeting, will be done so by means of a Roll Call vote.

Where items are for noting or where there has been no dissent or contrary view expressed during any debate, either verbally or by the member indicating they wish to speak, the Convener will assume the matter has been agreed.

There will be a short break in proceedings after approximately 90 minutes.

Members joining remotely are reminded to have cameras switched on during meetings and mute microphones when not speaking. During any breaks or adjournments please switch cameras off.

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

**JP Court Room, County Buildings, Cupar**

**8 October 2025**

**1.30 pm – 3.20 pm**

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

**ATTENDING:** Alastair Hamilton, Service Manager Development Management, Martin McGroarty, Lead Professional, Development Management; Steven Paterson, Legal Team Manager, Planning and Environment, Lara Hunter, Solicitor and Diane Barnett, Committee Officer, Legal and Democratic Services.

**APOLOGY FOR ABSENCE:** Councillor John Caffrey.

**267. DECLARATIONS OF INTEREST**

No declarations of interest were submitted in terms of Standing Order No. 22.

**268. MINUTE**

The committee considered the minute of the meeting of the North East Planning Committee of 10 September 2025.

**Decision**

The committee approved the minute.

**269. 25/00591/FULL - LAND ADJACENT TO THE WEST OF 33 KIRK ROAD NEWPORT ON TAY**

The committee was advised that this application for the change of use of land to allow the siting of a mobile sauna unit and associated works had been withdrawn from consideration at this meeting.

**Decision**

The committee agreed to continue consideration of the application to a future meeting to allow officers to clarify land ownership.

**270. 25/01360/FULL - ELIE HOLIDAY PARK EASTER GRANGE EARLSFERRY**

**Motion**

Councillor Liston, seconded by Councillor Lawson, moved that this application relating to a change of use of land to allow the siting of a mobile sauna unit and associated works (retrospective) be continued to a future meeting as representations had not been available for members' consideration via the council Planning website.

**Amendment**

Councillor Knox, seconded by Councillor Tepp, moved as an amendment to proceed to consider the application.

**Roll Call Vote**

**For the Motion** – 8 votes.

Councillors Clark, Hayes, Kennedy, Kennedy-Dalby, Lawson, Liston, MacDiarmid and Verner.

**For the Amendment** – 4 votes.

Councillors Hoggan, Knox, Lothian and Tepp.

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

**Decision**

The committee agreed to continue consideration of the application to a future meeting.

**271. 25/00417/EIA - BALMULLO QUARRY LUCKLAW QUARRY ROAD LUCKLAW**

The committee considered a report by the Head of Planning Services relating to an Environmental Impact Assessment application for the first periodic review of planning conditions of Mineral Permission 05/00835/EEIA - ROMP application under Section 74 of the Town and Country Planning (Scotland) Act 1997.

**Decision**

The committee approved the application subject to:-

- (1) the 24 conditions and for the reasons detailed in the report; and
- (2) the conclusion of a Minute of Variation in respect of the existing Section 75 to update various planning obligations currently contained therein.

*Councillor Holt left the meeting during consideration of the above item.*

**272. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**

**Decision**

The committee noted the list of applications dealt with under delegated powers since the previous meeting.

Committee Date: 05/11/25

Agenda Item No. 4

**25/01711/CON - The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 Application for consent under Section 36 of the Electricity Act 1989 for the proposed West Springfield Solar PV and Battery Energy Storage at Scottish Government Consultation, Fife,**

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Report by: Pam Ewen, Head of Planning Services

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Wards Affected: Cupar

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**Purpose**

The purpose of this report is to seek the Committee's agreement on the Council's proposed formal response to the consultation from Scottish Ministers under Section 36 of the Electricity Act, 1989. The Scottish Ministers are responsible, under Section 36 of the Electricity Act 1989, for the authorisation of any new, or extensions to existing, electricity generation schemes with a generation capacity in excess of 50 Megawatts (MW).

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**Recommendation(s)**

To agree with the conclusions set out in the report and make additional comments as appropriate to enable the submission of the consultation response as the formal position of Fife Council to Scottish Ministers

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**Resource Implications**

In terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 as amended, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission with conditions. The Planning Authority would be tasked with subsequently enforcing any conditions of the deemed planning permission, in a similar way to where conditions are imposed by a Reporter on appeal.

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**Legal & Risk Implications**

Fife Council is being consulted as part of the determination process for the Section 36 (S36) application. Fife Council is not the determining Authority with regard to this application and is responding to The Scottish Government's Energy Consent Unit (ECU) as a Statutory Consultee. All other statutory consultees will be submitting individual comments and views direct to the ECU. If the Council as a Statutory Consultee is minded to object to the proposals, Scottish Ministers shall be required to convene a Public Inquiry unless the areas of objection can be satisfactorily addressed through modifications to the proposal or the imposition of appropriate conditions.



## Consultation

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Internal consultation was undertaken with officers from:

Consultee	Comments
Fife Council's Archaeology Officer	No objections subject to condition
Fife Council's Land and Air Quality Team	No objections
Fife Council's Natural Heritage Officer	No objections subject to conditions
Fife Council's Structural Services Team	No objections
Fife Council's Transportation Development Management Team	No objections subject to condition
Fife Council's Tree Officer	No objections subject to condition

In addition, the following organisation responded directly to consultation by the ECU:

BT	No objections
Coal Authority	No objections
Edinburgh Airport	No objections
Health and Safety Executive	No objections
Historic Environment Scotland	No objections
Ministry of Defence	No objections
NATS	No objections
NatureScot	No objections subject to conditions/legal agreement
National Gas Transmission	No objections
Network Rail	No objections subject to conditions
Office for Nuclear Regulation	No objections
Scottish Gas Network	No objections
Scottish Water	No objections
SEPA	No objections
Transport Scotland	No objections

## 1.0 Background

### 1.1. Site and Surroundings

1.1.1. The site comprises of agricultural farmland occupying an area of approximately 101 ha within the Rankeilour Estate. The application site is outwith any settlement boundaries and is therefore considered to be located within the countryside as defined within the Adopted FIFEplan 2017. The site is situated approximately 300m west of the settlement of Springfield, 1.2km to the north of Pitlessie, 1km northeast of Ladybank and 1.1km south-east of the hamlet of Bow of Fife. The site comprises of agricultural fields enveloped by mature woodland to the north, south and west. The Rankeilour Burn transects the site from north to south but is mainly outside the Site boundary. The closest residential properties are Rankeilour House and Rankeilour Steadings (Stable Cottage) located centre and north of the site boundary (130m north), Peterhead located in the centre but outwith the site boundary (25m), East Lodge (130m north) and at Main Street, Springfield (20m east). Core Footpath P166/01 (Springfield to Sweetholm) crosses the Site from east to west, along the south boundary. The site does not overlap with any statutory nature conservation designations.

## 1.2. The Proposal

1.2.1. This application seeks temporary consent, for a period of 40 years, for the development of a ground mounted solar array and battery energy storage system (BESS) with a storage capacity of 35 megawatts, ancillary equipment and associated works. The proposed development would include the following

- A ground mounted solar array orientated in a southerly direction and associated electrical equipment with a build out capacity of approximately 65 MW. The freestanding solar panels would have a maximum height of 2.67 metres above ground level (AGL). The development would also include string inverters, located at the rear of the mounting frames and field transformers;
- A battery energy storage system (BESS) and compound with a site area of approximately 3,200m<sup>2</sup> and capacity of 35 megawatts. This would include approximately 24 BESS containers, with footprints of 26sqm and height of 2.6m as well as associated Power Conversion System (PCS) units (6 in total). The PCS units would be located adjacent to the BESS containers to allow batteries to switch between inverter and charger modes. These units measure approximately 2.3m in height with footprints of 50sqm.
- Other associated infrastructure including distribution network operator (DNO) substation compound (21m<sup>2</sup> and 2.7 in height), customer (private) substation compound (21m<sup>2</sup> and 2.7m in height), communications and spares containers (7.2m<sup>2</sup> and 2.9 in height) and on-site cabling.
- New vehicular access from the C13 Main Street at the northeastern corner of the site. This new access would be the only access used during construction and the main access when operational. However, operational access would also be provided from the existing access on the U105 to Peterhead Farmhouse to the south-west of the site. Moreover, two emergency accesses approximately 130m north and south of the main access on the C15 would also be formed. All onsite tracks will comprise of compact aggregates
- Additional associated works including temporary construction compound, security palisade fencing (c.2.4m high) and double leaf access gate (c.5m wide), welfare containers (15m<sup>2</sup> and 2.9 in height) and a number of strategically located CCTV security cameras mounted on 4.5m high galvanised steel posts.

## 1.3. Planning History

1.3.1. There is no relevant planning history for this site.

## 1.4. Application Procedures

1.4.1. Applications which relate to development contributing to 'Strategic Renewable Electricity Generation and Transmission' which have a capacity of greater than 50MW are made to the Scottish Ministers for determination under Section 36 of the Electricity Act 1989. These cases are administered by the Energy Consents Unit. In terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 as amended, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission with conditions.

1.4.2. Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (NPF4) (2023) and FIFEplan Local Development Plan (2017). 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.

- 1.4.3. As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of NPF4 and a provision of the LDP, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.
- 1.4.4. Local Place Plans registered through Fife Council will not be part of the 'development plan' as defined by the Planning Act but will feed into the preparation of Fife's Local Development Plan 2, which is at the early stages of preparation. The Local Place Plan is a material planning consideration in the assessment of planning applications but given the early stages of LDP2 and that the Development Plan remains the starting point for decision-making in the planning process, it is considered that the material weight given to the Local Place Plan at this stage is limited and this proposal is acceptable in terms of the relevant planning policies.

## **2.0 Assessment**

- 2.1 The matters to be assessed against the development plan and other material considerations are:
  - Principle of Development
  - Landscape and Visual Impact
  - Impact on setting of Scheduled Ancient Monuments and Listed Buildings
  - Natural Heritage and Trees
  - Residential Amenity
  - Transportation & Road Safety
  - Flood Risk and Drainage
  - Contaminated Land and Air Quality
  - Economic and Community Benefit
  1. Decommissioning of the Site

### **2.2. Principle of Development**

- 2.2.1. Policies 1, 2, 3, 5, 11, 25 and 29 of NPF4, Policies 1, 3, 7, 11 and 13 of the Adopted FIFEplan (2017), Making Fife's Places Supplementary Guidance (2017) and Low Carbon Supplementary Guidance (2019) apply in regard to the assessment of the principle of development.
- 2.2.2. The proposed development would provide for both the generation of electricity using solar panels and for the storage of energy in battery units to accommodate fluctuations in levels of energy supply and demand. This type of combined generation and storage facility is key to providing balance and stability in a National Grid increasingly reliant upon renewable sources, whilst minimising the impacts of increasing demand on the network transmission infrastructure. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019. Given the drive towards a low carbon economy, the proposed development is generally supported, however further consideration of the principle of the specific land uses for the proposal must be considered.

- 2.2.3. As directed by Policy 11 of NPF4, as a proposal for electricity generation and battery energy storage, the contribution the proposed development can make towards the renewable energy generation targets and greenhouse gas emissions reduction targets shall be given significant weight when considering the principle of development. NPF4 also sets out that this proposal would contribute to 'Strategic Renewable Electricity Generation and Transmission' as it is for onshore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity. The proposal is, therefore, designated as a national development. NPF4 advises that a large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets, whilst, certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require.
- 2.2.4. Policy 11 of NPF4 also sets out that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The policy further states that project design and mitigation will demonstrate how various material impacts are addressed. The net economic and socio-economic benefits, design and how the development responds to material impacts shall be assessed in full under the relevant headings of this report.
- 2.2.5. The application site is located outwith any settlement boundary as identified within FIFEplan (2017). Policy 29 (a) of NPF4 provides support for essential infrastructure applications within the countryside, whilst Policy 11 of NPF4 provides support in principle to new transmission and distribution infrastructure providing the proposal is designed to address its impacts, with significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 1 and 7 of FIFEplan similarly provide support for developments which have a proven need to be located in the countryside. Policy 11 (Low Carbon) of the LDP also states that development of low carbon energy scheme will be supported provided the proposals do not result in unacceptable significant adverse effects or impacts which cannot be satisfactorily mitigated, giving due regard to relevant environmental, community and cumulative impact considerations. Fife Council's Low Carbon Supplementary Guidance (2019) also advises that consideration of the scale of contribution to renewable energy generation targets and the effect of proposals on greenhouse emissions shall form part of the assessment process. NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. It is accepted that this type of infrastructure may have a proven need for a countryside location. This proposal is, therefore, considered to be essential infrastructure and can be broadly supported at this location.
- 2.2.6. Policy 5(b) of NPF4 advises that development proposals on prime agricultural land will only be supported where (amongst other exceptions) it is for essential infrastructure and there is a specific locational need and no other suitable site, or the generation of energy from renewable sources and there is secure provision for restoration. Similarly, Policy 7 of FIFEplan advises that development on prime agricultural land will not be supported except where it is essential for the generation of energy from a renewable source where this accords with other policy objectives

and there is a commitment to restore the land to its former status within an acceptable timescale.

- 2.2.7. The submitted planning statement advises that the proposal would help meet the UK and Scottish Government's renewable energy targets. The statement further advises that the annual power output of the proposed development is estimated at approximately 60,300 MWh/pa, which would provide enough electricity to power approximately 23,000 average Scottish households. In terms of site selection, the Planning Statement advises that the site was specifically chosen due to its proximity to the grid connection and as well as benefitting from existing natural screening. It is advised that in order for the development to remain economically viable, the site needs to be located as close as possible to the operational Cupar substation (located approximately 3km to the northeast as the crow flies to avoid unnecessary cable runs). Any distance greater than 5km is deemed to be economically unviable.
- 2.2.8. The application site is made up of a mixture of grade 2 and 3.1 agricultural land (per the James Hutton Institute), as well as a small portion (1%) of built-up land. The majority of the site is classified as Grade 3.1, with around 74.5% of the land in that category, with 24.5% being 2. It is understood that the solar panels would be raised, thereby allowing for the opportunity for sheep grazing to be carried out within the application site (excluding the BESS and substation area) during the lifetime of the development. Whilst the potential for sheep grazing has its benefits, crop harvesting would not be possible for the lifetime of the development (maximum of 40 years), however it is recognised that the development could be reversed in a fairly short timescale with minimal impact on the productivity of the land and allow for crop harvesting to take place in the future. The land could also be reinstated for agricultural use before the 40 year period should the developer and landowner choose to do so. The grassland use of the land during the operational period could also offer potential benefits to soil health through the increase in soil organic matter, improvement in soil structure and improvement in the biological function of the soil. These benefits would offer benefits to the potential productivity of the land following the decommissioning of the solar array. Noting the above and giving significant weight to the global climate crises and contribution of the proposal to renewable energy generation targets, the principle of locating the proposed development in the chosen countryside location is accepted.
- 2.2.9. It is also proposed that the development would operate for a temporary period of 40 years, and it is expected that on expiry of the temporary period, the development will be dismantled, removed from the site and the site fully reinstated. A condition is, therefore, recommended requiring that on expiry of the temporary period, the solar panels, battery storage facility and ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.
- 2.2.10 Taking all of the above into account, the principle of the proposed development accords with the Development Plan policy framework covering the site as identified in NPF4 (2023) and the adopted FIFEplan Local Development Plan (2017). This is subject to compliance with other elements of the planning policy framework covering the site, and these matters are considered in the following sections of this Committee Report.

## 2.3. Landscape and Visual Impact

- 2.3.1. NPF4 (2023) Policies 4, 11, 14 and 20, FIFEplan (2017) Policies 1, 10, 11, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), NatureScot's Landscape Character Assessment of Scotland (2019) apply in regard to the assessment of this application.
- 2.3.2. Policy 11 of NPF4 states that project design and mitigation will demonstrate how visual impacts on communities and individual dwellings are addressed along with any significant landscape and visual impacts and cumulative impacts, recognising that such impacts are to be expected for some forms of renewable energy. Policy 11 further states that where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered acceptable.
- 2.3.3. A Landscape and Visual Impact Assessment (LVA) has been submitted with this application which sets out the proposed development and the landscape, visual and cumulative effects. The LVA advises that the development site is located within an agricultural landscape, comprising of 12 fields / land parcels divided by woodland belts and hedgerows. The site is surrounded and interspersed by tree belts and woodland blocks. The site is relatively level at 40m above ordnance datum (AOD) with slight ascent to the north east towards the northern edge of Springfield.
- 2.3.4. The LVA demonstrates the surrounding land from which the development would be seen and is informed by a 3km Zone of Theoretical Visibility (ZTV) from the application boundary, which includes photos taken from various different viewpoints and photomontages from each of these viewpoints showing a modelled visual impact of the proposal. The ZTV study has been modelled on the maximum development parameters available and the analysis was carried out using a topographic model that includes existing, mapped vegetation up to 12m in height and buildings or structural features up to 6m in height, in order to provide a more realistic indication of the potential visibility, in comparison to a bare ground ZTV that would only take into account landform.
- 2.3.5. The LVA advises that the landscape within the study area is characterised by three Landscape Character Types (LCTs), as per NatureScot's National Landscape Character Assessment (2022b). The site is located within a lowland river basins, which are characterised by flat, relatively low-lying landform and wide valley/basin contained by distant Foothills. The lowland river basins LCT is evaluated as having a medium sensitivity to the proposed development type. However, the LVA advises that high magnitude effects of the proposed development on landscape character, would be contained to within the site and its immediate proximity, (approximately 0.5km) occurring only in a localised extent of the Lowland River Basins LCT in the medium-term, until such time as the proposed mitigation planting develops and matures. Beyond this distance, effects on landscape character would rapidly decrease to a Negligible scale. The LVA advises that the intrinsic and prevailing characteristics of the Lowland River Basins LCT would not be discernibly affected by the proposed development. Moreover, the long-term effects, as proposed mitigation planting matures, would be of a low-negligible magnitude, resulting in minor/negligible effects.
- 2.3.6. The access tracks of the proposed development from the Main Street of Springfield, alongside the settlement, fall within the lowland hills and valleys LCT. The key characteristics of this LCT are variety and subtlety of landform, generally dominated

by open, regular farmland patterns of medium scale fields of arable and grasslands and extensive areas of forestry, shelter planting, roadside planting and policies linked to large estates. The lowland hills and valleys LCT is evaluated as having a low sensitivity to the proposed development type, with the development constituting a low magnitude of change to the landscape character due to the screening and backdrop provided by the existing woodland and hedgerows immediately adjacent to the access track proposed within the LCT. Whilst during the construction phase, the movement of machinery would be most visible in relation to activity on the access tracks within this LCT, the LVA advises that on completion, the hard surfaced access tracks would be attributable to a low magnitude of change, resulting in minor/negligible and not significant localised adverse landscape effects.

- 2.3.7. Finally, pronounced hills and crags LCT extends to the south of the A914, at a distance of approximately 1.6km from the site. Due to the low-lying nature of the proposed development and intervening landscape of the lowland river basins, the LVA concludes that there are unlikely to be any direct effects on the Pronounced Hills and Crags LCT or any indirect perceptual effects.
- 2.3.8. The potential visual receptors include residential receptors, users of nearby roads and users of nearby recreational routes. In terms of residential receptors, it was concluded that the potential visibility of the proposed development would primarily be concentrated in the immediate vicinity of the site, from the residential properties of Springfield. The LVA advises that on completion, the magnitude of change upon the closest properties (at a distance of 180m) along the western edge of Springfield, is considered medium-low, resulting in moderate, significant and adverse effects in the medium term. However, it is expected that the magnitude of change/impact would reduce over time as the proposed mitigation planting (native woodland and scrub planting) matures, resulting in negligible and not significant effects at year 15.
- 2.3.9. The LVA also assesses the potential visual impact of the development on Rose Cottage and Ballomill Farm. Rose Cottage is located to the west of the U105, which lines the western boundary of the proposed development site. This is also the location where a gap appears in the tree belt lining the road. Due to being set back from the site boundary, the LVA states that the solar panels would be seen through the intervening security fence at a distance of 90m on the backdrop of existing woodland. The landform rises towards Rankeilour Mains to the northeast. The solar panels would therefore become clearly visible due to their elevated location. However, as the main aspect of Rose Cottage is orientated to the south, towards its amenity area, the proposed development would be seen only when accessing/ exiting the property. The proposal would not appear in main views from the property, and the LVA advises that magnitude of change upon the Rose Cottage is considered low, resulting in moderate/minor, not significant, adverse effects in the medium term. In addition, it is expected that the magnitude of change/ impact would reduce over time as the hedgerow alongside the road matures, resulting in minor and not significant, neutral effects. The nearest residential property of Ballomill Farm is Ballomill House, situated 250m south-west of the site. Views of the site are restricted from Ballomill House due to other existing farm buildings, with parts of the site being more visible from the property's access track. Overall, the LVA concludes that due to low visibility from the access track, the magnitude of change is considered low, resulting in moderate/minor, not significant, adverse effects in the medium term. Over time, as the proposed hedgerow planting reaches maturity, there would be increased screening of the proposed development, resulting in a

low-negligible magnitude of change, resulting in Minor, not significant, neutral effects in the long term.

- 2.3.10 For road users of the main transport routes, the A91 at 1.2 km (at its closest point) to the north and the A914 at 1.4km (at its closest point) to the south of the site, the significance of the effect would be negligible due to the distance and intervening vegetation. The U105 connecting the A91 and A914 runs along the western boundary of the site. The LVIA concludes that the magnitude of change to the U105 is low-negligible, due to the nature of views, being oblique and transient and limited to a short section of the overall length of the route, thereby resulting in negligible effects.
- 2.3.11 The Cupar to Edinburgh Network Rail Scotland railway route neighbours the southern boundary of the site. The LVA advises that people travelling on this route may have partial views of sections of the proposed development, however, these would be over a short section of approximately 700m and therefore advises that no significant effects on railway users are anticipated. National Cycle Network Route 1, which connects North Queensferry to Dundee, partially falls within the ZTV on Cults Hill at a distance of 2.8 km at its closest. The route is flanked by vegetation which provides screening and it is therefore considered there would be no significant effects on this route.
- 2.3.12 For core path users and other recreational users of the rural shared use path which runs between Ladybank and Springfield settlements, passing the southern boundary of the site, the major change caused by the development would be the loss of the existing open aspect view of agricultural fields. The scale of change attributable to the proposed development is considered to be high magnitude on completion, as the experience of users of the route would be substantially changed. However, the high magnitude of change experience would not be prevalent along the route. In light of the above, the LVA concludes that these effects are of a local scale and the magnitude of change is considered medium-low, resulting in moderate and localised significant effects in the medium term. Given that over time the proposed vegetation will reach maturity and provide increased screening, the LVA advises that the overall long-term effects upon the route would be negligible.
- 2.3.13 The Main Street of Springfield is part of the Core Path network, and the site's proposed access tracks (operational and emergency only) connect with Main Street. The solar panels to the eastern end of the site, parallel to Main Street, would be set back from the site boundary and would be seen at a distance of 200m at their closest from the road. The LVA acknowledges that users of the core path will experience increased traffic movements during the construction phase. However, these effects would be short-term and temporary. Once constructed, maintenance vehicles would visit the site once per month and there would be no discernible difference between what is experienced presently. The LVA concludes that the magnitude of change to the Core Path is considered low-negligible, due to the nature of views, being oblique, transient and limited to a short section of the route, therefore resulting in minor/negligible and not significant effects. The magnitude of change would also reduce in the long term to negligible, resulting in negligible effects.
- 2.3.14 The Tarvit and Ceres Local Landscape Area is situated 1.6km south-west of the site. The hills form an extensive band located on the southern edge of the Howe of Fife where they form a distinctive steep-sided scarp rising from the gently



undulating settled farmland around Cupar. The south-west facing slope of Walton Hills, on the western side of the LLA, falls within the ZTV at a distance of 2.4km to the south-east of the site. The LVA advises that the hill's main quality is its visual association with the hills at Tarvit, looking in the opposite direction to the proposed development. The LVA concluded that the proposed development would have no likely effects upon the identifying quality of the Local Landscape Area.

2.3.15 An assessment of the significance of cumulative landscape effects of the proposed development in combination with other similar infrastructure of notable scale was also carried out. This included a nearby planning application for construction and operation of 29.9 Megawatt (MW) solar array and associated infrastructure approximately 2.8km to the north east. The LVIA advised that the low-lying nature of both developments and the distance between them meant that the two developments would not be seen in combined visibility. Moreover, neither would there be opportunity for a sequential perception of the developments from the A91 due to their separation within the low-lying and slightly rolling, well vegetated terrain. The LVA therefore concluded that there would be no significant cumulative effects from both of these proposed developments.

2.3.16 Overall, the findings of the LVA are accepted and it is considered that based on the submitted information, the proposed development would have no significant detrimental impact on the surrounding landscape including the Tarvit and Ceres Local Landscape Area. Whilst there would be some visibility of the development from a limited number of locations in the surrounding landscape, it is considered that there is capacity for the landscape to accommodate the proposal without causing unacceptable landscape or visual harm to the wider surrounding area. The proposed landscaping would also help to soften this impact further and would provide benefits in terms of biodiversity. Conditions are also recommended to the ECU regarding this matter. Policy 11 of NPF4 also advises that where impacts are localised and/or appropriate design mitigation has been applied for this type of development, they will generally be considered acceptable. In combination with the requirement for this type of development to be located to a nearby grid connection along with the proposal national contribution to renewable energy targets as set out above, it is considered that any localised impact on the landscape can be accepted. The proposal would, therefore, be visually acceptable, would have no significant detrimental impact on the site or surrounding landscape and would therefore comply with the Development Plan in this respect.

## **2.4 Impact on setting of Scheduled Ancient Monuments and Listed Buildings**

2.4.1 NPF4 (2023) Policies 7, 11 and 14, FIFEplan (2017) Policies 1, 10, 11 and 14, Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Making Fife's Places Supplementary Guidance and Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Notes on Setting apply in regard to the assessment of this application.

2.4.2 An Archaeology and Cultural Heritage Impact Assessment (ACHIA) has been submitted which assesses the impact of the proposal on surrounding cultural heritage assets. This includes a desk based and field-based study which identified the cultural heritage baseline within and in the vicinity of the site. It also establishes the potential for currently unknown archaeological assets to survive buried within the site; assesses the predicted direct, indirect and cumulative effects on identified assets within the context of relevant legislation and planning policy guidelines, and

proposes a programme of mitigation where appropriate. The study area includes the application site and a wider study area of 1.5 kilometres from the site.

2.4.3 The ACHIA identifies that the site is situated within a non-inventoried garden and designed landscape (Rankeilour Estate). The Estate contains 5 listed buildings, three of which are Category B listed (Rankeilour Dovecote, Rankeilour Mains Farmhouse, Steading, Cart shed and Cottage, and Rankeilour East Lodge and Gate piers). The remaining two are Category C-listed (Rankeilour Bridge Over Rankeilour Burn and Bridge over Rankeilour Burn). Only Rankeilour Dovecote is located within the site boundary. There are no Scheduled Monuments, Inventoried Gardens and Designed Landscapes, Inventoried Battlefields or Conservation Areas within the site boundary. Within the 1.5km study area there are two Scheduled Monuments, 53 listed buildings (3 Category A, 27 Category B and 23 Category C listed) and one Conservation Area (Bow of Fife). There are no Inventoried Battlefields or Inventoried Gardens and Designed Landscapes within the study area.

2.4.4 Within the 1.5km study area, the ACHIA identified 5 designated assets with the potential for the proposal to result in a change to their setting. The conclusions of the ACHIA with regard to these assets are set out below.

- Park House, roundhouse and Ramornie Mains, roundhouse. These assets are located approximately 1km to the southwest of the site, comprising of the remains of two roundhouses, likely dating to the later prehistoric period. The ACHIA advises that the proposed development may be visible to the north-east from these assets, however, they would not impose on the key part of their setting (to the south, east and west) nor would it impede the ability to understand and appreciate the reasoning for the choice of location. Overall, the ACHI states that the significance of effect for both Scheduled Monuments would be nil.
- Rankeilour Dovecote. Rankeilour Dovecote is a lectern style dovecot, likely dating from the 17th century, located within the north/centre of the site. The ACHIA advises that the proposed development would be visible from the dovecote to the east and west, however, the area around the dovecote would remain largely agricultural in nature and the proposed development would have a low impact on the ability to experience the assets connection to the surrounding agricultural land. The ACHIA considers that the proposal would have a low adverse impact on the setting of Rankeilour Dovecot.
- Rankeilour Mains Farmhouse, Steading, Cart shed and Cottage. These assets comprise of a B-listed two storey farmhouse with associated steading, cart shed and cottage, constructed around 1800 and located approximately 150m north-east of the proposal site. The ACHIA advises that views of the proposed development would be limited due to historic woodland screening to the south, south-east and south-west of the assets. Moreover, the limited visibility of the proposal would not impact the ability to understand, appreciate, or experience the assets connection to the working agricultural estate nor impact the architectural interest of the assets, which are the primary aspects from which the asset and its setting's significance derive.
- Over Rankeilour House, octagonal enclosure, and garage and gate piers. Over Rankeilour House is a Category A-listed classical mansion house (circa 1970s/1800s), located approximately 1.6km north of the proposed development. The ACHIA advises that there is predicted to be some visibility of the proposed development from the asset, however, the presence of solar panels in the backdrop of views towards the modern A91 road to the south are unlikely to form

a distraction that would affect the ability to appreciate, understand or experience the relationship between the asset and its positioning along this key routeway. Views of Rankeilour House from the A91 would not be affected, with the ability to appreciate the assets impressive architecture remaining unimpacted. Overall, the ACHIA considered that the proposed development would have no significant effect on this heritage asset.

- 2.4.5 Historic Environment Scotland were also consulted by the ECU and advise that they have no objections to the proposal. They advise that there will be no direct physical impacts on assets within their remit as a result of the proposed development. They also note that potential setting impacts have been assessed as the proposal would be theoretically visible from some scheduled monuments and listed buildings in the vicinity. HES advise that they do not consider that the proposed development would impact the setting of the listed buildings sufficiently enough to raise issues of national interest such that they would object, nor cause significant adverse impacts on the integrity of the monuments' settings.

### Archaeology

- 2.4.6 The ACHIA identified that the potential for unknown prehistoric heritage assets within the site is high, due to the presence of a high number of pre-historic assets within the immediate landscape. The ACHIA advises that in order to fully determine the form and function of any unrecorded prehistoric remains, further archaeological investigations would be required. Fife Council's Archaeological Officer was consulted on this application and raised no objections subject to the imposition of a condition requiring a scheme of archaeological works is carried out prior to development occurring on site.
- 2.4.7 Overall, the findings of the ACHIA and LVA are accepted. The proposal, due to the low-lying nature of the solar panels which would be located within this well contained site, surrounding woodland areas and due to the distances involved between the development and surrounding built heritage assets, would have no significant impact on any surrounding cultural heritage assets. The proposed impact of the development would also soften further once the proposed landscape planting has established. In conclusion, the proposal (subject to conditions as set out above) would have no significant impact on the surrounding built heritage assets including the setting of adjacent Listed Buildings or Scheduled Ancient Monuments. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.5 Natural Heritage and Trees**

- 2.5.1 NPF4 Policies 1, 2, 3, 4, 5, 6, 20 and 22, Policies 1, 10, 11, 12 and 13 of FIFEplan, 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.
- 2.5.2 An Ecological Impact Assessment was submitted with this application. The assessment provides a baseline ecological evaluation of the site, determines the importance of ecological features which could be impacted by the proposed development, identifies any significant impacts of the proposed development on important ecological features (both of the proposed development along and

cumulatively with other developments), establish the necessary actions to avoid or mitigate significant effects and identify residual impacts; and establishes potential ecological enhancement measures that could be implemented. The report identifies various important ecological features (IEFs) within the study area including protected species and habitats. The potential impacts of the proposed development on the IEFs were assessed. Prior to the implementation of any mitigation, the majority of IEFs were assessed as having only minor effects identified during the construction, decommissioning and operation phases of the development. Some moderate (significant) effects were identified. However, the implementation of the mitigation and enhancement measures as set out within Section 5.2 and Section 5.3 of the ecological impact assessment would reduce the effects of the proposal to IEFs throughout all phases of its lifespan, and no significant negative effects are expected in this regard.

- 2.5.3 The findings of the Ecological Impact Assessment are accepted. Fife Council's Natural Heritage Officer was consulted on this application and had no objections to the proposal, noting that the application was considered to be compatible with the aims of the NPF4 and FIFEplan policies relating to the natural environment, access, flooding and the water environment. NatureScot were also consulted by the ECU and has no objections to the proposal subject to securing the implementation of the measures as set out within the relevant submission documents.
- 2.5.4 With regard to trees, the Ecological Impact Assessment (EclA) set out that none of the existing woodland or hedgerow habitats will be removed during construction or operation of the proposed development and therefore impacts to these habitats are considered negligible. A minimum 15m buffer would also be maintained between the development site and the existing woodland and trees. Fife Council's Tree Officer was consulted on this application and raised no objections to the proposed development, subject to the imposition of conditions requiring the submission of a tree protection plan and arboricultural impact assessment, in order to secure the relevant protection measures.
- 2.5.5 Taking all of the above into account, the proposed development, subject to appropriate conditions, would accord with NPF4, the Development Plan and other guidance in the context of ecology and the natural environment.

## **2.6 Residential Amenity**

- 2.6.1 NPF4 (2023) Policies 11, 14 and 23, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity.
- 2.6.2 The application site is located within the countryside, on agricultural land. The surrounding area is largely characterised by farmland and sparse rural housing with the nearest residential properties being located approximately 30m centre and west of the site boundary and 25m centre north.
- 2.6.3 A Noise Impact Assessment (NIA) has been submitted as part of this application. The NIA identified that the nearest Noise Sensitive Receptor (NSR) to the site boundary as follows
- Main Street, Springfield (20m to the east)
  - Stable Cottage (130m north-west)

- Peterhead (25m central/north)
- Rankeilour Mansion House (30m centre-west)
- East Lodge (130m to the north-east)

2.6.4 The NIA considers the potential noise generation from the proposed plant and equipment with respect to existing sound levels in the area, including proposed mitigation where considered appropriate. The NIA concluded that the operation of the facility would meet the relevant noise level criteria and guidance and would not have a significant detrimental noise impact on the site or surrounding area. A condition is also recommended to the ECU requiring that the total noise from all fixed plant, machinery or equipment associated with the development (hereby approved) shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any relevant noise sensitive property, with windows open for ventilation. This condition would ensure that the plant and machinery is designed to have no significant noise impact on the surrounding area. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.6.5 Glint is a momentary flash or bright light, whilst glare is a more continuous source of bright light. The proposed solar panels could potentially have an impact on Main Street, Springfield, the U105 rural road to the west of the site and the railway located to the south, as well as various residential properties, in terms of moving traffic and glint and glare causing distraction to drivers and causing a detrimental impact on the amenity of the nearby residential uses. A glint and glare assessment (GGA) has, therefore, been submitted in support of this application. The GGA advises that a one-kilometre survey area around the site was adopted for the assessment of ground-based receptors. The GGA noted there are no aviation receptors within 5km of the proposal site, with the closest being Bonnybank Airstrip located approximately 8km south. The GGA concludes that glint and glare impacts for one residential receptor (Rose Cottage) could be significant, due to the sun rising in the east and reflecting westwards towards the receptor. However, it was advised that in real-life conditions, the potential impact is expected to be less significant due to the orientation of the receptor's windows, which do not face directly towards the field containing the panels. Additionally, the software assumes clear, sunny conditions 365 days a year, likely resulting in an overestimation of potential effects. Notwithstanding the above, planting is recommended along the west and south boundaries of this field as a screening measure. The proposed mitigation would mean that the proposed development is expected to have a negligible impact on this residential receptor. The GGA also states that under real life conditions, the potential impact on all other residential receptors, when taking into account the proposed screening/planting, is negligible. Finally, the GGA advises that there would be minimal impact on the U105 and low impact on the trainline. The findings of the GGA are accepted and conditions are recommended that the proposed mitigation measures are put in place before the solar panels are installed on site. The proposal would, therefore, have no significant impact on the site or surrounding area in terms of glint and glare. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.6.6 An outline Construction Environmental Management Plan (CEMP) has been submitted. This advises that typical construction hours of 07:00-19:00, Monday – Friday and 09:00 – 13:00 on Saturdays would be carried out, and construction is

expected to take place over 8 to 12 months. Construction is expected to commence in 2028 and conclude in 2029, due to grid availability. Moreover, the CEMP advises that at the peak of construction activity, maximum vehicle movements would be at month three. Any construction disturbance caused as a result of the proposal would be temporary in nature and developers should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that Fife Council's Public Protection Team can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974.

2.6.7 In conclusion, the proposed development would not give rise to adverse residential amenity impacts. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and 23 of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017). A condition is, however, recommended to the ECU requiring that a Construction Environmental Management Plan is submitted for approval before any works commence on site.

## **2.7 Transportation & Road Safety**

2.7.1 NPF4 (2023) Policies 1, 2, 11, 13, 14, 15 & 18 FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.7.2 Vehicular access to the site for the construction period is proposed some 40 metres to the north of the 20mph speed limit on the C13, Main Street. On completion, this would become an operational access in addition to the existing access to Peterhead Farm from the U105 (south-west of the site). Two additional emergency access from the C13 are also proposed. The construction period of the proposed development will last approximately 9-12 months (anticipated to commence in early 2028) with the peak two-way vehicle trips being in the third month. Once operational there would be no permanent staff on-site, only occasional maintenance vehicle trips. Colleagues in Transportation Development Management were consulted on this application and raised no objections to the proposal, subject to the imposition of a condition requiring the proposed vehicular access and necessary visibility splays to be construction and operational prior to construction works commencing on site.

2.7.3 In conclusion, the proposed development (subject to conditions) would not give rise to adverse road/pedestrian safety concerns. The proposed development is therefore considered to comply with NPF4, the Development Plan and associated guidance and is thus acceptable in this regard.

## **2.8 Flood Risk and Drainage**

2.8.1 NPF4 (2023) Policies 1, 2, 18, 20 and 22, FIFEplan Policies 1, 3 and 12 and Fife Council's Design Guidance on Flooding and Surface Water Drainage Requirements apply with regard to flood risk and drainage considerations.

- 2.8.2 Policy 22 of NPF4 outlines the flood risk considerations for new developments. This includes strengthening the resilience of development by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. This Policy sets out that development proposals at risk of flooding or in a flood risk area will only be supported if they are for, amongst other criteria, essential infrastructure where the location is required for operational reasons. The glossary of NPF4 (which reflects SEPA guidance) sets out that 'all forms of renewable, low carbon and zero emission technologies for electricity generation and distribution' are 'essential infrastructure'.
- 2.8.3 Scottish Environmental Protection Agency (SEPA) flood maps indicate that there are some very small pockets of land at risk of surface water flooding throughout the site. A Flood Risk Assessment and Drainage Impact Assessment have been submitted which state that the site is not at flood risk and would not result in increased flood risk elsewhere. Moreover, surface water within the site is proposed to be managed and attenuated through a swale located along the perimeter of the BESS compound, before discharging into the Rankeilour Burn. Fife Councils Structural Services (Flooding, Shoreline and Harbours) team was consulted on this application and raised no objections to the proposal. SEPA and Scottish Water were also consulted by the ECU and raised no objections.
- 2.8.4 Taking all of the above into account, the proposed development would accord with NPF4, the Development Plan and other guidance in the context of flood risk and drainage.

## **2.9 Contaminated Land and Air Quality**

- 2.9.1 NPF4 (2023) Policies 9 and 23, FIFEplan (2017) Policies 1 and 10, PAN 33: Development of Contaminated Land (2000), PAN 51: Planning, Environmental Protection and Regulation (2006) and Fife Council's Low Carbon Fife Supplementary Guidance apply.
- 2.9.2 The site is not situated within a Coal Authority high risk consultation zone. Moreover, the site is outwith any hazardous site or pipe consultation zones. Fife Councils Land and Air Quality team was consulted on this application and raised no comments. Furthermore, HSE were also consulted by the ECU and had no comments on the proposal.
- 2.9.3 In conclusion, the proposed development would not give rise to adverse land or air quality concerns. The proposed development is therefore considered to comply with NPF4, the Development Plan and associated guidance and is thus acceptable in this regard.

## **2.10 Economic and Community Benefit**

- 2.10.1 NPF4 (2023) Policies 11 and 25, Policy 11 of FIFEplan (2017) and Fife Council's Low Carbon Supplementary Guidance apply in regard to community and economic benefits.
- 2.10.2 NPF4 (2023) Policy 11(c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11 of FIFEplan (2017) states that permission will only be

granted for new development where it has been demonstrated that the net economic impact, including local and community socioeconomic benefits such as employment, associated business and supply chain opportunities have been demonstrated. NPF4 Policy 25 states that proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

2.10.3 A Planning Statement has been submitted with the application, which states that the socio-economic effects of the capital investment and employment to the economy would be beneficial, with the development providing a number of construction job opportunities as well as investment/opportunities to local businesses such as accommodation providers, hire companies, fencing contractors, tradesman etc.

2.10.4 It is accepted that this proposal could provide a significant economic and community benefit to the surrounding area whilst contributing to the Scottish Government's Renewable Energy targets and thus help tackle the current climate crisis. The proposal would, therefore, be acceptable and would comply with NPF4 and the Development Plan in this respect.

## **2.11 Decommissioning of the Site**

2.11.1 NPF4 (2023) Policies 1, 2, 11 and 14, FIFEplan (2017) Policies 1, 10, 11 and 14, Making Fife's Places Supplementary Guidance (2018) and Low Carbon Fife Supplementary Guidance (2019) apply when considering the lifespan and decommissioning of the proposed development.

2.11.2 The proposal would operate for a temporary period of 40 years, after which the land would then be returned to countryside. The 40-year temporary permission applied for generally accords with the accepted industry standard for the expected effective operating lifespan of solar and battery energy storage equipment. Conditions are recommended requiring that on expiry of the temporary period, the solar panels, battery storage facilities and the associated infrastructure are dismantled, removed from the site and the ground fully restored to the satisfaction of Fife Council as Planning Authority. Conditions are also recommended requiring details of the scheme of restoration for the site to be submitted for approval in writing.

2.11.3 To ensure that sufficient funds are available to decommission and restore the site, and to provide a mechanism for restoration to be implemented should the developer fail to meet these restoration obligations, a Section 75 Legal Agreement requiring a financial bond is also proposed.

2.11.4 The proposal, subject to the aforementioned conditions and the Section 75 Agreement and Bond would therefore be acceptable and would comply with the Development Plan in this respect.



### **3.0 Conclusion**

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The proposal subject to conditions would be compatible with its surrounds in terms of land use and would cause no detrimental impacts on the site or surrounding area. The proposal would be considered acceptable in terms of its impact on road safety and its impact on the surrounding area in terms of landscape and visual impact, natural heritage, built heritage, amenity, flooding, contaminated land, sustainability and in terms of its impact on existing infrastructure. The proposal would also provide an acceptable surface water management and drainage scheme and would bring about a positive biodiversity enhancement to the site along with community and economic benefits to the area. The proposal would also make a significant contribution to Scotland's renewable energy targets, thus, helping tackle the current climate crisis. The proposal is, therefore, considered acceptable in meeting the terms of the Development Plan and National Guidance.

Fife Council, as Local Planning Authority is, therefore, supportive in principle of the proposal, following the conclusion of a legal agreement and subject to the specific conditions listed below.

### **4.0 Recommendation**

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It is recommended that Fife Council, as Local Planning Authority, advise the Scottish Government that planning permission should be granted, subject to the conclusion of a legal agreement to secure:

A financial bond to ensure that sufficient funds are available to decommission and restore the site, and to provide a mechanism for restoration to be implemented should the developer fail to meet these restoration obligations.

And subject to the following conditions and reasons:

For the avoidance of doubt, it is recommended that Fife Council as Local Planning Authority object to the granting of planning permission if no legal agreement is concluded.

### **5.0 Conditions**

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1. The development to which this permission relates must be commenced no later than 3 years from the date of this permission. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997

2. The development shall be undertaken fully in accordance with the approved application, the planning drawings and all documentation submitted in support of the application. For avoidance of doubt this includes any recommended or proposed measure to avoid, minimise or offset any identified potential impact of the Development which is committed to or recommended in the Application and its constituent assessments.

Reason: To ensure that the development is carried out in accordance with the approved details and that all recommended mitigation and enhancement measures are carried out in full.

3. The Development will disconnect from the grid and cease to import or export electricity no later than the date falling forty years from the date of Final Commissioning. The total period for operation, decommissioning and restoration of the Site in accordance with this condition shall not exceed forty-two years from the Date of Final Commissioning without prior written approval of the Planning Authority.

Reason: To ensure the decommissioning and removal of the development and restoration of the site in the interests of safety amenity and environmental protection

4. No Development shall commence until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The strategy shall, without limitation, detail proposals for:
  - a. The removal of all above and below ground elements of the development;
  - b. The treatment of all ground surfaces, including any sub surface areas, hard standing and access tracks which would restore the site to its former condition or other such condition as agreed in writing by the Planning Authority;
  - c. The phasing and timing of the works, including any environmental management provisions; and
  - d. Details relating to how and when the strategy will be reviewed.

Reason: To ensure the decommissioning and removal of the development and restoration of the site in the interests of safety amenity and environmental protection

5. No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration, and aftercare plan shall be submitted to the Planning Authority for written approval. The detailed decommissioning, restoration and aftercare plan shall include (but not be limited to the) provisions in respect of the following matters:
  - a. Decommissioning and removal of the battery energy storage system units including treatment of liquid bearing components;
  - b. Removal of any in-situ foundations including removal to a depth of at least 1m underground;
  - c. Removal of above ground infrastructure extending to Substations, PV panels and mountings, inverters / inverter containers, fencing, lighting masts, internal tracks, equipment and hard standings;
  - d. Cable removal;
  - e. Provision of Decommissioning Environmental Management Plan (DEMP) to be based on relevant elements of the Construction Environmental Management Plan (CEMP);
  - f. A Traffic Management Plan (TMP) related to activities for decommissioning, demolition, and removal of infrastructure
  - g. Locations of temporary stockpiles for decommissioned materials and equipment

- h. Treatment of disturbed ground surfaces resulting from decommissioning of infrastructure including cable removal and any sub-surface elements to restore the land to its pre-construction status or such condition as agreed in writing with the LPA
- i. Restoration proposals including ecological and biodiversity enhancement works such as (but not limited to) provision of bird boxes, insect refuge and use of native seed mixes to deliver biodiversity gains and measures to safeguard all landscaping on the site which for the avoidance of doubt shall be retained.
- j. An aftercare plan to monitor success of restoration measures with scope for interventions if required
- k. A Decommissioning Timetable Thereafter the detailed decommissioning, site restoration and aftercare shall be undertaken in accordance with the approved plan, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

6. 12 months prior to the decommissioning of the development, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted for the prior written approval of Fife Council as Planning Authority, identifying any ecological constraints arising from decommissioning activities. Any areas where new habitats that may have established shall be retained unless unavoidable. Any unavoidable loss of new habitat occasioned by decommissioning activities shall be compensated for in agreement with Fife Council as Planning Authority; compensation may be provided on or offsite.

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

7. The operator shall provide to the Planning Authority an annual written report confirming that the battery energy storage facility is importing and exporting electricity to the grid. If the battery storage facility fails to import or export electricity to the grid for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, the operator shall no later than one year after the last day of this 12-month period submit the site Decommissioning, Restoration and Aftercare Plan to the Planning Authority for approval and implement it in accordance with Condition 5.

Reason: To ensure that if the Development becomes redundant the equipment is removed from the site, in the interests of safety, amenity and environmental protection.

8. BEFORE ANY WORKS COMMENCE ON SITE, either enabling works or construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include (but not be limited to) provisions in respect of:
- a. Introduction – Project overview, site description, scope of proposed works, programme of works, details of any previous environmental assessments;

- b. Roles and Responsibilities – Organisational Chart of project personnel and key contacts plus training and competencies and communication procedures;
- c. Environmental Management Policy Statement – To include any accreditations or EM Systems followed;
- d. Regulations and Requirements – Legislation, Regulations and Technical Guidance applicable to the nature and scope of the development;
- e. Identification of Environmental Assets and Impacts;
- f. Emissions to air – dust, noise, vibration, traffic / vehicle movements on site and to / from site;
- g. Land and Water (extends to surface and ground water) – discharges from construction activities, i.e. pollution, substance contamination, damage, waste management;
- h. Archaeology and heritage features;
- i. Ecological features including habitats and species;
- j. Environmental Mitigation Measures and control plans with regard to identified environmental assets and the potential impacts arising from construction; to take cognisance of relevant Legislation and Regulations and follow appropriate Technical Guidance / best practice;
- k. Inclusion of an Emergency / Incident Response Plan; and
- l. Monitoring and Auditing – Procedures for audits (internal and external), monitoring and inspections, environmental performance monitoring e.g. KPIs, monitoring / inspection reporting The measures set out within the approved CEMP shall thereafter be implemented on site during the construction phase.

Reason: To ensure environmental impacts are mitigated during the construction phase, and that the construction phase is undertaken safely

9. No HGV movements associated with construction of the Development (excluding abnormal loads) shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to 13:00. Unless such movement: a. is associated with an emergency; or b. is approved in advance in writing by the Planning Authority

Reason: In the interests of local amenity.

10. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; the vehicular access from the C13 as shown on the indicative layout and visibility splays shown on the drawing 'indicative layout of access from C13 Main Street' (page 22 of the Transport Statement) shall be constructed and in operation, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

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

11. BEFORE ANY WORKS COMMENCE ON SITE, a bond to cover the costs of decommissioning, site restoration and aftercare as required by Condition 5 of this consent shall be submitted for the written approval of the Planning Authority. The acceptability of such bond shall be at the sole discretion of the Planning Authority. The bond must: a. be granted in favour of the Planning Authority and shall be maintained in favour of the Planning Authority throughout the duration of this consent and until the completion of all decommissioning, site restoration and aftercare obligations as required by Condition 5; b. be granted by a bank or

insurance company (whose identity and covenant strength shall firstly have been approved by the Planning Authority and shall have at least an A rating) and who shall be capable of fulfilling the obligations under the guarantee; c. be for an amount which covers the value of all decommissioning, site restoration and aftercare liabilities such amount to be determined by the Planning Authority at the commencement of Development; d. be subject to a review every five years from the date of this consent, or other such intervals as agreed by the Planning Authority. Each review shall be undertaken by a suitably qualified independent professional who has relevant experience in such matters and who has been agreed in writing beforehand by the Planning Authority. The review shall be submitted no later than three months prior to the expiry of the existing bond, for the written approval of the Planning Authority; and e. come into effect on or before the date of commencement of Development, and expire no earlier than 24 months after the end of the aftercare period. Thereafter and at least 28 days prior to the expiry of the existing bond, a replacement bond in favour of and in terms acceptable to the Planning Authority and for the value advised by the review noted above, shall be submitted for the written approval of the Planning Authority.

Reason: To allow the planning Authority to retain effective control in the interests of protecting local amenity and the environment

12. No work shall begin at the site until both: a. written approval of the Planning Authority has been given to the terms of such bond and; b. the validly executed guarantee has been delivered to the Planning Authority.

Reason: To allow the planning Authority to retain effective control in the interests of protecting local amenity and the environment

13. In the event that the bond becomes invalid for any reason, no operations will be carried out on site until a replacement bond completed in accordance with the terms of this condition is lodged with the Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control

14. BEFORE ANY WORKS COMMENCE ON SITE; a scheme of landscaping including a landscaping plan indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs, and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted to and approved in writing by this Planning Authority. These submitted details shall also include details of all proposed boundary treatments. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner.

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

15. BEFORE ANY WORKS COMMENCE ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. This scheme shall specify that any plants which are dead, damaged, missing, diseased or fail to establish within 5 years of the date of planting shall be replaced annually with the same species or an alternative species agreed in writing by Fife Council as Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

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

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

17. BEFORE ANY WORKS COMMENCE ON SITE, the developer shall submit an arboricultural impact assessment, including details of any tree protection areas, showing any tree falling distances, canopy spread, root protection areas, construction exclusion zones and details of any trees to be retained or removed. The survey shall contain details of the position, canopy spread, bole diameters, health, size and species of all trees within the curtilage of the site. No trees shall be felled, topped, lopped or have roots cut or damaged without the prior written approval of this Planning Authority.

Reason: In the interests of natural heritage; to ensure that all trees worthy of retention are satisfactorily protected before and during construction works.

18. BEFORE ANY WORKS COMMENCE ON SITE, details of the proposed tree protection measures during the construction phase of the development hereby approved shall be submitted for approval in writing by this Planning Authority. This Planning Authority shall be formally notified in writing of the completion of the agreed tree protection measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of natural heritage; to ensure that all trees worthy of retention are satisfactorily protected before and during construction works.

19. The total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, daytime shall be 0700-2300hrs and night-time shall be 2300-0700hrs.

Reason: In the interests of residential amenity; to ensure nearby residential dwellings are not subjected to adverse noise from the development.

20. No construction work associated with the Development shall take place on site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to 13:00. Unless such work:
- a. does not cause the existing ambient background noise levels to be exceeded at any of the noise sensitive receptors identified in the application; or

- b. is associated with essential maintenance / testing; or
- c. is associated with an emergency; or,
- d. is approved in advance in writing by the Planning Authority

Reason: In the interests of local amenity.

21. BEFORE ANY WORKS COMMENCE ON SITE; the developer shall compile an archaeological written scheme of investigation and shall secure the implementation of a programme of archaeological works which shall be submitted to and approved in writing by the Planning Authority. A verification report shall then be submitted to and approved in writing by the Planning Authority once any required archaeological works have been carried out in full and BEFORE ANY WORKS ASSOCIATED WITH THE DEVELOPMENT COMMENCE ON SITE.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for the investigation, recording and rescue archaeological excavation of remains on the site.

22. IN THE EVENT THAT CONTAMINATION NOT IDENTIFIED BY THE DEVELOPER prior to the grant of this planning permission is encountered during the development, all development works on site (save for site investigation works) shall cease immediately and the Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Planning Authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by the Planning Authority or (b) the Planning Authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter, remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to the Planning Authority. Unless otherwise agreed in writing with the Planning Authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by the local planning authority.

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

## **Background Papers**

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

### **National Guidance and Legislation**

Wildlife and Countryside Act 1981

Conservation (Natural Habitats, &c.) Regulations 1994

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

Nature Conservation Scotland Act 2004

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

PAN (Planning Advice Note) 1/2011: Planning and Noise

Wildlife and Natural Environment (Scotland) Act (2011)  
Historic Environment Scotland Policy Statement (2019)  
NatureScot's Landscape Character Assessment of Scotland (2019)  
Historic Environment Scotland's Managing Change in the Historic Environment's Guidance  
Note on Setting (2020)

### **Development Plan**

National Planning Framework 4 (2023)  
Adopted FIFEplan (2017)  
Low Carbon Fife Supplementary Guidance (2019)  
Making Fife's Places Supplementary Guidance (2018)

### **Planning Policy Guidance, Customer Guidelines and Other Guidance**

Policy for Development and Noise (2021)  
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

### **Report Contact**

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Report reviewed and agreed by Alastair Hamilton, Service Manager(Committee Lead)  
10/10/25



Committee Date: 05/11/2025

Agenda Item No. 5

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**Application for Full Planning Permission**

**Ref: 25/01680/FULL**

**Site Address: Crail Airfield Balcomie Road Crail**

**Proposal: Change of use from former military cinema/gym (Class 11) to wet weather hall/mixed use events space (sui generis) with ancillary cafe, offices and outdoor seating and play area and external alterations including extension to rear, installation of rooflights, rainwater goods, windows and doors and air source heat pump, re-roofing/rendering and formation of timber decking, hardstanding and car parking/access with associated infrastructure and landscaping**

**Applicant: Ground Developments Ltd, Ground Developments Ltd  
Burnhouse Industrial Estate**

**Date Registered: 6 August 2025**

**Case Officer: Scott Simpson**

**Wards Affected: W5R19: East Neuk and Landward**

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### **Reasons for Referral to Committee**

This application requires to be considered by the Committee because the application has attracted six or more separate individual representations and an objection from a statutory consultee which are contrary to the officer's recommendation.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**

1.1.1 This application relates to a former gymnasium/cinema building which is a Category B Listed building, and which is located within the disused Crail Airfield. The application site measures approximately 0.98 hectares and is located outwith any settlement boundary within Crail Airfield and approximately 1.1 kilometres to the north of Crail Village as designated within the Adopted FIFEplan (2017) (LDP). Access to the airfield is taken from Balcomie Road (C class Distributor Road) and this begins at Crail to the south-west. Crail Airfield includes several listed buildings including Category A, B and C buildings, whilst the airfield runways to the east of the site are a Scheduled Monument first scheduled in 1997 and rescheduled in 2006. The site is

also surrounded by open grassed field areas to the north, west and south, along with a woodland belt area to the south. An access road runs past the southern side of the building and vehicular access to the site would be via the existing adopted Balcomie Road.

1.1.2 The building has a cement render finish, a mixture of metal and UPVC casement windows, a metal finished pitched roof and timber framed doors at ground floor level. Various historic openings have been altered or blocked up over the years with one entrance replaced by an industrial sliding door.

1.1.3 The Historic Environment Scotland listing description states that the building has a “7-bay pitched roof with lower recessed 2-storey flat-roofed projection to S elevation with central triple set of 2-leaf timber doors to ground with simple rectangular fanlights above. Smooth cement rendered brick finished and metal-framed windows, some multi-pane with top hoppers. Non-traditional glazing to 1st floor to flat-roofed projection to S. Asbestos roof. The listed description also states internally and rarely at Crail Airfield that some features of interest remain including a Canted timber ticket booth to entrance area, a cinema/gymnasium space with sprung timber floor and some equipment, such as ropes and timber which have survived over the years”.

#### 1.1.4 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This application is for a change of use from former military cinema/gym (Class 11) to wet weather hall/mixed use events space (sui generis) with ancillary cafe, offices and outdoor seating and play area and external alterations including extension to rear, installation of rooflights, rainwater goods, windows and doors and air source heat pump, re-roofing/rendering and formation of timber decking, hardstanding and car parking/access with associated infrastructure and landscaping.

1.2.2 The proposed external downtakings would include the following:

- Removal of metal framed and modern UPVC windows.
- Removal of roof finishes, including Asbestos Containing Material (ACM) cement panels and bituminous coverings.
- Removal of rainwater goods, including ACM elements.
- Removal of single storey rear annex extension.
- Removal of timber doors.
- Removal of modern sliding door from east elevation which would then be infilled.
- Removal of external concrete stairs.
- Re-opening of historic openings and formation of new external openings on west elevation.

1.2.3 The proposed external alterations include the installation of new external glazed screens and metal framed doors located within the existing historic openings and new west elevation openings, whilst replacement triple glazed metal framed, multi paned windows would be installed throughout the building. A replacement aluminium roof along with rooflights would also be installed, and an external insulated render finish system would be installed to all external walls. The proposed rainwater goods would have a metal finish. The proposed rooflights would be mostly glass, would be flush to the flat roof and would have a mostly frameless appearance. The proposal would also include a single storey extension to the rear which would utilise the same finishes as the building and would be erected within the footprint of the rear extension which the application seeks to remove. Two air source heat pump compressor units would also be installed adjacent to the building. A timber decking measuring approximately 275 square metres would be installed next to the north facing side of the building and this would be used as an external seating area. A play area measuring approximately 131 square metres would also be formed on the open space area to the north of the building and this would including various play equipment on it and would have a permeable porous bonded rubber mulch surface. A reclaimed brick footpath would also be formed on the west and north side of the proposed timber decking area, whilst a reclaimed brick hardstanding area would be formed at the front of the existing building, and this would measure approximately 84 square metres. This proposed hardstanding area would include a level threshold to the building.

1.2.4 A parking area and access road measuring approximately 2913 square metres is also proposed to be formed within the tree belt area to the south of the site. The proposed parking area would include a total of 70 parking spaces which would include 6 electric vehicle charging spaces and 4 accessible parking spaces. A pedestrian footpath formed in brick paving with reclaimed brick would be formed around the outside of the parking spaces, whilst the internal access road would be formed in a permeable resin-bound gravel surface. A bicycle storage area is also proposed at the southern extent of the parking area, and this would accommodate approximately 24 bicycle stands.

1.2.5 The proposed sustainable drainage system would include a soakaway system and permeable paving plus infiltration. Surface water would discharge to soakaways via a treatment plant and underground pipes. The proposed landscaping which does not require the benefit of planning permission would include the planting of a total of 1319 trees on and around the site and this would cover an area of approximately 5277.68 square metres. Amenity grassland would also be planted in and around the site.

1.2.6 The building would be used to hold existing external Sunday markets indoors when the external site is exposed to inclement weather, an indoor space for safety briefings, improved sanitary facilities and an improved office space for the airfield management company, whilst the building would also include a cafe area to serve coffees to customers associated with this

use. The submission also advises that the building would still be used for class 11 uses which it can presently operate as without the need to apply for planning permission. The proposal has been described as a 'sui generis' use as a mixture of different uses such as classes 1, 3, 4 and 11 would utilise the same floor area at different times and the proposed use is not considered to specifically belong to any use class as contained within the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended).

### **1.3 Relevant Planning History**

1.3.1 The relevant recent planning history for the application sites and surrounding area is as follows:

- A corresponding listed building consent application (25/01679/LBC) for internal and external alterations including extension to rear, installation of rooflights, rainwater goods, new windows and doors (blocking up in part) and re-roofing and rendering (part demolition) was submitted on 10<sup>th</sup> June 2025 and had a determination date of 10<sup>th</sup> August 2025. This application was, however, appealed (LBA-250-2046) for non-determination to the Planning and Environmental Appeals Division on 12<sup>th</sup> August 2025 and is currently pending consideration by them. Fife Council as Planning Authority responded to this appeal on 6<sup>th</sup> October 2025 after consultation with the relevant Convener and Vice Convener of the North-East Planning Committee as required by the current Fife Council List of Officer Powers (12<sup>th</sup> December 2024). This Planning Authority recommended that the appeal should be allowed subject to conditions regarding internal and external finishing materials.

- Planning permission in principle (23/02309/PPP) for a mixed-use development comprising holiday accommodation site (91 self-build holiday units), craft workshops/light industrial (Class 4) and storage buildings (Class 6) and associated infrastructure including footpaths, cycle paths, roads and parking areas (demolition of existing buildings) was refused on 20<sup>th</sup> September 2024. This application was determined at the North-East Planning Committee on 11<sup>th</sup> September 2024 and was refused in the interests of road safety as the proposal would result in an unacceptable impact on road safety as a result of the significant increase in traffic on the local road network. This proposal was then appealed (P/250/2415) to the Planning and Environmental Appeals Division and was dismissed on 19<sup>th</sup> May 2025. The reporter dismissed the appeal as it did not provide an alternative route to the site or what the reporter considered to be a Development Brief as required by the LDP allocation.

- Full planning permission (24/01035/FULL) for change of use from former military cinema/gym (Class 11) to mixed use events space (sui generis) with cafe (Class 3) and offices (Class 4) and external alterations including extension to rear and installation of rooflights, re-roofing/rendering and rainwater goods, new windows/doors and air source heat pump with associated landscaping (including part demolition), formation of car parking/access works and outdoor seating/play area was withdrawn on 28<sup>th</sup> October 2024. A corresponding listed building consent application (24/01034/LBC) for the associated internal and external alteration was also withdrawn on this date. These applications were withdrawn due to the requirement for a bat survey, whilst the full planning application also required the submission of a surface water management plan.

- A proposal of application notice (PAN) (14/03593/PAN) was received on 26 October 2014 for a mixed-use development including residential, commercial, employment, tourism, leisure, hotel, recreation, community and ancillary/related uses. An EIA Scoping opinion (14/04199/SCO) for this proposal was also provided on 3<sup>rd</sup> February 2015. No subsequent planning application

was, however, submitted for this proposal. - Numerous applications have also been determined for the airfield runways to the south of the site and these include planning permission reference 21/03495/FULL which is for use of the land for outdoor market (car boot sales) and siting of portable toilet block (Section 42 application for non-compliance with Condition 1 of planning permission 18/02359/FULL to extend planning permission for a further 3 years) and planning permission reference 10/00498/FULL which was for renewal of temporary planning permission (05/00900/EFULL) for formation of camping site 1st July - 31st July 2010.

## **1.4 Application Procedures**

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.4.2 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of NPF4 and a provision of the LDP, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.4.3 A physical site visit was undertaken by the case officer for a historic planning application for this building on 25<sup>th</sup> June 2024, and it was not considered necessary to re-visit the site. All other necessary information has been collated digitally to allow the full consideration and assessment of the proposal.

1.4.4 This application was advertised in the Courier Newspaper on 21<sup>st</sup> August 2025. A site notice for the application was placed on site on 28<sup>th</sup> August 2025. All neighbours within 20 metres of the application site boundary were sent notification letters on 11<sup>th</sup> August 2025.

1.4.5 Objections including the consultation response from Crail Community Council state that the proposal description is confusing and inaccurate as it mentions Sui Generis and Article 3 (5) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) contains a list of "sui generis" uses with no reference made to a wet weather hall/mixed use events space. Article 3 (5) of this Order, however, only sets out that nothing in any class shall include the specific uses listed within that section of the Order and does not specifically set out that the uses specified within Article 3 (5) of the Order are the only uses that can be Sui Generis. A 'Sui Generis' use means a use that does not belong to any specific use class and can be used where a building includes a mixture of different uses such as classes 1, 3, 4 and 11 which utilise the same floor area at different times. The proposal, in this instance is set out in the submission documents and the proposal description should be read alongside the submitted application documents with the drawings and design statement etc also describing the proposal. The submission advises that the building will be used to hold existing external Sunday markets indoors when the external site is exposed to inclement weather, an indoor space for safety briefings, improved sanitary facilities and an improved office space for the airfield management company, whilst the building would also include a cafe area to serve coffees to customers associated with this use. The submission also advises that the building would still be used for

class 11 uses which it can presently operate as without the need to apply for planning permission. The agent was advised that the other uses would constitute a material change of use, therefore, the proposal would be for a wet weather hall/mixed use events space (sui generis).

1.4.6 Objections including the consultation response from Crail Community Council state that this Planning Authority should decline to determine this application as it has been submitted within 5 years of the planning permission in principle (PPP) (23/02309/PPP) appeal dismissal and it is a similar application. The appeal which was assessed for the overall Crail Airfield site was for PPP for a "mixed use development comprising holiday accommodation site (91 holiday units), craft workshops/light industrial (Class 4) and storage buildings (Class 6) and associated infrastructure including footpaths, cycle paths, roads and parking areas (demolition of existing buildings)" and this description of development is specifically set out in the appeal decision notice dated 19<sup>th</sup> May 2025. The appeal decision notice sets out that "PPP cannot be granted for a change in use of a building ". It also states that "For the avoidance of doubt, my assessment has been restricted to only those uses included within the description of the development as listed on the Decision Notice". The appeal, therefore, related to PPP for holiday accommodation, Class 4 light industrial units and storage buildings (Class 6) and did not cover the change of use of the specific cinema/gymnasium building which the current application for full planning permission (25/01680/FULL) relates to. The current application, is not therefore, considered to be a similar application to the recent appeal dismissal and will be determined by this Planning Authority.

1.4.7 Objections states that an Environmental Impact Assessment (EIA) should be submitted for this proposal. The proposal would fall under Class 10 (Infrastructure Projects) (b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The proposal is for a small-scale development which involves the change of use of an existing building which can currently be used as a class 11 use along with the formation of a car parking area measuring approximately 2913 square metres which would be located within an existing tree belt area. It is considered that an EIA is not required in this instance when taking into account the characteristics of the development, the environmental sensitivity of its location, the characteristics of its potential impact and the relevant EIA screening criteria. It should be noted, however, that this does not negate the requirement to fully assess the potential environmental impacts of the proposal through this planning application. An EIA screening opinion (23/01696/SCR) was also carried out for application reference 23/02309/PPP on 6<sup>th</sup> July 2023 which was for development on the overall Crail Airfield site, and it was determined that an EIA would also not be required for this overall development.

1.4.8 Local Place Plans registered through Fife Council will not be part of the 'development plan' as defined by the Planning Act but will feed into the preparation of Fife's Local Development Plan 2 (LDP2), which is at the early stages of preparation. The Local Place Plan is a material planning consideration in the assessment of planning applications but given the early stages of LDP2 and that the Development Plan remains the starting point for decision-making in the planning process, it is considered that the material weight given to the Local Place Plan at this stage is limited and this proposal is acceptable in terms of the relevant planning policies.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

#### **Policy 1: Tackling the climate and nature crises**

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

#### **Policy 2: Climate mitigation and adaptation**

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

#### **Policy 3: Biodiversity**

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

#### **Policy 4: Natural places**

To protect, restore and enhance natural assets making best use of nature-based solutions.

#### **Policy 6: Forestry, woodland and trees**

To protect and expand forests, woodland and trees.

#### **Policy 7: Historic assets and places**

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

#### **Policy 9: Brownfield, vacant and derelict land and empty buildings**

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

#### **Policy 12: Zero Waste**

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

#### **Policy 13: Sustainable transport**

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

#### **Policy 14: Design, quality and place**

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

#### Policy 15: Local Living and 20-minute neighbourhoods

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

#### Policy 18: Infrastructure first

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

#### Policy 19: Heat and cooling

To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

#### Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

#### Policy 22: Flood risk and water management

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

#### Policy 23: Health and safety

To protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

#### Policy 29: Rural development

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

### **Adopted FIFEplan (2017)**

#### Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts.

#### Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.



#### Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

#### Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

#### Policy 11: Low Carbon Fife

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

#### Policy 12: Flooding and the Water Environment

Outcome: Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved.

#### Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

#### Policy 14: Built and Historic Environment

Outcomes: Better quality places across Fife from new, good quality development and in which environmental assets are maintained, and Fife's built and cultural heritage contributes to the environment enjoyed by residents and visitors.

### **National Guidance and Legislation**

#### PAN (Planning Advice Note) 1/2011

This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It also advises that Environmental Health Officers should be involved at an early stage in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments.

#### The Historic Environment Policy for Scotland (2019)

This Policy outlines how we should undertake the required duty of care for our historic environment whenever a decision will affect the historic environment.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment's Guidance Note on Extensions, Windows, Doors, External Fixtures, Use and Adaptation of Listed Buildings, Roofs, Walls, Accessibility, Interiors and the Principles of Listed Building Consent.

These guidance notes support good decision making in the historic environment and set out the key things to think about when changes are proposed.

## **Supplementary Guidance**

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on assessing low carbon energy applications demonstrating compliance with CO2 emissions reduction targets and district heating requirements and also provides requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

## **Planning Policy Guidance**

Planning Policy Guidance: Development and Noise (2021)

Policy for Development and Noise looks at both noisy and noise sensitive land. Noise sensitive developments may need to incorporate mitigation measures through design, layout, construction or physical noise barriers to achieve acceptable acoustic conditions.

## **Planning Customer Guidelines**

Windows in Listed Buildings and Conservation Areas

This guidance sets out the principles which should be applied for new or replacement windows in a listed building.

## **Other Relevant Guidance**

Crail Local Place Plan (2023)

This Plan sets out Crail Community's proposals for the development and use of land and buildings within the local area.

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

This guidance provides advice to all stakeholders involved in the planning process in relation to flooding and surface water management requirements.

## 2.0 Assessment

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### 2.1 Relevant Matters

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

- Principle of Development
- Design, Scale and Finishes/Impact on Historic Character of the Listed Building
- Transportation/Road Safety
- Amenity Impact
- Water/Drainage/Flood Risk
- Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement
- Impact on Firth of Forth SPA and SSSI and the Outer Firth of Forth and St Andrews Bay Complex SPA
- Tackling the Climate and Nature Crises
- Contaminated Land
- Waste Management

### 2.2 Principle of Development

2.2.1 Policies 1, 29 and 30 of NPF4 and Policies 1 and 7 of the LDP apply.

2.2.2 The overall Crail Airfield site is allocated as a development opportunity site (LWD022) within the LDP with a description of 'other development'. This allocation includes the application site and has an overall site area of 145.6 hectares. The allocation requires that developers prepare a development brief and undertake community consultation for Fife Council approval. The allocation also sets out the types of development which could be acceptable and advises that this may include the continuation of some outdoor events; existing and new employment uses; multi use commercial or leisure development and holiday accommodation; and proposals may also include limited housing development. The allocation further requires that development must relate sympathetically to the character of the site; must have regard to the amount, layout and type of built development which is likely to be acceptable; conservation or repair work should be carried out using appropriate materials to maintain building character and proposals should resolve site access issues from Crail to the airfield and Crail golf courses, whilst an alternative route will be required. The allocation also states that detailed proposals, including applications for planning permission in principle, must demonstrate that the development would not adversely affect the integrity of the Firth of Forth SPA either alone or in combination with other plans or projects.

2.2.3 The Crail Local Place Plan (2023) states that areas of allocated land should be developed to enhance the community in terms of integrating new developments notably Crail Airfield and Crail North to complement the Crail Community. It also states that new development should increase the quality of the urban realm, landscape and public space. It should be noted, as per section 1.48 above, that weight is provided to Local Place Plans during the assessment of a planning application, however, the material weight provided to Local Place Plans is limited at this stage until LDP2 has been adopted.

2.2.4 Objections including the consultation response from Crail Community Council state that the proposal would result in piecemeal development which could result in issues in terms of an integrated airfield development. They also state the proposal does not comply with LDP policies in terms of level of information provided and that no Development Brief for the overall Crail Airfield site has been submitted as required by the LDP allocation, therefore, it cannot be assessed how the proposal would relate to and integrate with wider airfield and potential additional uses. The objections consider that the treatment of this listed building should be part of an overall approach to all listed buildings on the site, whilst, the proposal is contrary to the decision of the reporter, and this application is an attempt to bypass that decision. The objections further state that the proposal does not address impact on other venues within the vicinity and within Crail village include the Community Hall, Town Hall etc. Letters of support advise that the proposal is a great idea which would be beneficial to the area, and it would result in an economic benefit to the area along with preventing another historic site being forgotten and wasted.

2.2.5 The agent has submitted a supporting statement which advises that the proposal seeks to upgrade the building to allow for a wet weather venue for Crail Raceway events, allowing existing Sunday markets to be moved indoors when the exposed site suffers inclement weather - including the selling of coffee within an improved coffee shop arrangement, an indoor space for safety briefings, improved sanitary facilities on site (accessible for all staff, participants and attendees and an improved office space for the airfield management company. The statement further advises that this application does not seek to develop the whole land allocation but rather maintain an existing building within the allocation. The statement considers that the proposed work is considered important and time sensitive to the benefit of the long-term development of the site, as without remedial works this important piece of built heritage could be lost to progressive dilapidation, however, the relevant principles of development of the wider site as set out in the FIFEplan will be adhered to within this proposal such that the proposed works will not impede any future development of the allocated site. The statement further considers that the proposal will relate sympathetically to the character of the site; include the continuation of some outdoor events and existing employment uses and carry out conservation and repair work using appropriate materials to maintain building character.

2.2.6 The proposal would not fully comply with the LDP allocation as the application does not include a development brief for the whole site, whilst the allocation states that development should resolve site access issues from Crail to the airfield and Crail golf courses with an alternative route being required. The purpose of a development brief is to ensure that the development of a site is well planned, and it can also set out the parameters for a development, whilst providing a guide for any future planning applications. Planning Authorities must, however, consider each planning application on its own merits and must reach a decision in accordance with the terms of the Development Plan, unless material considerations indicate otherwise. In this instance, it is considered that a development brief for the whole of the Crail airfield site is not required, in relation to this specific application, as the proposal is for a small-scale development which would result in the re-development of an existing Category B Listed building which could also re-open at any time as a Class 11 use without the need to apply for full planning permission. It is also considered that the proposal would not prejudice the successful development of the remainder of the overall Crail airfield allocated site as it is concentrated within the existing building and its small curtilage area along with a small area of the adjacent woodland belt, with the re-development of this building resulting in no significant impact on the remainder of the allocated site. The proposal would also be a complementary and acceptable land use within the overall allocated Crail airfield site which would comply with the land uses set out within the LDP allocation. The submission of a development brief, is therefore, not considered to be necessary or required in this instance.

2.2.7 The submission also does not include proposals to provide an alternative route into the site or to resolve site access issues as required by the LDP allocation, however, the fact that this building could re-open as a class 11 use at any time which would generate traffic, and which would result in associated impacts on the surrounding road network is a material planning consideration. The matters relating to road safety and the impact on the surrounding road network are fully assessed in section 2.4 below. It would not be considered reasonable for this proposal to provide an alternative route into the overall Crail Airfield site or to resolve site access issues, as the need for an alternative route or to resolve existing site access issues would not be created or significantly worsened by the impacts of this specific development. The proposal would also bring about the positive re-use of a vacant listed building, thus, securing the long-term future of the building, therefore, it is considered reasonable in this instance to relax the requirements to provide a development brief, an alternative route into the site and to resolve existing site access issues.

2.2.8 The LDP allocation sets out the types of development which could be acceptable on the site and advises that this may include the continuation of some outdoor events; existing and new employment uses; multi use commercial or leisure development and holiday accommodation; and proposals may also include limited housing development. This proposal would include the provision of a wet weather hall/mixed use events space (sui generis) with ancillary cafe, offices and outdoor seating, play area and parking area which would comply with the land uses set out within the LDP allocation. The proposal would also result in the re-use of a redundant existing listed building which is supported by Policy 9 (Brownfield, vacant and derelict land and empty buildings) of NPF4 and this policy states that proposals that result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. The proposal also complies with Policy 29 (Rural Development) of NPF4 as the proposal includes the reuse of an existing redundant listed building and brownfield land and this policy states that the re-use of redundant or unused buildings and the appropriate use of a historic environment asset which secures the future of that asset will be supported. The principle of the proposed change of use would, therefore, be acceptable in this instance.

## 2.3 Design, Scale and Finishes/Impact on Historic Character of the Listed Building

2.3.1 The Historic Environment Scotland Policy Statement (2019), Historic Environment Scotland's (HES) Managing Change in the Historic Environment's Guidance Notes on extensions, windows and doors, external fixtures, the use and adaptation of listed buildings, roofs, walls, accessibility, interiors and their interim Guidance on the Principles of Listed Building Consent, Policy 7 and 14 of NPF4, Policies 1, 10 and 14 of the LDP and Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas and Fife Council's Making Fife's Places Supplementary Guidance (2018) apply. The LDP allocation states that development must relate sympathetically to the character of the site; must have regard to the amount, layout and type of built development which is likely to be acceptable, and conservation or repair work should be carried out using appropriate materials to maintain building character.

2.3.2 Objections state that the treatment of one building on this site is unacceptable, and all listed buildings should be considered together. Letters of support advise that the proposal would prevent another historic site being forgotten and wasted.

2.3.3 A Design and Heritage Statement (DHS) has been submitted which includes an analysis of site opportunities and constraints, the history of the building and the overall Crail Airfield site, the design approach and solution for the proposal, several internal and external photos and a heritage impact statement. The submission also sets out the existing condition of the building

and the materials which would be used in the proposed restoration of the building. The DHS states that the proposed works to improve the Wet Weather Hall facilities will contribute to maintaining the heritage of one of the Category B listed buildings within the wider Crail Airfield site. The DHS considers that the building is the most significant building within the accommodation area, and it is important to maintain the building before it falls into disrepair and its heritage value is weakened. The DHS advises that the internal and external architectural proposals are intended to restore and repair the building's fabric to consolidate the Category B listed building and urgently prevent further dilapidation, whilst, retaining as much as possible of the original significant features. It sets out a reasoning behind the proposed down takings and the proposed materials to be used. The DHS concludes that the proposal would meet the six qualities of a successful place and that the analysis of relevant policies, site, history/heritage and sustainability has demonstrated that the proposed design response is appropriate within its local context. The DHS considers that the proposed design has appropriately addressed the key material considerations of the site and provides an opportunity to save a historic building of national heritage importance. The proposed alterations would also allow the building to be used as an events space (improved to allow a wet weather facility for Sunday markets), improved accessible facilities and an office for the airfield management company. These internal alterations would, however, be fully assessed through the associated application for listed building consent (25/01679/LBC) which is currently at appeal and do not form part of the assessment of this full planning application (see planning history section above).

2.3.4 The submitted DHS demonstrates a clear understanding of the historic significance and architecture of the building. The design philosophy has been clearly articulated which provides an understanding of the architectural form and which demonstrates how the proposals would impact on the historic character of this Category B listed building. The proposed installation of timber/aluminium windows, aluminium rainwater goods, aluminium roof and other external alterations as set out within section 1.2 above would be in keeping with and would preserve the historic character of this Category B Listed Building. The proposed removal of inappropriate additions to the building including the removal of the rear extension would also be acceptable and would have no significant impact on the historic character of the building when taken within the context of the proposed external alterations. The proposed timber decking area which would be located at the side of the building would also be visually acceptable and would have no significant impact on the historic character of this listed building. The proposal external alterations which would be in keeping with the existing listed building would also have no significant impact on the overall surrounding Crail Airfield or any other listed buildings within the surrounding site, therefore, it is not considered necessary for a development brief to be undertaken for the whole of the Crail Airfield site in relation to this listed building consent application and with regards to the physical external alterations which may be undertaken for each specific listed building. A condition is also recommended requiring that specific details of the colours and finishing materials to be used are submitted for approval in writing by this Planning Authority before any works commence on site. This condition is required as, although details relating to colours have been submitted these do not include the specific RAL details. Policy 7 (d) of NPF4 advises that proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported. The proposal is considered to sensitively repair and enhance this building and would allow for the long-term future of the building to be secured whilst retaining as much as possible of its historic character. It is also considered that the proposed external alterations to the building relate specifically to this building and would be acceptable overall with no impact on the historic character of any other surrounding listed buildings, therefore, a masterplan for the whole site is not necessary in this instance in relation to this specific application.

2.3.5 The proposed parking area which is located within the tree belt area would also have no significant detrimental impact on the setting of the Category B Listed building as the parking area would be screened from views from the surrounding area by the existing retained tree belt

which is located to the north-west and south-west of the building along with the proposed tree planting within the site and surrounding fields. The proposal overall would, therefore, be visually acceptable, would preserve the historic character and setting of this Category B listed building and would comply with the Development Plan in this respect.

## **2.4 Transportation/Road Safety**

2.4.1 Policies 13, 14 and 15 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply. The LDP allocation requires that proposals should resolve site access issues from Crail to the airfield and Crail golf courses, whilst an alternative route will be required. The allocation does not, however, specifically set out what the existing site access issues are with regards to accessing the airfield from Crail or where or what form an alternative route should take.

2.4.2 The Crail Local Place Plan states that no development should take place on the Crail airfield site until a new direct route avoiding the Town Centre or to link into the new primary route planned for Crail North has been completed. It also advises that no development should be permitted on the site until improvements have been carried out to the surrounding road network including permanent traffic lights and a pedestrian crossing at Denburn Narrows, the widening of Balcomie Road from Warsea Road to the airfield along with a pedestrian/cycle path next to the road and traffic calming measures along Marketgate and Balcomie Road.

2.4.3 Objections including the consultation response from Crail Community Council state that a Transport Assessment (TA) should have been submitted in support of the application. It is not considered that a Transport Statement (TS) or Transport Assessment (TA) would be required for this local development in this instance due to the size of the proposal and due to the fact that the existing building could re-open at any time as a Class 11 use. Transport Scotland's Guidance on Transport Assessment, which provides guidance on the preparation of TAs for development proposals in Scotland also states that in the case of local developments or changes of use where transport impacts are likely to be insignificant, a detailed TA or TS will not be necessary. This guidance also sets out recommended criteria, whereby, a TA and Travel Plan may be required and the proposed change of use of the existing building is not considered to breach any of the criterion contained within this guidance. A TS or a TA are, therefore, not required to allow this proposal to be fully assessed. Fife Council's Transportation Development Management (TDM) team are also of the opinion that a TA is not required in this instance as set out in the next paragraph. Objections also states that the proposal does not resolve site access issues from Crail to the Airfield or provide an alternative route as required by the LDP allocation. They further consider that the proposal is an intensification of use and would result in additional traffic with the existing roads within Crail village including Denburn Narrows not being sufficient to accommodate the proposal. Objections also state that Fife Council's Cul de sac policy has been breached already; therefore, a new access is required.

2.4.4 TDM advise that they have no objections to the proposal subject to a condition relating to off-street parking. TDM note that the site is located within the allocated "other proposal" site (LWD 022) in the LDP. However, they also note that the planning application is for an existing building that was formerly used as a cinema and gymnasium (1939 - 1960); agricultural, meeting hall and office (1960 – 1990's); and University of St Andrews event venue (2005 – 2015) with the building having been in partial operation providing office space; site maintenance administration; group meetings and a venue for the 2023 East Neuk Music Festival. This building, therefore, has a lawful Class 11 use and could re-open as this type of use at any time and this use would generate traffic on the surrounding roads. TDM do consider that piecemeal development on the overall allocated Crail Airfield site could be submitted to try and overcome

their original concerns raised in relation to application reference 23/02309/PPP (see planning history section above), however, they acknowledge that in this case the building has been in continuous sporadic use since first opening in 1939. They also consider that a TA is not required due to the size of the proposed development. TDM conclude that as the proposal is to re-furbish an existing building that has been in continued sporadic use with the proposed uses being similar to the existing/previous uses with no significant change in floorspace that they would have no objection to the proposal subject to a suspensive parking condition.

2.4.5 The submission does not include proposals to provide an alternative route into the site or to resolve site access issues as required by the LDP allocation, however, the fact that this building could re-open as a class 11 use at any time which would generate traffic, and which would result in associated impacts on the surrounding road network is a material planning consideration. The proposed use would also allow for existing external Sunday Crail Airfield markets to be held indoors when the external site is exposed to inclement weather along with an office space for Crail Airfield Management Company and these uses already generate traffic associated with the airfield. This part of the proposed use would, therefore, not result in any significant additional traffic visiting the overall airfield site. It would not, therefore, be considered reasonable for this proposal to provide an alternative route into the overall Crail Airfield site or to resolve site access issues, as the need for an alternative route or to resolve existing site access issues would not be created or significantly worsened by the impacts of this specific development, whilst the building could presently operate as a class 11 use. TDM also have no objections to the proposal. The proposal when considered on its own merits would have no additional significant impact in terms of road safety on the surrounding road network, therefore, it is considered reasonable in this instance to relax the LDP requirements to provide an alternative route into the site and to resolve existing site access issues. The proposal would also provide additional parking adjacent to the building which would allow visitors to the site to park in off-street parking spaces as opposed to on the existing surrounding roads which would result in an improvement in terms of parking for the overall Crail airfield site. A condition is also recommended requiring that the off-street parking be provided on site before the development is brought into use. It should also be noted that any subsequent applications for planning permission within the overall surrounding Crail airfield allocated site would also be fully assessed at that time should an application be received and the assessment of these potential applications would take into account the combined cumulative impact of any developments approved on the site. The proposed development subject to conditions would, therefore, provide the required on-site transport measures to minimise and manage future levels of traffic generated by the proposal, would have no detrimental impact on the site or surrounding area in terms of road safety and would be acceptable in this instance.

2.4.6 Objections including the consultation response from Crail Community Council state that the proposal is not acceptable as there are no proposals to improve active travel links between the site and Crail, whilst the proposal does not comply with Policy 13 of NPF4 as there are no proposed vehicular, cyclist or pedestrian improvements between the site and Crail along with the increased reliance on private car. Policy 13 (a) of NPF4 states that proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy; which support a mode shift of freight from road to more sustainable modes, including last-mile delivery and that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems). This policy is more specifically considered to relate to specific applications for proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs, however, this proposal does include EV charging points within the site and green infrastructure such as natural landscaping that includes trees and hedgerows around the site. The proposal would, therefore, comply with Policy 13 (a) of NPF4.



2.4.7 Policy 13 (b) of NPF4 states that proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation; will be accessible by public transport, ideally supporting the use of existing services; integrate transport modes; provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards; supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking; are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles; have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and adequately mitigate any impact on local public access routes. In this instance, the proposal relates to an existing building which is a lawful Class 11 use and which could operate as such at any time and as stated above the building would also be used for existing events which already take place on the Crail airfield site, therefore, it would not be reasonable or necessary for the proposal to provide significant off-site travel improvements due to the scale of the development which is for the change of use of this existing Class 11 building which would result in no significant impact in terms of road safety or sustainable travel on the site or surrounding area. The proposed site would also include 6 electric vehicle charging spaces and accessible parking along with secure cycle parking and a path within the site which would comply with Policies 13 (b) (iv) and (v).

2.4.8 Policy 13 (d) of NPF4 states that proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area. As stated earlier, this proposal relates to an existing Class 11 building which could re-open as a class 11 use at any time and which has operated sporadically as such over the years, whilst the proposal would not be considered a significant travel generating use in terms of its impact on the site or surrounding road network. The proposal would, therefore, not be contrary to Policy 13 (d) of NPF4. It should also be noted that policies 13 (a) and (b) state that proposals “will be supported” if they comply with the criterion contained within each policy section, whereas policy 13 (d) states that proposal “will not be supported” if they do not comply with the requirement of this section of the policy. This is considered an important distinction to make as policy 13 (a) and (b) do not advise that proposals should not be supported if they do not fully comply with some of the criterion contained within each of these sections of the policy, however, if this criterion is fully met then more weight could be provided to supporting a proposal. The proposed development would, therefore, be acceptable in this instance in terms of its location and road safety impacts.

## **2.5 Amenity Impact**

2.5.1 PAN (Planning Advice Note) 1/2011, Policies 23 and 30 of NPF4, Policies 1 and 10 of the LDP and Fife Council’s Policy for Development and Noise apply.

2.5.2 The site is located approximately 1.1 kilometres to the north of Crail Village with several residential dwellings located adjacent to the south-west boundary of Crail Airfield including Kirklands Cottage (approximately 610 metres to the south-west of the application site), Seafield, Taobh Na Mara, Viewfield and Foulhoggar.

### 2.5.3 Noise Impacts

2.5.3.1 As set out within the existing section above, the building has historically been used for class 11 uses including as a cinema and gymnasium, University of St Andrews event venue and a music festival, therefore, the proposed use of the building as a mixed use events venue would have no further significant impact on the amenity of the surrounding area when compared to these previous uses. It should also be noted that the building could re-open as a class 11 use without the need to apply for full planning permission. A noise report is also not considered to be necessary to assess this type of development as it would be a compatible use with the surrounding area. The proposed mixed use events space use would, therefore, have no significant impact on the amenity of the surrounding area in terms of noise impact and would comply with the Development Plan in this respect.

### 2.5.4 Light Pollution

2.5.4.1 It is considered that due to the location of the site and the distances involved that there would be no significant impact on any surrounding residential areas as a result of light pollution from the proposal. The proposed and existing planting and trees and the intervening land and buildings would also provide mitigation against this. The proposed development would, therefore, be acceptable and would comply with the Development Plan in this respect.

### 2.5.5 Construction Disturbance

2.5.5.1 It is considered that any construction disturbance caused as a result of the proposal would be temporary in nature and any developer should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that Public Protection can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. There would, therefore, be no significant impact on the surrounding area as a result of any associated construction works. The proposed development would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.6 Water/Drainage/Flood Risk**

2.6.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1 and 3 of the LDP and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply.

2.6.2 A Drainage Assessment (DA) has been submitted in support of this application. The DA advises that a soakaway system would be installed to address surface water run-off from the existing buildings roof, whilst permeable paving plus infiltration would be utilised to address surface water run-off related to the proposed car park area. The parking area would utilise resin-bound permeable paving along with resin-bound permeable gravel. The parking bays would utilise grass protection plates filled with topsoil. Any overflow would run to a second soakaway if required and surface water would discharge to the soakaways via a treatment plant and underground pipes. The DA also sets out the maintenance requirements for these areas and concludes that the proposed drainage measures are fully compliant with SEPA, CIRIA C753 and BRE365 standards. Surface water from the building and car park would be managed independently using infiltration techniques suited to the local soil conditions. The submission

also includes SUDs Design Compliance, Independent Check and Future Maintenance certificates as required by Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements. The proposal would connect to the public water supply network and foul water would temporarily drain to ground after receiving suitable treatment. The connection would in future be connected to a public waste water works when this becomes feasible.

2.6.3 Scottish Water advise that they have no objections. They further advise that there is currently sufficient capacity in the Glenfarg Water Treatment Works to service the development and that the proposal is within the Crail Kilwinning Waste Water Treatment works catchment. Scottish Water also advise that the applicant is required to apply directly to them for a full appraisal of the proposal with regards to a connection to this waste water treatment works.

2.6.4 A DA which includes drainage drawings, and the appropriate SUDS certificates has been submitted which demonstrate that a surface water management and drainage solution could be accommodated on the site. It should also be noted that the existing building has existing waste water and potable water facilities which could be utilised for the proposal. It is considered that the proposal has demonstrated that the site could incorporate measures to ensure that it would be served by adequate infrastructure and services to deal with surface water run-off, waste water drainage and the provision of potable water. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.7 Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement**

2.7.1 Policies 3, 4 and 6 of NPF4, Policies 1 and 13 of the LDP and The Scottish Government's Policy on Control of Woodland Removal apply.

### **2.7.2 Trees**

2.7.2.1 The proposed parking area would be located within the existing tree belt to the south of the site, therefore, an arboricultural impact assessment (AIA) report and additional tree information along with a landscaping plan has been submitted in support of this application. The AIA includes a tree survey; constraints plan and sets out any required tree protection measures for trees to be retained. The AIA advises that the proposed tree belt (shown as area W1113 within the AIA) located adjacent to the south side of the building comprises of "a closely planted mixture of Alder, Pine, Birch, Ash, Oak Cherry, Rowan, and Hawthorn" which measures "around 6 to 10 metres" high, whilst no systematic thinning or routine management has historically taken place so the growth form of the woodland block is not optimal. The woodland belt has been provided with a Category A retention due to their landscape value and are considered to be young trees. The AIA shows the areas of woodland which would be removed along with areas to be retained, and a total figure of 301 stems over an area of approximately 2708.5 square metres would be removed from the woodland tree belt to make way for the proposed car park. The AIA further advises that tree protection measures would be erected during the proposed construction phase with fencing located at a distance of canopy spread plus one metre. The proposed landscaping details show that compensatory tree planting (Birch, Aspen, Oak, Pine and Hawthorn) would include the planting of 1319 stems of mixed native species on areas within and around the site.

2.7.2.2 Fife Council's Tree Officer (TO) initially requested further details with regards to the tree protection measures and a justification for the car park being located within the tree belt area. This was subsequently submitted and the TO advises that they agree with the methodology and

findings of the submitted AIA and tree information and has no objections to the proposal, as they consider the mitigatory tree planting is sufficient to off-set the loss of the existing trees on site. The agent submitted justification as to why the car park area cannot be located elsewhere within Crail Airfield, such as the open fields to the west of the site, and they have advised that this is due to land ownership issues, the impact on the setting of adjacent listed buildings and to ensure that parking area is easily accessible to users of the proposed use. It is accepted that should the car park area be located within the open field areas to the west of the site that there could be a potentially detrimental impact on the setting of the nearby Category C Listed accommodation buildings that would be adjacent to this area. The proposed location of the car park would, therefore, be acceptable subject to the proposed loss of trees being considered to be acceptable. Fife Council's Natural Heritage Officer has also advised that the proposal would retain the overall linear features of the woodland strip and has no objections to the proposal.

2.7.2.3 The submitted information shows that the proposal would result in the loss of several trees (301 stems) within a woodland belt area on site which have been designated as Category A due to their landscape value. The proposed landscaping information shows a significant number of compensatory tree re-planting (1319 stems) to off-set the loss of these trees. It is considered that due to the significant re-planting of trees within and around the site that there would be no significant environmental impact as a result of the loss of the existing trees which are also young and have not been properly managed. The proposed re-planting would also represent a biodiversity enhancement at this location, and it is considered that the proposed location of the planting as shown on the submitted landscape plan would ensure that the landscape value of the existing woodland belt area would be replaced and enhanced sufficiently. The proposed new woodland belt would be located adjacent to the south-western boundary of the application site and would stretch from the existing tree belt down to Balcomie Road and would cover an area of approximately 592.29 square metres, whilst other areas of tree re-planting are proposed to the west and south of this proposed tree belt area and these would cover an area of approximately 1994.64 square metres.

2.7.2.4 The Scottish Government's Policy on Control of Woodland Removal provides criteria, whereby, woodland removal could be acceptable, and this includes enhancing designated historic environments, enhancing priority habitats and their connectivity, supporting Scotland as a tourist destination, enhancing sustainable economic growth or rural/community development and increasing the social, economic or environmental quality of Scotland's Woodland Cover. This guidance also states that in appropriate cases, a proposal for compensatory planting will form part of the assessment balance. The proposal would comply with this acceptability criteria as significant compensatory tree planting has been proposed which will sufficiently replace and enhance the landscape value of the lost trees, whilst, the overall proposal would result in the re-development of a vacant listed building, thus safeguarding its long-term future. Fife Council's TO is also in agreement with this and has no objections to the proposal. Conditions are also recommended with regards to the timing and planting of the tree re-planting. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

### 2.7.3 Protected Species and Wildlife Habitats

2.7.3.1 The existing building may provide suitable habitat for roosting bat species; therefore stage 2 bat surveys have been carried out and submitted. The survey report advises that no bat roosts were identified within the structure of the building.

2.7.3.2 Fife Councils' Natural Heritage Officer (NHO) has no objections to the proposal subject to conditions requiring works to be carried on outwith the bird breeding season and that a pre-felling ecology check be submitted before any works commence within the woodland belt area of the site.

2.7.3.3 It is considered that the submitted information demonstrates that the site can be developed with no significant impact on protected species, wildlife habitats or birds. Conditions are also recommended requiring that works are carried on outwith the bird breeding season and that a pre-felling ecology check is submitted before any works commence on the woodland belt area of the site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.7.4 Biodiversity Enhancement

2.7.4.1 Landscaping information showing the planting of native species of trees, shrubs and grassland has been submitted in support of this application. The proposed landscaping shows a significant number of compensatory tree re-planting to off-set the loss of these trees and this is further detailed above in section 2.7.2 of this report.

2.7.4.2 As per the section above, the NHO states that they have no objections to the proposal and agree with the methodology and findings of the submitted reports. It is considered that the submitted information demonstrates that the site can be developed to provide a biodiversity enhancement at this location and conditions are recommended regarding these matters. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.8 Impact on Firth of Forth SPA and SSSI and the Outer Firth of Forth and St Andrews Bay Complex SPA**

2.8.1 Policies 3, 4 and 6 of NPF4 and Policies 1 and 13 of the LDP apply. The LDP allocation requires that detailed proposals, including applications for planning permission in principle, must demonstrate that the development would not adversely affect the integrity of the Firth of Forth SPA either alone or in combination with other plans or projects.

2.8.2 A habitat regulations appraisal (HRA) as required by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) was carried out for this proposal. Under the Habitats Regulations, all competent authorities must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'likely significant effect' on a European site, and if so, they must carry out an 'appropriate assessment'. This process is known as HRA. The proposal has been assessed in this regard, and it is not considered that the proposal (either alone or in combination with any other plans or projects) is likely to have a significant effect on the aforementioned protected sites. It is considered that the proposed re-development of the listed building and formation of a parking area would have no significant impact on the Firth of Forth SPA and SSSI and the Outer Firth of Forth and St Andrews Bay Complex SPA due to the distances involved and the intervening land and building. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.9 Tackling the Climate and Nature Crises**

2.9.1 Policies 1, 2 and 19 of NPF4, Policies 1 and 11 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.9.2 A low carbon sustainability checklist and statement have been submitted in support of this application. The statement advises that the proposal seeks to follow design guidelines that promote the use of low-carbon materials like timber and wood fibre insulation, efficient low-energy solutions including installing an air source heat pump, and 'urban mining' of reusable materials, to form part of a circular framework that recognises the value of existing structures and materials and minimises construction waste. The submission also carries out an analysis of the embodied carbon of the wet weather hall proposal and advise that the proposal would achieve an 'A' category within the Embodied Carbon Benchmark table. The submission also sets out an analysis of energy efficiency and advises that the proposal would meet the relevant Building Standards requirements and would utilise high standards to minimise the future energy use of the building including extremely well-insulated walls and roof; with potential to exceed current Scottish Building Standards, the minimisation of heating demand, airtight construction where possible and thermal-bridge free design to minimise heat loss through the building fabric. An air source heat pump is also proposed within the curtilage of the building which would provide space heating, and which would utilise lower flow and return temperatures.

2.9.3 It is considered that sufficient information has been submitted to demonstrate that the proposal could incorporate sufficient energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

## **2.10 Contaminated Land**

2.10.1 Policy 9 and 23 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.10.2 Objections state that no mention has been made of contaminated land.

2.10.3 Fife Council's Land and Air Quality Team (LAQ) has no objections subject to conditions relating to contaminated land. Conditions are recommended regarding this matter. The proposal, subject to these conditions would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in respect.

## **2.11 Waste Management**

2.11.1 Policy 12 of NPF and Policies 1 and 10 of the LDP apply.

2.11.2 A waste management statement has been submitted in support of this application. The statement advises that the proposed north elevation extension includes a delivery entrance with direct access to an internal bin store and this space will include easily wipeable surfaces, louvred double doors for ventilation and separate designated areas for general waste, food waste and recycling bins. It further advises that bins will also be provided on site and collected in accordance with Fife Council waste management requirements for commercial premises

2.11.3 The submitted information demonstrates that there is sufficient space within the curtilage of the proposed site to accommodate any required bin storage facilities. The proposal would, therefore, be acceptable in principle and would comply with the Development Plan in this respect.

## 3.0 Consultation Summary

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Community Council	Object
Scottish Water	No objections
TDM, Planning Services	No objections subject to a condition.
Transportation And Environmental Services - Operations Team	No response
Land And Air Quality, Protective Services	No objections subject to a contaminated land condition.
Trees, Planning Services	No objections
Natural Heritage, Planning Services	No objections subject to conditions.

## 4.0 Representation Summary

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4.1 Fourteen letters of representation have been received including 11 letters of objection and 3 letters of support.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
- Proposal would result in piecemeal development which could result in issues in terms of an integrated airfield development.	2.2
- The treatment of this listed building should be part of an overall approach to all listed buildings on the site.	2.2 and 2.3
- No Development Brief for the overall Crail Airfield site has been submitted as required by the LDP allocation, therefore, cannot assess how proposal would relate to and integrate with wider airfield and potential additional uses.	2.2
- Proposal does not comply with LDP policies in terms of level of information provided.	2.2
- Proposal does not address impact on other venues within the vicinity and within Crail village include the Community Hall, Town Hall etc.	2.2
- Proposal is contrary to the decision of the reporter and this application is an attempt to bypass that decision.	2.2
- Proposal does not resolve site access issues from Crail to the Airfield or provide an alternative route as required by the LDP allocation.	2.3

- Proposal is an intensification of use and would result in additional traffic. 2.4
- No Transport Assessment has been submitted. 2.4
- No proposals to improve active travel links between the site and Crail. 2.4
- Proposal does not comply with Policy 13 of NPF4 as there are no proposed vehicular, cyclist or pedestrian improvements between the site and Cail along with the increased reliance on private car. 2.4
- Existing roads within village including Denburn Narrows are not sufficient to accommodate the proposal. 2.4
- Fife Council’s Cul de sac policy has been breached already; therefore, a new access is required. 2.4

#### 4.2.2 Support Comments

- Great idea and would be beneficial to the area and would prevent another historic site being forgotten and wasted. 2.2 and 2.3
- Would provide economic benefit to area and thrilled to see old airfield getting invested in. 2.2

#### 4.2.3 Other Concerns Expressed

<b>Issue</b>	<b>Comment</b>
- Proposal description is confusing and not accurate as a mixed-use events space is not set out within article 3 (5) of the "The Town and Country Planning (Use Classes) (Scotland) Order which contains the list of “sui generis uses. The application should, not, therefore have been validated.	See section 1.4.5.
- No Environmental Impact Assessment has been submitted.	See section 1.4.7.
- Listed building consent could be approved and the full planning permission refused which would allow repairs etc to take place, however, the proposed uses could not be implanted or use.	This is correct as listed building consent and full planning applications are determined on their own individual merits.
- As per the Planning Act, the Planning Authority should decline to determine the application as it similar to the recent appeal dismissal for 23/02309/PPP.	See section 1.4.6.
- Application does not request full planning permission.	The proposed application is for full planning permission.
- The plans to restore the old airfield buildings aren’t part of this application and can’t be approved at this stage.	The proposal specifically relates to



the conversion of the listed building.

- Buildings have already been demolished on overall Crail airfield site.

This is not a material planning consideration for the assessment of this listed building consent application. This matter has also been investigated by Fife Council's Enforcement Team.

## 5.0 Conclusions

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5.1 The proposal would be acceptable in principle and would be compatible with its surrounds in terms of land use. It would cause no detrimental impacts on the surrounding area in terms of road safety, amenity, flooding and drainage, contaminated land or natural heritage impacts, whilst, the proposal, would be visually acceptable and would preserve the historic character and setting of this Category B listed building. The proposal subject to conditions, would therefore, be acceptable in meeting the terms of the Development Plan and National Guidance.

## 6.0 Recommendation

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

### **PRE-COMMENCEMENT CONDITIONS:**

1. BEFORE ANY WORK STARTS ON SITE; full details of the specification and colour of all proposed external finishes shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out in accordance with these approved details.

Reason: In the interests of visual amenity; to ensure that the external and internal finishing materials are appropriate to the historic character of this Category B Listed Building.

2. The construction of the development shall be carried out fully in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment Report and Tree Protection Plans (Plan References: 38 and 50). This Planning Authority shall be formally notified in writing of the completion of the required tree protection measures and NO WORKS SHALL COMMENCE ON SITE until this Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations, and no building materials,

soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of safeguarding trees.

**CONDITIONS:**

3. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; the hereby approved, secure cycle parking, paths, EV charging spaces and car parking areas shall be provided and made available for public use. The car parking spaces shall be future proofed for conversion to electric vehicle charging points. The parking spaces shall, thereafter, be available and maintained as such for the lifetime of the development.

Reason: To ensure the provision of an adequate transport facilities for users.

4. No tree or vegetation clearance shall take place on site until a pre-felling/clearance ecological check has been carried out by a qualified ecologist. Full details of this check and, if required, any mitigation measures shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY FELLING/CLEARANCE OF TREES OR VEGETATION TAKES PLACE.

Reason: In the interests of species protection.

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

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

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

6. No tree or vegetation clearance shall be carried out during the bird breeding season which is March to August inclusive unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of species protection.

7. The, hereby approved, landscaping scheme including the proposed compensatory tree planting shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner. All planting carried out on site shall then

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

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

## **7.0 Background Papers**

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

### **National Policy and Guidance**

Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance on Windows and doors, Interiors, Accessibility, Roofs, External Fixtures, Walls and the Use and Adaptation of Listed Buildings and the Principles of Listed Building Consent.

PAN (Planning Advice Note) 1/2011

### **Development Plan**

National Planning Framework 4 (NPF4) (2023)

Adopted FIFEplan (2017)

Low Carbon Fife Supplementary Guidance (2019)

Making Fife's Places Supplementary Guidance (2018)

### **Planning Policy Guidance, Customer Guidelines and Other Guidance**

Crail Local Place Plan (2023)

Policy for Development and Noise (2021)

Fife Council's Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018)

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

Report prepared by Scott Simpson, Chartered Planner and Case Officer – 10/10/25

Report reviewed and agreed and signed off by Alastair Hamilton, Service Manager (Committee Lead) 27/10/25

**Committee Date: 05/11/2025**

**Agenda Item No. 6**

**Application for Full Planning Permission**

**Ref: 25/01300/FULL**

**Site Address: Watts Of Cupar Station Road Cupar**

**Proposal: Change of use and extension to nightclub (Class 11) to form mixed use development (Class 1A, Class 3, Class 11), erection retail property (Class 1A), erection of cafe (Class 3) with ancillary drive through (Sui Generis), including formation of car parking, and associated works**

**Applicant: Mr Andrew Craig, 11 Alva Street Edinburgh**

**Date Registered: 20 May 2025**

**Case Officer: Andy Taylor**

**Wards Affected: W5R20: Cupar**

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**Reasons for Referral to Committee**

This application requires to be considered by the Committee because the application has received more than 5 representations contrary to the officer recommendation.

**Summary Recommendation**

The application is recommended for: Approval subject to conditions.

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## 1.0 Background

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### 1.1 The Site

1.1.1 The application site extends to approximately 0.34ha and is located on the corner of Station Road and Coal Road within Cupar town centre, Settlement Boundary and the designated Cupar Conservation Area as defined by the Adopted FIFEplan (2017). The site is currently occupied by a number of vacant and deteriorating buildings, including the Grade B Listed former Watts of Cupar building (dating from 1813), the former nightclub extension, a vacant carpet retail unit, and the remnants of the former Cupar Cattle Auction Mart. The Watts building, which is included on Historic Environment Scotland's Buildings at Risk Register, has been unoccupied since 2019.

1.1.2 The site occupies a prominent and highly visible location at a key approach into Cupar from the west, in close proximity to Cupar railway station (c.200m to the south-west) and adjacent to a range of commercial and public uses. To the east lies the Category A Listed Granary Business Centre, a substantial stone building in office use, while to the west sits a Lidl food store. Victoria Bridge, the River Eden and Haugh Park are situated to the north of the site.

1.1.3 Vehicular access is presently taken from Coal Road, with an additional historical access from Station Road. The proposals retain vehicular access via Coal Road and introduce new pedestrian links across the site.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

This planning application seeks a change of use and extension from a nightclub (Class 11) to form mixed use development (Class 1A, Class 3, Class 11), erection retail property (Class 1A), erection of cafe (Class 3) with ancillary drive through (Sui Generis), including formation of car parking, and associated works. Works comprise of the following;

1. Refurbishment and alteration of the Category B Listed Watts of Cupar building to form a two-storey bar/restaurant (approx. 413sqm GIA). This includes external repair, stonework restoration, roof repairs, and a new glazed side extension to west gable replacing a deteriorating extension.

### 2. Extension to the Rear of the Listed Building

- 2.1 The proposal includes the erection of a substantial rear extension to the Category B Listed former Watts of Cupar building to accommodate two single-storey retail/commercial units (identified as Units 2 and 3), each measuring approximately 121sqm Gross Internal Area (GIA). The extension would project from the rear elevation into the existing service yard, replacing a number of poor-quality modern additions that have since been removed.

2.2 The new extension has been designed as a contemporary addition that clearly reads as a later intervention. The form adopts a simple flat-roofed profile, incorporating varied parapet heights to break down the building mass and to visually step with the established rear building line. Glazed shopfronts and recessed entrances would provide active elevations addressing the internal courtyard and pedestrian route through the site.

2.3 Externally, the extension would be finished in a palette of modern materials, including smooth light grey render, vertical timber-effect cladding panels in a natural oak tone, and dark grey aluminium framed glazing. The roof is proposed to be finished in a dark single-ply membrane system, with integrated rainwater goods and discreet roof edge detailing to achieve a crisp, contemporary finish. The design intention is to create a lightweight, modern rear wing, seeking to improve the original building's stone façade while providing functional, flexible commercial space suitable for a variety of small-scale business uses.

### 3. New Commercial Buildings (Units 4 and 5)

3.1 The proposal also includes the erection of two new standalone buildings within the wider site. Unit 4 is a single-storey retail/commercial unit of approximately 101sqm GIA located at the corner of the site fronting Station Road, positioned to re-establish a strong and active built edge along this part of the streetscape. The building is rectilinear in form with full height glazed display windows facing Station Road and secondary access from the internal courtyard. The external walls are proposed to be finished in a combination of off-white smooth render and horizontal timber-effect cladding in a warm mid-oak tone, with anthracite grey aluminium-framed windows and doors and a dark grey flat roof membrane. The overall appearance is modern to the material character of the adjacent listed building.

3.2 Unit 5 comprises a café with ancillary drive-through facility (Sui Generis use) located on the footprint of the former auction mart building at the southern part of the site. The building has a Gross Internal Area of approximately 171sqm and is designed as a contemporary pavilion-style structure with a strong horizontal emphasis and generous glazing to maximise natural light and visibility. The proposed external finishes include light grey render, vertical feature cladding in a natural timber tone, and extensive glazed elevations with dark aluminium framing. The drive-through canopy element would be finished in brushed aluminium cladding with a simple projecting roofline to provide weather protection to the serving window.

3.3 The site includes hard and soft landscaping elements, including tree planting and feature paving, proposing to further integrate the new buildings into the overall development layout.

### 1.3 Relevant Planning History

11/01120/FULL - Formation of hardstanding area (retrospective), approved April 2011.

97/00107/HIST - Conservatory extension to front of licensed premises (demolish porch), refused September 1997.

25/01298/LBC - Listed Building Consent for internal and external alterations to property, including demolition of existing extension, erection of extension, is also on this agenda.

25/01299/CAC - Conservation area consent for demolition of nightclub extension, and 2 no. commercial properties was also submitted. The buildings to be demolished lie within the Cupar

Conservation Area and within the curtilage and setting of the Category B Listed former Watts of Cupar building, they form part of the listed site. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, where demolition is included within a proposal requiring Listed Building Consent, a separate Conservation Area Consent is not required. The listed building application therefore supersedes the need for a separate conservation area consent in this instance in so far as it relates to the demolition of the former nightclub element formed within the listed walls of the former jail exercise yard. The remaining elements forming part of the wider proposal that do involve down takings will be considered in the related CAC application.

## **1.4 Application Procedures**

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). 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.

1.4.2 A physical site visit has not been undertaken for this planning application. All necessary information to allow for full consideration and assessment of the proposal was collated digitally using Google imagery (including Google Street View and Google satellite imagery) and GIS mapping. It is considered, the evidence and information available to the case officer is sufficient to determine the proposal.

1.4.3 National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

1.4.4 Local Place Plans registered through Fife Council will not be part of the 'Development Plan' as defined by the Planning Act but will feed into the preparation of Fife's Local Development Plan 2 which is at the early stages of preparation. The Local Place Plan is a material planning consideration in the assessment of planning applications but given the early stages of LDP2 and that the Development Plan remains the starting point for decision-making in the planning process, it is considered that the material weight given to the Local Place Plan at this stage is limited and this proposal is acceptable in terms of the relevant planning policies.

1.4.5 In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

#### Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

#### Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

#### Policy 9: Brownfield, vacant and derelict land and empty buildings

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

#### Policy 11 (Energy)

Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported.

#### Policy 12 (Zero Waste)

Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

#### Policy 13 of NPF4

Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported.

#### Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

#### Policy 15 (Local Living and 20 Minute Neighbourhoods)

Aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home

#### Policy 22: Flood risk and water management

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.



## **Adopted FIFEplan (2017)**

### **Policy 1: Development Principles**

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts.

### **Policy 3: Infrastructure and Services**

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that community's function sustainably without creating an unreasonable impact on the public purse or existing services.

### **Policy 6: Town Centres First (town-centre / retail / leisure policy)**

The policy directs footfall-generating uses and retail/leisure to town centres in the first instance and sets thresholds/requirements for out-of-centre proposals (retail impact etc).

### **Policy 10: Amenity**

Outcome: Places in which people feel their environment offers them a good quality of life.

### **Policy 11: Low Carbon Fife**

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

### **Policy 13: Natural Environment & Access (secondary but can apply)**

While less central for an urban reuse, any biodiversity, protected species, trees or access/green-network issues arising from the scheme will be assessed under this policy.

### **Policy 14: Built and Historic Environment**

Requires proposals affecting historic buildings/areas to safeguard and enhance the built heritage and to demonstrate sensitive design/repair/reuse.

## **National Guidance and Legislation**

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Historic Environment for Scotland's Managing Change in the Historic Environment.

The Historic Environment Scotland Policy Statement (2019).

This policy statement advises that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

## **Supplementary Guidance**

Fife Council's Making Place's Supplementary Guidance (2018).

Fife Council Transportation Development Guidelines.

## Other Relevant Guidance

Fife Council's Cupar Conservation Area Appraisal and Management Plan 2010.

Cupar Ward and Monimail Local Place Plan (LPP 2024).

## 2.0 Assessment

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### 2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact on Conservation Area
- Local Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Low Carbon

### 2.2 Principle of Development

2.2.1 NPF4 Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) Parts (a and d) support development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary and also supports the reuse of existing buildings, taking into account their suitability for conversion to other uses. Demolition though is regarded as the least preferred option given the need to conserve embodied energy. NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options and where relevant within 20 minutes neighbourhoods. Policy 14: (Design, quality and place) aims to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

2.2.2 Policy 1, Part A, of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan Team. Policy 3: (Infrastructure and Services) ensures that new development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that community's function sustainably without creating an unreasonable impact on the public purse or existing services. Policy 6 Town Centres First (town-centre / retail / leisure policy), this policy directs footfall-generating uses and retail/leisure to town centres in the first instance and sets thresholds/requirements for out-of-centre proposals (retail impact etc).

2.2.3 In simple land use grounds, the principle of the development meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the settlement boundary and town centre location of Cupar as defined by the Adopted FIFEplan (2107). The proposal seeks to enhance the vitality and viability of Cupar town centre by introducing an active use that will increase footfall and activity, improving the overall appearance and attractiveness of this key heritage asset. The reuse of the existing building also represents an efficient use of land and resources consistent with the principles of sustainable development and climate-conscious design. Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as design, amenity, road safety and other relevant matters all of which are considered in detail below.

## **2.3 Visual Impact on the Building/ Conservation Area**

2.3.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the building, or its setting and change shall be managed to protect its special interest. 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 listed building shall be appropriate to both the character and appearance of the building or area and its setting.

2.3.2 FIFEplan Policies 1 (Development Principles), 10 (Amenity) and 14 (Built and Historic Environment), require new development to make a positive contribution to its immediate environment in terms of the quality of the development. Policy 14 (Built and Historic Environment) and 10 (Amenity) of FIFEplan in particular is applicable in requiring that there would be no adverse impact on the amenity, character of the historic environment. Consequently, the design, materials, scale and siting of any development shall be appropriate to the character of the historic environment. Historic Environment Circular 1 (2016) provides further information in relation to the impacts of proposals on the historic environment and is also a material consideration in this regard. The Cupar Conservation Area Appraisal and Management Plan also applies.

2.3.3 Policy 14 of NPF 4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable. Policies 1 and 10 of the Adopted Local Plan apply and state amongst other things that development will be supported where it conforms to relevant Development Plan policies and proposals; and the proposal respects the character, appearance and prevailing pattern of development of the adjacent townscape in terms of external finishes and complies with any planning guidance which has been issued by Fife Council. New development must make a positive contribution to its immediate environment and is required to demonstrate well thought out design, and high standards of architecture in terms of choice of materials.

2.3.4 Historic Environment Scotland - Policy Statement (June 2016) advises that new work, including alterations to historic buildings shall enhance its surroundings.

2.3.5 Fife Council's Making Fifes Places Planning Supplementary Guidance encourages a design-led approach to development proposals, focussed on achieving high quality design through careful consideration of the needs of users and future users to create buildings which are fit for purpose.

2.3.6 The former Watts of Cupar building is a Category B listed structure of significant architectural and historic value, designed by renowned Scottish architect James Gillespie Graham in 1813. The building, originally constructed as Cupar's town jail before later serving as a militia headquarters, seed merchant premises, and most recently as a restaurant and nightclub, represents an important part of the town's civic and commercial heritage. It contributes strongly to the character and appearance of the Cupar Conservation Area through its classical two-storey façade with giant Roman Doric columns, ashlar sandstone finish, and traditional slate roof. The proposed development requires a carefully considered and sympathetic approach to the reuse and adaptation of The Watts of Cupar building. The proposed scheme includes the demolition of a number of later, non-original buildings and extensions located to the rear of the site to form a mixed use development (Class 1A, Class 3, Class 11), erection retail property (Class 1A), erection of cafe (Class 3) with ancillary drive through (Sui Generis), including formation of car parking, and associated works

2.3.7 As the former Watts of Cupar building is Category B Listed, Historic Environment Scotland have been consulted as part of the Listed Building Consent process being assessed in conjunction with this planning application. The current proposals seek to extend, repair, refurbish, and alter the main building to create a bar/restaurant within the existing floor plan, with an extension to the rear and west side, providing additional retail and commercial units. Historic Environment Scotland has confirmed that the revised proposals, following a site meeting on 19 August 2025 and subsequent submission of amended drawings on 12 September 2025, now appropriately address earlier concerns regarding the potential loss of internal fabric. In particular, the retention of the original stone stair and a greater proportion of the rear wall are welcomed as significant improvements which will safeguard the special architectural and historic interest of the listed building. HES supports the reuse of the building and welcomes the proposed repairs to existing timber sash and case windows, the stonework restoration, and the retention of the original roof slates. However, they advise that the replacement of the damaged stair balustrade should, where feasible, replicate the traditional design and utilise surviving historic balusters. They also recommend that the date stone, which is not to be retained in situ due to the demolition of the original rear gaol courtyard walls, should be carefully removed, preserved, and incorporated as a feature within the new design, and that any salvageable stone from demolition works from the courtyard and rear wall of the original building should be reused within the scheme to maintain material continuity. Further details on the merits of the internal alterations and extensions in the context of the listed building are assessed in the accompanying listed building consent application,

2.3.7.1 The application site lies within the Cupar Conservation Area and forms a prominent corner plot at the junction of Station Road and East Burnside. The site is currently occupied by the Category B Listed Watts of Cupar building, a distinctive and imposing late-19th century stone-built structure with strong architectural character, including a symmetrical classical frontage, high parapet, and regularly spaced window openings. The building is constructed in coursed sandstone with ashlar dressings, topped by a natural slate roof, and historically served as the town jail and thereafter a seed merchants before being converted to commercial use. The southern section of the site being used for animal housing as part of the Cupar auction mart. A small timber retail premises fronts onto Station Road.

2.3.7.2 To the rear of the listed building, the site previously contained a series of later, low-quality modern additions and outbuildings, including a timber-built retail unit and the remnants of the former auction mart. These structures are of limited architectural merit and contribute little to the character of the conservation area. The wider setting includes a mix of traditional stone properties, more recent commercial premises, and open yard areas associated with previous industrial use and a railway signal box.

The current proposal seeks to repair and convert the majority of the listed building, demolish the former nightclub including the listed boundary walls and the unsympathetic rear extensions and retail building, and introduce a comprehensive redevelopment comprising both the extended listed building and new stand-alone single-storey commercial buildings to the rear and south of the site. The development includes:

- A two-unit single-storey rear extension (Units 2 and 3), each approximately 121sqm GIA, designed as contemporary additions to the listed building, set below the main eaves level to ensure subservience to the original structure;
- A freestanding commercial building (Unit 4) of approximately 101sqm fronting Station Road, positioned to re-establish an active street frontage; and
- A single-storey café with drive-through facility (Unit 5) of approximately 171sqm located on the footprint of the former auction mart building.

2.3.7.3 All new-build extension elements are significant contemporary additions though in proportion given the large and dominant scale of the existing listed building. The proposed rear single-storey element is designed to step down from the height of the principal Watts building to preserve its visual dominance within the site. The architectural approach taken according to the applicant's agent adopts a contemporary design language, using simple rectilinear forms and flat or shallow-pitched rooflines to avoid competition with the classical proportions of the listed structure. The new buildings would be finished in a coordinated palette of modern materials, including light grey and off-white render, timber-effect cladding in natural oak tones, and dark grey aluminium framed glazing. The roof finishes would be in dark grey membrane systems with integrated rainwater goods to achieve a crisp, contemporary appearance.

2.3.7.4 From Station Road and East Burnside, the Watts building would remain the most prominent and visually significant element on the site. The new development is arranged to sit comfortably behind and alongside it, maintaining the established urban grain, building lines, and rhythm of frontages typical of this part of Cupar. The contemporary materials and restrained height of the new additions are intended to provide a clear but sympathetic contrast to the historic fabric, ensuring that the listed building continues to read as the principal structure both within the site and in the wider townscape.

2.3.7.5 While objectors have raised concerns regarding the scale and siting of the new buildings, the proposed layout and massing have been developed to respect the scale, proportions, and setting of the existing listed building and the character of the conservation area. The single-storey heights, stepped building lines, and lightweight modern materials ensure the extensions and new units are visually recessive, with the restored Watts building remaining the focal point. The demolition of the original boundary walls of the jail exercise yard is regretted but it is considered in the wider context of a viable proposal to secure the long-term future of the more architecturally important main building which needs significant investment. On balance the loss of the original jail exercise yard boundary walls is regrettable but the wider benefit to securing the redevelopment and preservation of the main structure is a material consideration in the acceptance of the partial demolition of the jail walls and the alterations to the rear of the listed building.

2.3.7.6 Overall, the proposal represents a balanced and contextually sensitive redevelopment that would remove visually intrusive modern structures, reinstate the prominence of the listed building, and introduce a coordinated series of new buildings that enhance the architectural quality and legibility of this important site within the Cupar Conservation Area.

2.3.8 In terms of materials and detailing, the works to the existing building will utilise natural sandstone repairs, lime-based mortars, and slate roofing to match the original construction, ensuring a high-quality and authentic finish. Where replacement windows are required, timber sash and case units are proposed, replicating original profiles and proportions, while allowing for discreet improvements in energy performance. Any new doors, openings or shopfront elements will be framed in painted timber, maintaining consistency with traditional detailing found throughout the Cupar Conservation Area.

### 2.3.9 Visual permeability and townscape quality

2.3.9.1 The term visual permeability refers to the degree to which the site is visually open and legible from surrounding streets and public spaces, in other words, how easily people can see through and understand the layout and uses on the site as they move around the town. At present, a number of later, low-quality additions, outbuildings and ad-hoc structures at the rear and southern parts of the site interrupt sightlines, create a cluttered appearance, and obscure views of the listed Watts building from particular approaches. The current arrangement therefore reduces the site's contribution to the surrounding townscape and detracts from the building's setting. The proposed redevelopment will improve visual permeability and townscape quality through a comprehensive restoration of the main building and the erection of a contemporary extension and complimentary free standing commercial units using a similar palette of materials. The proposed development includes the following:

- **Removal of unsympathetic and visually intrusive later additions:** The demolition of the poor-quality more modern outbuildings and redundant auction-mart structures will eliminate incongruous forms and materials that currently block views of the listed building and fragment the site. Removing these structures will reinstate clearer sightlines to the principal elevations of the Watts building from Station Road, East Burnside and the internal courtyard.
- **Reinstatement and improvement of public frontages and routes:** The scheme proposes to re-establish a defined, active frontage to Station Road (Unit 4) and to open up pedestrian connections through the site. Repositioned entrances, glazed shopfronts and clear, level pedestrian routes will make movement through and around the site more intuitive and accessible, improving legibility for pedestrians and cyclists and encouraging greater footfall to the town centre.
- **Rationalised layout and reduced massing:** By consolidating new accommodation into restrained single-storey forms set beneath the eaves of the listed building, the development reduces visual bulk and prevents competition with the historic principal elevation. The stepped building lines and lower roof heights are deliberately modest so that the Watts building remains the dominant townscape element.
- **Coherent material and landscaping strategy:** A coordinated palette of high-quality contemporary finishes (render, timber-effect cladding and dark aluminium glazing) applied across the new buildings, together with carefully considered hard and soft landscaping (feature

paving, low-level boundary treatments, tree and shrub planting and defined service areas), will provide visual cohesion across the site. The removal of extraneous signage and clutter, consolidated servicing and well-designed bin and cycle stores will further tidy the street scene.

- The proposed layout provides proposals that will make the site easier to read and navigate in both day and night-time conditions. This improves public confidence and natural surveillance, increasing the perceived safety and attractiveness of the public realm.

2.3.9.2 Taken together, these interventions produce a more coherent and legible site that complements rather than competes with the listed building. The reinstated views and simplified rooftop silhouette ensure the Watts building reads as the primary and historic landmark within the plot, while the new low-rise commercial buildings and café provide an ordered and attractive backdrop that activates the street edge.

2.3.9.3 From a conservation and planning perspective, the improvements described will (a) remove elements of visual detriment, (b) restore and reveal the setting and architectural qualities of the listed building, and (c) deliver public realm enhancements that positively contribute to the character and appearance of the Cupar Conservation Area. On that basis the proposals are judged to result in a net improvement to the site's contribution to the townscape and the setting of the listed building, consistent with the statutory duty to conserve the special architectural and historic interest of listed buildings and the objectives for enhancement within the Conservation Area.

2.3.10 The Society for the Protection of Ancient Buildings (SPAB) Scotland and Fife Historic Buildings trust (FHBT) have both objected. (SPAB) Scotland and (FHBT) object to the significant extent of demolition proposed to the Category B listed building. They contend that the demolition of the rear section, the large stair turret, internal walls, and roof of the original 1813 structure constitutes unacceptable loss of historic fabric, which FHBT confirms is part of the listing. This degree of demolition is deemed by SPAB to be little more than facade retention, failing to preserve the building's special architectural and historic interest, and thus is incompatible with NPF4 Policy 7c. Following initial consultation, the scheme has been revised to retain the central stair turret, which partially addresses a key concern regarding the loss of the historic internal layout.

2.3.11 The objectors further state that the applicants have not provided sufficient evidence (structural report or options appraisal) to justify this level of demolition, arguing that the stringent tests for demolishing a listed building under NPF4 Policy 7b (exceptional circumstances and all reasonable retention efforts) have not been met. Concerns are also raised about the accuracy and detail of the heritage assessment provided, conflicting with NPF4 Policy 7a. FHBT also objects to the design of the proposed new elevations to Station Road, stating they are incongruous with the existing listed building and would detract from the character of both the building and the Conservation Area. The embodied carbon impact of this degree of demolition is also cited by SPAB as a concern in light of the climate emergency.

2.3.12 The application proposes the erection of new build elements and extensions. The overall design intent seeks to repair, reuse and re-establish the site as an active frontage within the Cupar Conservation Area while introducing contemporary forms of development to the rear. The proposed new build components include an extension to the rear connecting to the retained listed building and a series of smaller commercial units within the area to the rear.

2.3.13 The scale and massing of the proposed extension have been carefully considered in relation to the listed building's established proportions and the townscape of Station Road and Coal Road. The extension adopts a stepped form across the site and respects the roofline hierarchy of the adjoining buildings. Its contemporary architectural style is expressed through simple form and high-quality materials including natural stone, standing seam metal cladding, and timber detailing. These materials are consistent with those found on traditional and contemporary buildings within the Cupar Conservation Area and provide a complementary yet distinguishable contrast to the retained historic fabric.

2.3.14 As described in Section 3 above, the proposed new build elements within the rear courtyard adopt a modest scale and varied roofscape to avoid dominance over the principal listed structure. Their siting reflects the historic pattern of outbuildings and service yards typical of Cupar's urban grain. The use of simple, traditional forms with a restrained range of materials ensures visual subservience to the retained building, while the contemporary detailing provides architectural distinction between old and new. The proposed orientation and fenestration have been designed to maximise daylight, provide active frontages to internal communal spaces, and limit any potential overlooking or amenity conflicts with adjacent properties.

2.3.15 From a design perspective, the new build and extension elements achieve an appropriate balance between conservation and improvement. The proposed massing has been tested through verified visualisations demonstrating that the new elements will not detract from key views within the conservation area, particularly those along Station Road as well as Coal Road and from the rear curtilage of neighbouring properties. The articulation of the proposed buildings, through use of vertical proportions, natural materials, and subtle recesses, reduces perceived bulk and allows the scheme to integrate sympathetically within the established townscape. and from the rear curtilage of neighbouring properties. The articulation of the proposed buildings, through use of vertical proportions, natural materials, and subtle recesses, reduces perceived bulk and allows the scheme to integrate sympathetically within the established townscape.

2.3.16 Historic Environment Scotland (HES) has not objected to the proposal, noting that the organisation considers that the proposed development works represent a sensitive approach to the adaptation of the listed structure and its setting. The design approach complies with the relevant provisions of HEPS, ensuring that the special architectural and historic interest of the former Watts of Cupar building is preserved and enhanced through the redevelopment.

2.3.17 In terms of policy compliance, the proposal accords with Policies 1 (Development Principles), 10 (Historic Environment), and 14 (Design) of the FIFEplan Local Development Plan. The extension and new build elements are of a scale and form compatible with their setting, employ high-quality and durable materials, and reinforce the character and appearance of the Cupar Conservation Area. The development also contributes to wider regeneration objectives for the town centre, delivering viable new uses within a long-vacant listed building and underutilised rear plots.

2.3.18 In view of HES's comments, no objection is raised subject to appropriate safeguards being secured through planning conditions. These should include: (1) submission and approval of detailed drawings for all repair and restoration works, including all stonework repairs; (2) a method statement for the careful removal, storage, and reinstatement of the 1813 date stone



and any other significant historic fabric; (3) details of materials, finishes, and joinery to match the existing building; and (4) a schedule of salvaged materials to be reused within the development.

2.3.19 Overall, the proposal is considered to achieve a well-balanced outcome between heritage preservation and contemporary adaptation. The design and choice of materials demonstrate a strong respect for the historic context while ensuring the long-term sustainability and usability of the building. The development therefore complies with NPF4 and FIFEplan and relevant guidance, preserving and enhancing the character and appearance of the Cupar Conservation Area and reinforcing the architectural quality of this prominent town centre location. (l) Concerns regarding building condition and structural justification have been raised by objectors, which, whilst material, must be assessed against the long-term viability and reuse of the building. The supporting representations highlight that the proposal offers the only realistic opportunity to save the prominent building from further decay.

## **2.4 Local Amenity**

2.4.1 PAN 1/2011 establishes the best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive approach to the location of new development.

2.4.2 With respect to the protection of residential amenity, policy 10 of the Adopted FIFEplan (2017) supports development proposals where they will not lead to a significant detrimental impact on the amenity of the surrounding area. The Scottish Government's Planning Advice Note PAN 1/2011 are also relevant here.

2.4.3 The proposed reuse of the site is compatible with its town centre location, where a mix of commercial, service, and community uses already exists. The development is expected to generate a modest increase in activity and footfall, which will contribute positively to the vitality and safety of the surrounding area. (d) Impact on the vitality and viability of Cupar town centre has been raised as an objection, though the principle of re-use aligns with town centre first policies. Conversely, the majority of supporting representations view the proposal as a vital economic boost and enhancement to the town centre's vitality, a position considered consistent with the objectives of NPF4 Policy 15 and FIFEplan Policy 6. The layout and design have been carefully considered to avoid adverse impacts on neighbouring properties, with no significant noise implications anticipated. Operational aspects, such as servicing and customer movements, can be managed effectively within the existing street network without detriment to residential or visual amenity.

2.4.4 Given the context of the Cupar town centre environment and the nature of the proposed use, it is considered that the development will not result in any unacceptable loss of amenity to surrounding properties and will, in fact, contribute to an improved local environment through the enhancement and occupation of a currently underused building and in compliance with relevant development plan policies and guidance.

## **2.5 Transportation/Road Safety**

2.5.1 Policy 13 of NPF4 states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with sustainable travel and where appropriate they will be accessible by public transport. Policies 1,

3 and 10 of the Adopted FIFEplan (2017) and Fife Council's Transportation Development Guidelines apply in this respect. Policy 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

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

2.5.3 Vehicular access is presently taken from Coal Road, with an additional historical access from Station Road. The proposals would retain the vehicular access via Coal Road and introduce new pedestrian links across the site. The scheme makes provision for 36 car parking spaces, including four dedicated electric vehicle charging bays, together with landscaping and public realm improvements to Station Road. Following submission of the application, Transportation Development Management (TDM) provided a detailed consultation response which raised a holding objection in principle pending resolution of several issues. Road safety, including pedestrian access and connectivity, lack of parking and congestion in the area are all material concerns raised by objectors and TDM. These related to:

- The significant shortfall in parking provision compared with the Making Fife's Places Supplementary Guidance;
- The lack of pedestrian connectivity within the site, particularly from Coal Road;
- The absence of swept-path analysis for service and refuse vehicles; and
- The need for further clarification on access design and internal movement patterns.

2.5.4 In response, the applicant's transport consultant engaged directly with TDM and subsequently submitted additional information including updated layout drawings and swept-path analysis. These revisions demonstrate:

- A continuous 2.5 m wide central footway through the car park improving pedestrian permeability;
- Servicing and refuse collection can occur within the site safely, albeit requiring limited over-run of parking bays and therefore restricted to outwith opening hours – an arrangement that can be secured via condition; and
- A mapped network of pedestrian routes confirming the site's walkability and connectivity with Cupar town centre and the wider footway network.

The applicant's revisions and technical justification are considered to address the main concerns in principle, subject to suitable conditions and minor detailed adjustments if required at the implementation stage.

2.5.5 The application proposes 37 parking spaces, compared to an indicative requirement of around 138 spaces under the maximum standards set out in Making Five's Places. The resulting shortfall is acknowledged. However, there are a number of strong planning considerations which justify a significantly reduced provision in this particular location:

1. Town Centre Context: The site lies within Cupar's defined town centre, an area well served by existing public car parks, bus routes, and rail services. National policy (NPF4 Policies 13 and 15) directs that parking standards in accessible, mixed-use centres should be applied flexibly to discourage car dependency and support active travel.

2. Historic Use and Re-use of a Brownfield Site: The previous nightclub/bar use operated with only limited on-site parking. The proposed redevelopment retains that principal use while introducing small-scale commercial units whose demands are typically linked to passing trade rather than destination car trips.

3. Efficient Land Use and Placemaking: Requiring full maximum-standard parking would sterilise much of the site and undermine the objective of re-using a prominent listed building and improving the urban fabric of this part of Cupar.

4. The applicant's transport consultant explained that the Council's transport officers (TDM) had based their parking calculation on the total building size rather than just the public areas that customers can use. The applicant has stated that when the correct method is used, measuring only the customer areas, the number of parking spaces needed is much lower claiming that once the previous bar/restaurant use is taken into account, the new parts of the development need around 35 parking spaces, and these are included in the proposal.

2.5.6 On balance, taking into account the historic context of the existing established use the proposed parking level is therefore considered appropriate for the site's sustainable, town-centre location and compliant with the transport hierarchy principles of NPF4 Policy 13 (Sustainable Transport) and Policy 15 (Local Living and 20-Minute Neighbourhoods). Objectors highlight potential conflict with national objectives to promote active and sustainable travel and to reduce car dependency by questioning the need for a drive-through and car parking. The reduced parking provision is, in fact, consistent with NPF4 objectives to discourage car dependency in accessible locations.

2.5.7 TDM initially expressed concern regarding pedestrian permeability, particularly the short break in footway provision along the north-western corner of the site. The applicant has demonstrated that a continuous 2.5 m footway runs through the central spine of the car park, connecting all units; only a short section (approx. 20 m) requires pedestrians to use a car-park aisle when approaching from Coal Road east; and this arrangement is consistent with similar layouts at existing local sites such as Tesco, Lidl, and the railway station car park. Given the town-centre setting, relatively low vehicle speeds, and improved internal routes, the pedestrian network is judged to be acceptable.

2.5.8 Swept-path analysis confirms that delivery vehicles can access and turn within the site provided that servicing occurs outwith opening hours. This can be controlled by a planning condition. Vehicle access to Coal Road is retained, with closure of the Station Road junction reducing potential conflict and improving overall safety. Visibility splays and access geometry are appropriate for the expected vehicle types and volumes.

## 2.5.9 Drive-Through Element

2.5.9.1 The proposed drive-through, identified by the applicant as a “coffee unit”, has generated some local concern regarding potential queuing and increased traffic generation. However, the applicant’s submitted Transport Statement and subsequent discussions with Transportation Development Management (TDM) officers confirm that the access design accommodates queuing within the site without affecting the public road network. The site is also well connected for active and public transport modes, allowing many trips to occur without reliance on the private car. National Planning Framework 4 (NPF4) does not prohibit drive-through facilities but requires that such proposals demonstrate alignment with the sustainable transport hierarchy and avoid adverse traffic impacts.

2.5.9.2 Given the small scale of the unit, the urban context, and the improved pedestrian routes, it is considered that the proposed coffee drive-through can operate without unacceptable impact on traffic flow or road safety, particularly when supported by appropriate management and signage conditions. Importantly, it is anticipated that the nature of the use, primarily serving coffee and light snacks, would result in shorter dwell times and reduced parking demand compared to a conventional sit-in café or restaurant. The drive-through format encourages a quick turnover of customers, thereby alleviating pressure on on-site parking spaces and surrounding streets.

To ensure the use remains consistent with the limited, low-intensity nature assessed as part of this application, a restrictive use condition (as detailed in Draft Condition 11) is recommended.

2.5.9.3 This condition would prevent the premises from operating as a general or unrestricted drive-through facility, or from being converted to a more intensive use such as a restaurant or hot-food takeaway without further planning permission. This approach provides certainty that the development will continue to function as a modest coffee outlet with a drive-through element; while allowing reasonable operational flexibility should a different coffee operator or similar business occupy the unit in the future.

2.5.9.4 On this basis, and subject to the proposed restrictive condition, the drive-through element is considered to be acceptable in transport and land-use terms and would not give rise to adverse impacts on the surrounding road network, parking, or amenity.

2.5.10 It is acknowledged that the development introduces new commercial uses which inherently generate additional vehicular movements compared to the site’s recent use as a vacant listed building. However, the previous use as a busy nightclub/bar presented significant but different road safety challenges, principally relating to late-night vehicular access, unmanaged parking, and pedestrian dispersal, all of which had little regulatory control in the surrounding streets. The proposed mixed-use commercial scheme, by contrast, operates predominantly during daytime and evening hours, benefits from dedicated on-site parking (albeit reduced from the maximum standard), and includes robust controls on servicing and internal movement. The reduced parking provision and the closure of the Station Road access are effectively a planning trade-off: they promote the active travel and place-making objectives of the National Planning Framework 4 by reducing car dependency in this accessible town-centre location, while actively mitigating the potential for the severe congestion and public road safety hazards that a full-standard parking provision might otherwise cause. This approach prioritises

urban efficiency and sustainable transport over simply accommodating the maximum number of cars, which is consistent with the strategic planning policies.

2.5.11 Following a review of the applicant's additional submissions, Transportation Development Management (TDM) provided an updated response dated 8 October 2025. In this response, TDM acknowledge the mitigation measures presented and accept that several of the earlier concerns, particularly those relating to pedestrian permeability and the site's proximity to (but not inclusion within) the town centre, have been partly addressed. However, TDM maintain that these points do not entirely dispel their underlying concerns regarding the intensity of development. The officer notes that the number of commercial units proposed within such a compact site inherently limits the available space for vehicle circulation and on-site facilities. Accordingly, while TDM do have concerns, they consider that the proposal remains finely balanced in transport terms and that careful management of on-site operations, delivery timing, and parking allocation will be essential to avoid conflict between vehicles and pedestrians. TDM also note that the inclusion of a drive-through element has potential to intensify traffic movements and queuing within the site if operated by a high-volume food outlet. However, they recognise that the applicant has confirmed the drive-through is intended solely as a small-scale coffee outlet, which significantly reduces anticipated trip generation, dwell time, and turnover compared to fast-food operators. On this basis, TDM advise that any approval should include a planning condition restricting the use of the drive-through to a coffee outlet only, in order to maintain the assumptions underpinning the submitted Transport Statement and to safeguard the safe and efficient operation of the access and internal layout.

2.5.12 TDM further recommend that detailed matters relating to on-site signage, queue management, servicing arrangements, and pedestrian wayfinding be secured through a Construction and Operational Management Plan prior to occupation. This will ensure that the development functions in accordance with sustainable transport principles and does not give rise to adverse road safety implications.

2.5.13 These matters other than restricting the operation of the proposed drive through restaurant can be appropriately addressed through planning conditions and detailed design review at implementation stage. The updated TDM position has been taken into account in this assessment and does not, on balance, alter the overall conclusion that the scheme is acceptable subject to the recommended controls.

## **2.6 Flooding and Drainage**

2.6.1 Policy 22 of NPF4 states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk. Furthermore, developments should manage all rain and surface water through sustainable urban drainage systems and proposals should assume no surface water connection to the combined sewer. Policy 3 of the FIFEplan states that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such measures will include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policies 1, 3 and 12 of FIFEplan Local Development Plan (2017), the Council's Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to drainage and infrastructure of development proposals.

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

### **2.6.3 Flood Risk and Mitigation**

2.6.3.1 The planning application was initially accompanied by a Flood Risk Assessment (FRA) and Drainage Strategy Report prepared on behalf of the applicant. These documents concluded that the site was not at significant risk of flooding and that a separate surface and foul water drainage system could be provided to modern standards. Upon consultation, Fife Council Structural Services issued a holding objection, requesting clarification and further information on several matters. Specifically, they sought:

- Updated flood modelling to reflect SEPA's Future Flood Map and potential climate change scenarios;
- Details of flood risk to the existing listed Wm Watt building;
- A clear flood mitigation and emergency response approach; and
- Detailed confirmation of the proposed SuDS design, discharge rates, pipe levels, and attenuation capacity in accordance with SEPA and Fife Council standards.

This holding objection prompted the submission of an Addendum to the Flood Risk Assessment and Drainage Strategy, providing additional analysis and addressing the technical points raised by the Council.

2.6.3.2 The applicant's Flood Risk Addendum reassessed the site using SEPA's most recent flood mapping and topographical survey data. It found that, under a 1-in-200-year plus climate change scenario, part of the northern site, specifically the Wm Watt listed building, may experience shallow flooding of up to approximately 300mm depth. However, all areas proposed for new build development, including parking, access, and external seating areas, would remain above projected flood levels. In recognition of this residual risk, the applicant proposes a series of flood resilience measures, including:

- Installation of demountable flood barriers at door openings of the listed building;
- Provision of a Flood Emergency and Response Plan, detailing the procedure for deployment, storage, and maintenance of barriers; and
- SEPA Flood line registration for the site occupier.

2.6.3.3 This approach is proportionate and consistent with SEPA and Fife Council guidance, recognising the fixed ground levels of the listed building while ensuring continued safe access and egress to Station Road during flood events.

## 2.6.4 Surface Water Drainage

2.6.4.1 The revised drainage layout confirms that the development will utilise a separate foul and surface water system, with:

- Foul water discharging to the public sewer; and
- Surface water draining to the River Eden via SuDS features including permeable paving and underground attenuation crates.

2.6.4.2 Runoff will be restricted to the lesser of 1.35 litres per second or the 5-year greenfield runoff rate, consistent with SEPA and Fife Council standards. The updated design also confirms that surface water will be appropriately treated and stored to accommodate up to the 1-in-200-year storm event, with safe overland flow routing to prevent property flooding.

2.6.4.3 Further details on exact discharge rates, pipe levels, and maintenance arrangements will be secured by planning condition to ensure compliance with local authority standards. Accordingly, the drainage proposals are considered acceptable in principle and compliant with NPF4 and FIFEplan policies and other national and council guidelines.

2.6.4.4 Following the submission of the applicant's revised Flood Risk and Drainage Addendum, the Council's holding objection has been addressed, and all outstanding technical matters can be satisfactorily resolved by condition. The development will incorporate appropriate flood resilience measures for the listed building and modern SuDS infrastructure across the site, ensuring no increased flood risk on or off site.

2.6.4.5 A subsequent consultation response has been received from Fife Council Structural Services (Flooding, Shoreline & Harbours Officer) dated 17 October 2025. The response confirms no objection to the flooding proposals, noting that while the former Watts building remains under potential flood threat, the proposal meets the exception criteria of NPF4 Policy 22a(iii). It is acknowledged that the installation of a demountable flood barrier and provision of dry pedestrian access/egress are acceptable mitigation measures. Consequently, the previous holding objection on flooding grounds has been withdrawn.

2.6.4.6 In light of the above, while no objection is maintained in respect of flooding, a condition is considered necessary to secure final details of the surface water drainage design, supported by hydraulic modelling demonstrating capacity and exceedance performance under a 200-year plus climate change event. A further condition should also secure details of Scottish Water consultation to confirm the agreed outfall strategy. Subject to these conditions, the proposal is considered capable of compliance with the relevant provisions of NPF4 Policy 22 and FIFEplan Policies 3 and 12.

## **2.7 Contaminated Land and Air Quality**

2.7.1 Policies 1 and 10 of the Adopted Local Plan advise that development proposals must not have a significant detrimental impact on amenity in relation to contaminated and unstable land, with particular emphasis on the need to address potential impacts on the site and surrounding area. Where risks are known to be present, appropriate mitigation measures should be agreed with the Council and where remediation strategies should be agreed prior to the determination of any planning application.

2.7.2 Fife Council's Land and Air Quality Team (LAQT) has been consulted and have confirmed that given the historical use of the site as a former gasworks and the scheduled removal of a bunker structure, a Site-Specific Risk Assessment (SSRA) is required to assess the potential for contamination in this new area. In addition, they confirm should the application be approved, the Council will attach standard land quality conditions to ensure compliance with PAN33 and to secure the required post-determination contamination assessment, remediation, and verification stages. Appropriate suspensive conditions have been imposed.

2.7.3 Fife Council Land and Air Quality Team (LAQT) have been consulted. The Land and Air Quality Team (LAQT) has confirmed that they have reviewed the submitted Phase I Desk Study report and Phase II Ground Investigation report (Ardmore Point, 19/11/2024) for the proposed mixed-use development. The LAQT is generally satisfied with the provided land quality information, confirming that the Phase I and II reports are satisfactory. However, the reports have identified plausible pollutant linkages that require appropriate remedial measures, and further ground gas monitoring is required.

2.7.4 The LAQT have therefore concluded that the proposed development is acceptable subject to the imposition of appropriate planning conditions to ensure that the site is developed in accordance with all relevant technical guidance. The LAQT's requirements are non-geotechnical and focus purely on land contamination matters.

## **2.8 Natural Heritage and Trees**

### **2.8 Biodiversity/ Natural Heritage**

2.8.1 NPF4 (2023), 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) Surveys apply in this instance with regard to natural heritage protection and biodiversity enhancement.

2.8.2 Policy 1 of NPF4 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis, with the policy setting out that when considering all development proposals significant weight will be given to the global climate and nature crises. Policy 3 of NPF4 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy 4 of NPF4 seeks to protect, restore and enhance natural assets.

2.8.3 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.

2.8.4 A Bat Roost Potential Survey and subsequent presence/absence surveys were undertaken by Acorna Ecology Ltd (August–September 2024) in accordance with the Bat Conservation Trust's Bat Surveys: Good Practice Guidelines (Collins, 2023). The survey identified one Soprano Pipistrelle (*Pipistrellus pygmaeus*) roost used by two individuals within the commercial shed (Building B2) to the southeast of the former Watts of Cupar building. The roost was assessed as a non-breeding transient roost, and therefore of low conservation significance. While no other buildings within the site were found to support evidence of roosting bats, the presence of this roost establishes bats as an ecological constraint to any demolition or redevelopment activity. Accordingly, the submitted Bat Protection Plan (BPP) details the necessary mitigation and licensing process to ensure legal compliance and ecological protection.

2.8.5 Mitigation measures include:

- All demolition works affecting the roost will be undertaken under a NatureScot Bat Low Impact Licence (BLIMP) during the active bat season (late March–October).
- A licensed bat worker will supervise all works within 5m of the roost location.
- Contractors will be formally briefed by the bat worker on legal responsibilities, method statements, and emergency procedures prior to commencement of works.
- Dusk and pre-dawn surveys will be undertaken immediately prior to demolition to confirm continued occupancy and numbers present.
- Temporary bat boxes will be provided along the River Eden (subject to landowner approval) or bats will be released at dusk following safe capture by a licensed bat worker.
- Permanent bat roosting features (e.g. bat slates or integrated bat tiles) will be incorporated into the proposed new buildings to provide long-term roost compensation.

2.8.6 Fife Council's Natural Heritage Officer has reviewed the submitted information and advised that, subject to the applicant following the recommendations of the Bat Roost Survey and Bat Protection Plan, there are no remaining concerns regarding protected species interests. The officer further notes that the site offers limited space for new landscaping but expects a soft landscape plan to be provided for approval. This should focus on native species appropriate to the Cupar area and include details of management and establishment to enhance local biodiversity. Appropriate conditions have been imposed.

2.8.7 These measures collectively represent a proportionate and well considered response to NPF4's biodiversity aspirations and are welcomed as part of a responsible and climate-conscious approach to development.

## **2.9 Low Carbon**

2.9.1 NPF 4 Policies 1 (Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) advise that when considering proposals, significant weight to encourage, promote and facilitate development in sustainable locations and those that address the global climate and nature crises through zero carbon and nature positive places will be encouraged. As such proposals

will be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks for climate change as far as possible.

2.9.2 NPF4 Policy 11 (Energy) also provides support for all forms of renewable, low-carbon and zero emissions technologies provided associated detrimental impacts are addressed whilst Policy 12 (Zero Waste) also aims to encourage, promote and facilitate development that is consistent with the waste hierarchy and as such development proposals should seek to reduce, reuse or recycle materials and amongst others reuse existing buildings; reduce/minimise waste; use materials with the lowest forms of embodied emissions such as recycled and natural construction materials. Policy 19 (Heat and Cooling) part (f) advises that development proposals for buildings that will be occupied by people will be supported where they are designed to promote sustainable temperature management, for example by prioritising natural or passive solutions such as siting, orientation, and materials.

2.9.3 Collectively, Policies 1:Development Principles (Part B), 3: Infrastructure and Services and 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards); construction materials come from local or sustainable sources; and water conservation measures are in place. The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.9.4 A Low Carbon Sustainability Checklist has been submitted in support of this application. The proposal aligns with the principles of sustainable development set out in National Planning Framework 4 by prioritising the reuse and adaptation of an existing building rather than new construction. This approach represents a significant carbon saving through the retention of embodied energy within the existing fabric and minimises construction waste. The design incorporates opportunities for improved energy efficiency, including the installation of upgraded insulation where feasible, the use of high-performance glazing within traditional frames, and the introduction of modern, energy-efficient heating and lighting systems. The use of local materials and trades further reduces the project's carbon footprint.

2.9.5 Overall, the development contributes positively to the transition to a low-carbon economy through the conservation-led reuse of an existing building, efficient use of resources, and the delivery of a viable, sustainable use that will secure the long-term maintenance of this important heritage asset. Objectors reference the carbon impact of drive-through developments, and while new drive-through developments can carry an increased carbon footprint due to idling vehicles, the primary climate benefit of this proposal comes from the retention and re-use of the prominent listed building, which involves a significant saving of embodied carbon compared to a full rebuild. This re-use is considered to align with the core sustainable development objectives of NPF4 Policy 1, which promotes the reuse of existing buildings.

### 3.0 Consultation Summary

TDM, Planning Services	TDM have accepted most of the points raised by the applicant, though still have some concerns mainly from the number of units proposed on this compact site. Subject to a condition restricting the use of the drive through this would address concerns regarding that element though the parking provision remains below the levels to comply with normal standards for such sites.
Land And Air Quality, Protective Services	Do not object subject to recommended conditions relating to contamination on the site.
Structural Services - Flooding, Shoreline and Harbours	The final response confirms no objection to the flooding proposals, noting that while the former Watts building remains under potential flood threat, the proposal meets the exception criteria of NPF4 Policy 22a(iii). It is acknowledged that the installation of a demountable flood barrier and provision of dry pedestrian access/egress are acceptable mitigation measures. Consequently, the previous holding objection on flooding grounds has been withdrawn.
Natural Heritage, Planning Services	Recommend measures identified in the Bat Roost Survey (Submission Document 22; Acorna Ecology, September 2024), no concerns with regards to site Protected Species interests and the confirmed presence of a bat roost within the structure.
Scottish Water	No objections.
Community Council	No Comments.

## 4.0 Representation Summary

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4.1 Fourteen Objections, 11 in support and 1 General Comment has been received in relation to this planning application.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. Road Safety, including pedestrian access and connectivity access, lack of parking and congestion in the area.	2.5.3, 2.5.4
b. Concerns about the height, scale and siting of the new build elements.	2.3.6 - 2.3.7
c. Objectors highlight potential conflict with national objectives to promote active and sustainable travel and to reduce car dependency.	2.5.6
d. Impact on the vitality and viability of Cupar town centre.	2.4.3
e. Air quality and emissions.	2.7.4
f. Impact on the listed building and other nearby listed buildings.	2.3.6 - 2.3.7
g. Impact on the Cupar Conservation Area.	2.3.6
h. Height, scale and positioning of new buildings.	2.3.6 - 2.3.7
i. Accuracy of heritage assessment and identification of historic features.	2.3.6
J. The claimed economic benefits of the proposal and the extent to which these are substantiated are material but carry limited weight.	
k. Objectors reference the carbon impact of drive-through developments.	2.9.5
l. Concerns regarding building condition and structural justification.	2.3.6 - 2.3.11

#### 4.2.2 Support Comments

- a. The proposal would bring significant investment to Cupar and support local economic growth.
- b. The redevelopment would create local employment opportunities, including for young people, during both construction and operation stages.
- c. Supporters note that the development would increase footfall and local spend, benefitting existing town centre businesses.
- d. The introduction of new retail and hospitality units would diversify and strengthen Cupar's commercial offer.
- e. It is considered a vital economic boost for the town, helping to sustain its vitality and viability.
- f. The Watts Building is a prominent and historic structure which has been vacant and deteriorating for several years.
- g. Supporting comments point out that the proposal offers the only realistic opportunity to save the building, prevent further decay, and retain key elements of the listed façade.
- h. The scheme is viewed as a sympathetic restoration that would bring the landmark building back to positive use and enhance the character of this part of Cupar. Without redevelopment, several representations suggest the building may continue to deteriorate and risk demolition.
- i. The site is currently described as a derelict eyesore and a blight on the townscape, particularly at a key approach to Cupar.
- j. Supporters believe the proposal would significantly improve the visual amenity of the area and the entrance into the town from the east.
- k. The transformation of the site from an abandoned industrial area to an attractive mixed-use development is regarded as a major environmental enhancement.
- l. The development would provide new facilities and amenities for local residents and visitors, including accessible retail and hospitality spaces.
- m. The proposal is located close to public transport links (bus and rail) and within walking distance of the town centre and Haugh Park, supporting sustainable access.
- n. The scheme is seen as contributing to a vibrant and active community space.
- o. Letters of support were received from Cupar SCIO (Three Estates Cupar), CuparNow, and the Association of Businesses in Cupar & District (ABCD) who recognise the heritage value, economic regeneration potential, and community benefits of the proposal.

### 4.2.3 Other Concerns Expressed

#### Issue

- a. The presence of other coffee outlets or opposition to a particular operator is not a planning matter.
- b. Suggestions that the site should instead be used for housing, community, cultural or hotel purposes are not material.
- c. Motives or profit of the applicant.
  
- d. General dislike of the proposed business type or products.
  
- e. Perceived abundance of similar premises
  
- f. Personal opinions on appearance not linked to design policy.
  
- g. Financial viability or cost of restoration.
  
- h. Accuracy of computer-generated images or marketing materials.

#### Comment

Planning decisions cannot favour or disadvantage specific companies.

The planning authority must assess the application as submitted.

Comments regarding developer intent or commercial gain are not material to planning assessment.

Issues such as health, diet or product type are not material unless linked to land-use, amenity or environmental effects.

The existence of other cafés or drive-through facilities nearby is not, in itself, a planning reason for refusal.

While detailed design and materials are material considerations, subjective dislike or statements that a building is “ugly” or “cheap” without reference to planning policy are not.

The financial means of the applicant are not material unless used to justify demolition or loss of a listed structure, which is assessed through separate evidence.

The presentation style of visualisations is not a planning consideration unless it materially misrepresents scale or context, in which case it would fall under design and heritage concerns.

## 5.0 Conclusions

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In conclusion, the proposed development represents a positive and sustainable reuse of an existing site that will bring social, economic, and environmental benefits to the local area. It makes effective use of previously developed land, enhances the character of the surrounding townscape, and contributes to the vitality of Cupar through the introduction of new commercial and leisure opportunities. The proposal aligns with the principles of the National Planning Framework 4 and the Fife Local Development Plan by supporting town centre regeneration, improving accessibility, and promoting mixed-use development that encourages local employment and activity throughout the day and evening. The design and layout have been carefully considered to respect the historic context of the area while providing modern, high-quality facilities that meet current standards and community expectations. Taking all relevant material considerations into account, it is considered that the proposed development accords with national and local policy objectives and will deliver a valuable long-term contribution to Cupar's growth and renewal. Approval is therefore recommended.

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

2. Prior to the commencement of development, full and detailed surface water drainage drawings, calculations, and maintenance schedules shall be submitted to and approved by the Planning Authority unless as agreed otherwise by the Planning Authority, the submitted details shall include:

- Confirmation of the proposed discharge rate (to be the lesser of 1.35 l/s or the 5-year Greenfield Runoff Rate);
- Full pipe network, manhole schedules and levels (mAOD);
- Attenuation storage volume calculations demonstrating no surface flooding for storm events up to and including the 1-in-200-year plus climate change event;
- Overland flow routing plans; and
- Details of SuDS components, including permeable paving and treatment stages, with maintenance responsibilities and frequency clearly identified.

The approved drainage system shall be implemented in full prior to the occupation of the development and shall thereafter be retained and maintained for the lifetime of the development in accordance with the approved maintenance plan.

Reason: To ensure the site is adequately drained and that surface water is managed and treated in accordance with best practice, preventing increased flood risk both on and off site.

3. Prior to the occupation of any part of the development, a detailed Flood Resilience and Emergency Response Plan shall be submitted to and approved in writing by the Planning Authority, in consultation with Fife Council Structural Services. The plan shall include:

- Confirmation of site-specific flood warning and monitoring arrangements (including SEPA Floodline registration);
- Details of demountable flood barriers to be used, including specifications, storage location, maintenance and inspection procedures;
- A clear deployment procedure identifying responsible persons and trigger levels; and
- A post-flood recovery and maintenance strategy for affected areas.

The approved plan shall thereafter be implemented in full prior to first occupation and maintained throughout the lifetime of the development.

Reason: To ensure that appropriate measures are in place to manage and mitigate residual flood risk to the existing listed building and to maintain safe access and egress during flood events.

4. The development hereby approved shall be undertaken fully in accordance with the mitigation and monitoring measures set out in the Bat Roost Survey and Bat Protection Plan (Acorna Ecology Ltd, September 2024), unless otherwise agreed in writing with the Planning Authority in consultation with NatureScot.

All demolition works affecting the identified Soprano Pipistrelle roost shall be carried out under a valid Bat Low Impact Licence (BLIMP) issued by NatureScot and supervised by a licensed bat worker.

Reason: To ensure the protection of bats and compliance with the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

5. No demolition or works likely to affect the bat roost shall take place outside the active bat season (late March to end October) unless otherwise agreed in writing with the Planning Authority following consultation with NatureScot.

Reason: To prevent harm to bats during their hibernation period.

6. No external lighting shall be installed during construction or operation without prior written approval from the Planning Authority. Any lighting proposed shall demonstrate avoidance of illumination of bat flight paths or roost entrances.

Reason: To protect nocturnal wildlife including bats.

7. Prior to the commencement of development, a detailed soft landscaping scheme shall be submitted to and approved in writing by the Planning Authority. The scheme shall include:

1. Planting details and species list favouring native and wildlife-friendly species;
2. Planting layout and maintenance regime for a minimum of five years; and
3. Proposals for habitat enhancement such as bat boxes, bird boxes, or pollinator planting where feasible. The approved scheme shall be implemented within the first planting season following completion of the development and maintained thereafter.

Reason: To enhance biodiversity and ensure appropriate site landscaping

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

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

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

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



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

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

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

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

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

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

11. The 'Coffee Drive Thru' unit use hereby approved shall be restricted solely to a coffee shop outlet use (selling hot and cold non-alcoholic beverages; hot and cold sandwiches, toasties, paninis, wraps and other light snacks); as defined in the schedule to The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended. For the avoidance of doubt, no other drive thru (sui generis) uses other than the above restricted use; Class 3 (Food and Drink); or any hot food takeaway use (including fast-food or restaurant operation) shall occur without the prior written approval of Fife Council as the Planning Authority.

Reason: To ensure that the nature and reduced scale of the drive-through operation (associated with a restricted use) remains consistent with the traffic levels assessed within the submitted Transport Statement and avoids any intensification of vehicular movements and queuing within the site, and therefore safeguards road safety and residential amenity in accordance with NPF4 Policy 13 (Sustainable Transport) and FIFEplan Policies 3 and 10.

12. Prior to the opening of the 'Coffee Drive Thru' to the public, details of signage to deter customers from queuing on the adjacent public roads must be submitted to this Planning Authority for written approval. The approved signage shall thereafter be installed within the boundary of the site prior to the opening of the 'Coffee Drive Thru' development for public use.

Reason: In the interest of road safety - to ensure the provision of adequate design and avoid queuing on adjacent public roads.

13. Prior to the occupation of any unit, a Construction and Operational Management Plan (OMP) shall be submitted to and approved in writing by Fife Council as the Planning Authority. The OMP shall include details of:

- Internal circulation, delivery and servicing arrangements;
- Queue management for the drive-through facility;
- Customer and staff parking allocation and management;
- On-site directional and safety signage;
- Pedestrian routes and wayfinding; and
- Procedures for monitoring and review of transport impacts.

The development shall thereafter be operated in full accordance with the approved OMP unless otherwise agreed in writing by the Planning Authority.

14. The development shall not be brought into use until all car parking spaces, including disabled bays, electric vehicle charging points, and secure cycle parking facilities, have been provided in accordance with the approved plans. These facilities shall thereafter be retained for use in connection with the development only.

Reason: To ensure adequate parking and sustainable travel provision in accordance with current Fife Council transportation standards.

15. Prior to the first occupation or use of any unit, a Servicing and Delivery Management Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of delivery times, vehicle types, service yard management, and procedures to avoid conflict with customer and pedestrian activity. The plan shall thereafter be implemented as approved.

Reason: To safeguard public safety and maintain efficient site operation through appropriate servicing arrangements.

16. Prior to the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall identify measures to promote sustainable modes of travel by staff and visitors, including walking, cycling, and public transport. The approved plan shall be implemented on occupation and monitored annually with results submitted to the Planning Authority on request.

Reason: To promote sustainable travel choices and reduce reliance on the private car in accordance with national and local policy objectives.

17. Prior to the first use of the drive-through facility, a Drive-Through Operation Management Plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include measures to manage queuing, prevent obstruction of the internal road network and public road, and ensure safe vehicle circulation at all times. The plan shall be implemented as approved.

Reason: To ensure the safe and efficient operation of the drive-through facility in the interests of road safety and public convenience.

18. Prior to commencement of works, detailed drawings at a minimum scale of 1:10 shall be submitted to and approved in writing by the Planning Authority for all restoration works, including the stair balustrade, window joinery, stonework repairs, and roof detailing.

Reason: To ensure that the repair and restoration works are carried out to an appropriate conservation standard and preserve the special architectural and historic interest of the listed building.

19. No work shall commence until a method statement has been submitted and approved in writing by the Planning Authority detailing the safe removal, storage, and reinstatement of the original 1813 date stone and any other significant architectural features or historic fabric affected by the works.

Reason: To ensure the protection, retention, and appropriate reinstatement of significant historic fabric in accordance with Section 59 of the 1997 Act.

## **7.0 Background Papers**

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Andy Taylor, Chartered Planner and Case Officer.

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 28.10.25

**Committee Date: 5 November 2025**

**Agenda Item No. 7**

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**Application for Conservation Area Consent** **Ref: 25/01299/CAC**

**Site Address:** **Watts of Cupar Station Road Cupar**

**Proposal:** **Conservation area consent for demolition of nightclub extension, and 2 no. commercial properties**

**Applicant:** **Mr Andrew Craig, 11 Alva Street Edinburgh**

**Date Registered:** **9 May 2025**

**Case Officer:** **Andy Taylor**

**Wards Affected:** **W5R20: Cupar**

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### **Reasons for Referral to Committee**

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This application requires to be considered by the Committee because the application has attracted more than 5 objections.

### **Summary Recommendation**

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The application is recommended for: Approval subject to conditions

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## **1.0 Background**

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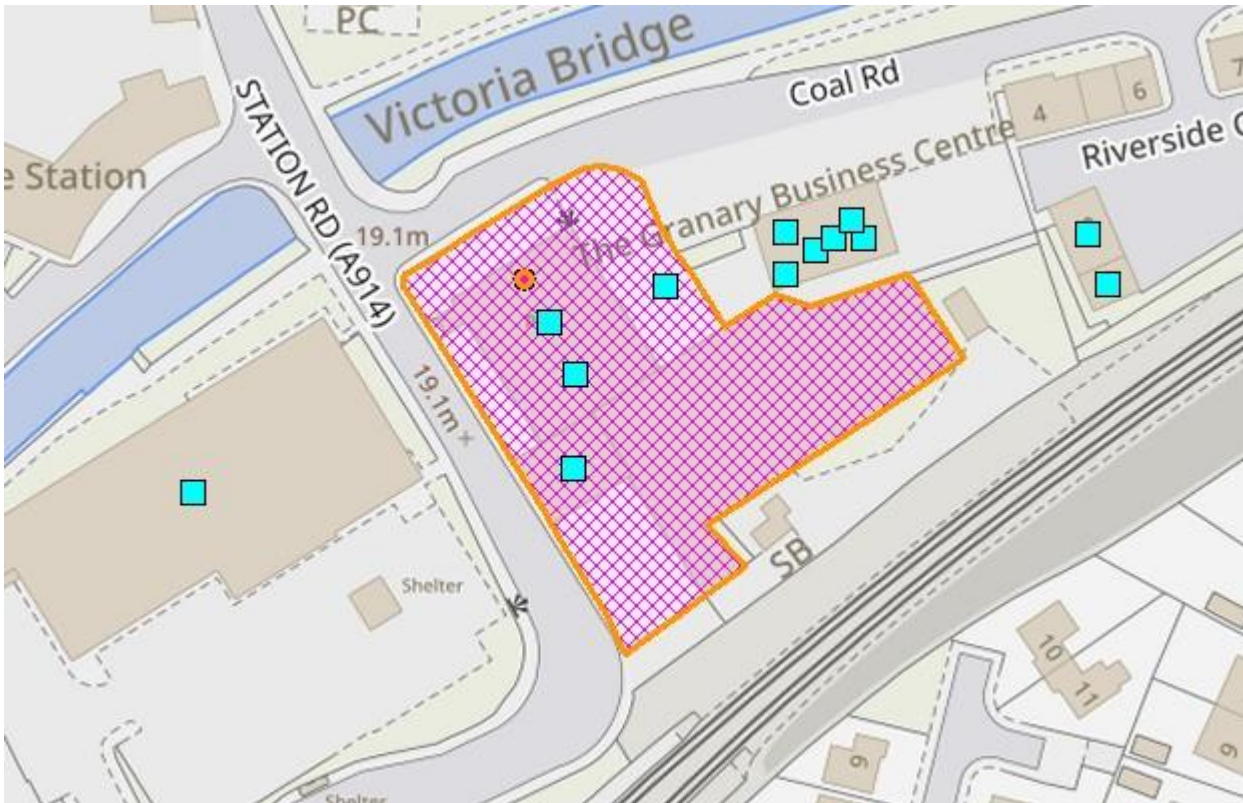
### **1.1 The Site**

1.1.1 The application site extends to approximately 0.34ha and is located on the corner of Station Road and Coal Road within Cupar town centre, Settlement Boundary and the designated Cupar Conservation Area as defined by the Adopted FIFEplan (2017). The site is currently occupied by a number of vacant and deteriorating buildings, including the Grade B Listed former Watts of Cupar building (dating from 1814), the former nightclub extension, a vacant carpet retail unit, and the remnants of the former Cupar Cattle Auction Mart. The Watts building, which is included on Historic Environment Scotland's Buildings at Risk Register, has been unoccupied since 2019.

1.1.2 The site occupies a prominent and highly visible location at a key approach into Cupar from the west, in close proximity to Cupar railway station (c.200m to the south-west) and adjacent to a range of commercial and public uses. To the east lies the Grade A Listed Granary Business Centre, a substantial stone building in office use, while to the west sits a Lidl food store. Victoria Bridge, the River Eden and Haugh Park are situated to the north of the site.

1.1.3 Vehicular access is presently taken from Coal Road, with an additional historical access from Station Road. The proposals retain vehicular access via Coal Road and introduce new pedestrian links across the site.

#### 1.1.4 LOCATION PLAN



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## 1.2 The Proposed Development

The applicant applied for conservation area consent for demolition of the nightclub extension, and 2 no. commercial properties. As the former nightclub extension was formed within the original listed jail walls and later roof is listed in its own right the demolition of that element is assessed within the listed building consent for the proposal which is also on this agenda.

## 1.3 Relevant Planning History

11/01120/FULL - Formation of hardstanding area (retrospective), approved April 2011.

97/00107/HIST - Conservatory extension to front of licensed premises (demolish porch), refused September 1997.

25/01300/FULL - Change of use and extension to nightclub (Class 11) to form mixed use development (Class 1A, Class 3, Class 11), erection retail property (Class 1A), erection of cafe (Class 3) with ancillary drive through (Sui Generis), including formation of car parking, and associated works, pending consideration in conjunction with this application.

25/01298/LBC - Listed Building Consent for internal and external alterations to property, including demolition of existing extension, erection of extension, pending consideration in conjunction with this application.

## **1.4 Application Procedures**

Under Sections 59(1) and 66 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a Conservation Area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

### **Adopted FIFEplan (2017)**

Policy 1: Development Principles: Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts.

Policy 14: Built and Historic Environment

Outcomes: Better quality places across Fife from new, good quality development and in which environmental assets are maintain, and Fife's built and cultural heritage contributes to the environment enjoyed by residents and visitors.

### **National Guidance and Legislation**

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

Section 66 of The Planning (Listed Building and Conservation Areas) (Scotland) Act 1997.

Managing Change in the Historic Environment: Demolition (2010).

HES Historic Environment Policy for Scotland (May 2019).

## Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

## 2.0 Assessment

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### 2.1 Relevant Matters

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

#### 2.2 Impact on Cupar Conservation Area

2.2.1 Section 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Section 66 of The Planning (Listed Building and Conservation Areas) (Scotland) Act 1997, Policies 1 and 14 of the FIFE plan Local Development Plan (2017), the Making Fife's Places Supplementary Guidance Document (2018), National Planning Framework 4 (2023) (NPF4), Historic Environment Scotland (HES) Historic Environment Policy for Scotland (May 2019), Managing Change in the Historic Environment: Demolition (2010) and the Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019), and the Cupar Conservation Area Appraisal and Management Plan (2010) apply with regard to this proposal.

2.2.2 Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area. Design and materials which will affect a conservation area or setting of a listed building shall be appropriate to both the character and appearance of the building or area and its setting. Section 66 of The Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 ensures that a building in a conservation area shall not be demolished without the consent of the appropriate authority (in this Act referred to as "conservation area consent").

2.2.3 Policy 7 of NPF4 states Development proposals affecting the conservation area and its setting is preserved or enhanced. NPF4 Policy 7 also stipulates development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

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

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

additionally sets out that design issues should be considered from the neighbourhood or block scale. This document also illustrates how developments proposals can be evaluated to ensure compliance with the six qualities of successful places. Lastly, the Supplementary Guidance recognizes that the built environment has been adapted over time to meet changing needs. Protecting the historic environment is not about preventing change but ensuring that changes are appropriate to their location. Sustainable management of the historic environment should be based on a Conservation Area appraisal.

2.2.6 HES Historic Environment Policy for Scotland (May 2019) states that the demolition of a building and the construction of a new building in its place, could result in harm to the character and appearance of a Conservation Area, and therefore, the Planning Authority must take into account the importance of the building to the character or appearance of the Conservation Area and of proposals for the future of the cleared site. HES Managing Change in the Historic Environment: Demolition (2010) notes that proposals for demolition in conservation areas should be considered in the context of an application for full planning permission for replacement development. Demolition should not take place until evidence is provided that contracts are let for the replacement development or the landscaping of the site (if appropriate). Works should protect the character and appearance of the conservation area. Further to this, demolition should be supported in-line with one of four 'tests':

- Is the building no longer of special interest?
- Is the building incapable of meaningful repair?
- Is the demolition of the building essential to delivering significant benefits to economic growth or the wider community?
- Is the repair and reuse of the building economically unviable?

The Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (2019) document produced by HES sets out that when deciding whether conservation area consent should be granted. The Interim Guidance advises that demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult. In instances where demolition is to be followed by re-development of the site, consent to demolish should in general be given only where there are acceptable proposals for the new building.

2.2.7 Fife Council's Cupar Conservation Area Appraisal & Management Plan (2010) document 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 Scottish Planning Policy and the Historic Environment Scotland Policy Statement. The buildings are not specifically referred to in this document.

2.2.8 The proposal in so far as the conservation area consent is concerned includes the demolition of a number of later additions and altered sections to the rear of the former Watts of Cupar building. These works as proposed by the applicant are required to facilitate the redevelopment of the listed building and wider site and to enable the restoration and long-term



re-use of the principal listed building. The structures identified for removal have been subject to detailed heritage and structural assessment and are generally of limited or no architectural or historic significance. The rear large shed of the building complex, comprising a mix of twentieth-century flat-roofed extensions, ancillary stores, and service additions, is proposed for demolition. These structures were erected incrementally during the later commercial use of the property, particularly in association with the use of the site as part of the former Cupar auction mart to provide covered housing for animals. . The CAC also relates to the demolition of a timber retail premises to the south of the former nightclub section of the building constructed or clad with ship lap timber with a painted red frontage and bitumen sheet roof. The form, scale, and materials, predominantly concrete blockwork, brick, corrugated sheeting, and timber are unsympathetic to the classical character of the original 1813 composition which they sit adjacent to nor do they add any architectural or historic merit or quality to the Cupar Conservation Area. Many of these elements are in a poor state of repair, suffering from water damage, settlement, and general deterioration due to lack of maintenance over the last few years since the Watts nightclub closed down. The now vacant retail premises fronting Station Road has been maintained but is considered to have no special architectural merit which would justify retention to protect the historic character of the conservation area.

2.2.9 . None of the elements proposed for removal within the scope of the conservation area consent are original to the 1813 structure, nor do they contribute positively to its special architectural or historic interest of the conservation area. Where original features survive, such as sections of masonry or joinery, these will be retained and incorporated within the restoration works.

2.2.10 The objections received in relation to the Conservation Area Consent application raise a number of matters concerning both the principle and extent of demolition and the associated impact on the listed building and wider Conservation Area. Many representations assert that the section identified within the application as the “former nightclub” or “extension” is in fact original fabric dating from 1813, forming part of the historic exercise yard of the former County Jail designed by James Gillespie Graham. Objectors consider that the proposed demolition and new extension would destroy the original lines and integrity of the building, arguing that these elements form an integral and historically significant part of Cupar’s civic heritage. This is a material planning consideration, as it directly relates to the special architectural and historic interest of the listed structure and its contribution to the character and appearance of the Conservation Area. The merits of the demolition and alteration of the listed structure are fully assessed within the accompanying listed building application and the planning application for the new extensions to the building and proposed ancillary structures.

2.2.11 Concerns are also expressed regarding the alleged misrepresentation of the demolished areas within the application documentation, with repeated references to the former nightclub area being an “extension” rather than part of the original listed fabric. These comments are material, as they question the accuracy of the applicant’s description and the extent of historic loss proposed. However, it is noted that both the accompanying Listed Building Consent (Ref: 25/01301/LBC) and full planning application (Ref: 25/01300/FULL) clearly identify the scope of demolition, which includes internal structures and later additions. The applications are supported by a comprehensive heritage statement and have been the subject of consultation with Historic Environment Scotland (HES). HES, as statutory consultee, has not objected to either the full planning or listed building consent applications, indicating that the proposed demolition and alterations are not considered to result in an unacceptable loss of significance, provided that the retained elements, including the principal frontage are appropriately conserved and restored.

2.2.12 Several representations, including that from the Fife Historic Buildings Trust, express strong objection to the “significant extent” of demolition, including interior fabric, the roof, castellated porch, and nightclub area. These points are material, as they relate to the impact on the listed building’s character and contribution to the Conservation Area. The Trust also highlights the absence of a structural engineer’s report or options appraisal. However, the accompanying submissions to the LBC application address the building’s deteriorating condition, and it is noted that HES’s consultation response does not require further justification or structural evidence at this stage, indicating that the level of information is sufficient for statutory consideration.

2.2.13 Other issues raised include objections to the design quality of the new development, the extension’s appearance from Station Road, and its perceived insensitivity to the existing building. These carry some weight materially, as they relate to design, scale, and impact within the Conservation Area. Concerns about the demolition of the jail cell and archway features are also material, given their association with the listed fabric. On the contrary, references to commercial viability, competition with existing businesses, and the presence of other cafés or drive-throughs in the town are non-material considerations in planning terms. Similarly, general statements regarding the need for alternative uses such as housing, or subjective opinions on architectural style, while relevant to local sentiment, are non-material. As noted matters related to the demolition and alteration of the listed structure are assessed within the accompanying listed building consent.

2.2.14 Matters concerning traffic generation, sustainability, and the inclusion of a drive-through facility are material in relation to the full planning application but not directly relevant to the Conservation Area Consent, which is confined to considerations of demolition and heritage impact. Such issues have been addressed separately in the assessment of the associated planning application. The objections raise legitimate heritage concerns regarding the extent of demolition and loss of original fabric, and these have been carefully considered within the accompanying Listed Building Consent report. However, it is significant that Historic Environment Scotland has not objected to the proposals, indicating that, subject to conditions securing the recording, retention, and appropriate treatment of key architectural features, the proposed demolitions are acceptable in heritage terms and would not result in an adverse impact on the special interest of the listed building or the character and appearance of the Cupar Conservation Area.

2.2.15 As stated previously, Historic Environment Scotland do not object to the proposed demolition works, principally as the buildings subject to conservation area consent are relatively modern utilitarian buildings relating to the former use of the site as part of the Cupar auction mart. . Accordingly, the demolition works are considered acceptable in conservation terms. They will facilitate the sensitive restoration and viable reuse of this prominent heritage asset, consistent with the requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant policies of the development plan. The works will not result in the loss of any structure of significance within the conservation area and will ultimately enhance its character and appearance.

## 3.0 Consultation Summary

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Historic Environment Scotland

HES accept the demolition works proposed as it will allow suitable development of the wider site.

## 4.0 Representation Summary

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4.1 Six representations have been received in relation to this application. Objection the following grounds.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. Principle and Extent of Demolition: Concerns regarding the overall scope and justification for the proposed demolition.	2.2.10-2.1.14
b. Loss of Original Fabric: Assertions that the area identified as the "former nightclub" or "extension" is, in fact, original fabric dating from 1813 (part of the former County Jail exercise yard).	2.2.10-2.1.14
c. Integrity of the Building: The argument that the proposed demolition and new extension would destroy the original lines and integrity of the listed building.	2.2.15-2.2.16
d. Misrepresentation of Demolished Areas: Comments questioning the accuracy of the application documents in describing the former nightclub area as an "extension" rather than original listed fabric.	2.2.14
e. Specific Demolition Items: Strong objection to the "significant extent" of demolition, specifically mentioning interior fabric, the roof, castellated porch, and nightclub area.	See LBC report
f. Lack of Justification: Highlighting the absence of a structural engineer's report or options appraisal to justify the demolition (though the application submissions were deemed sufficient by Historic Environment Scotland).	2.2.8-2.2.16
g. Design Quality and Sensitivity: Objections to the design quality of the new development, the extension's appearance from Station Road, and its perceived insensitivity to the existing building.	2.2.8-2.2.16
h. Loss of Architectural Features: Concerns over the demolition of the jail cell and archway features due to their association with the listed fabric.	2.2.8-2.2.16

#### 4.2.2 Other Concerns Expressed

<b>Issue</b>	<b>Comment</b>
a. Commercial Viability	References to competition with existing businesses, the commercial viability of the proposed use, or the presence of other cafés/drive-throughs are not material planning considerations.
b. Opinions on architectural style	Subjective and not material

**Issue****Comment**

c. Matters concerning traffic generation, sustainability, and the inclusion of a drive-through facility.

Non-CAC specific material to FULL application.

## 5.0 Conclusions

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In conclusion, the demolition proposed as part of this Conservation Area Consent is considered justified and necessary to facilitate the restoration and sustainable reuse of the former Watts of Cupar building. The elements identified for removal are of limited or no architectural or historic merit and, in several cases, detract from the visual integrity and setting of the principal listed structure. Their removal will enhance the overall character and appearance of the Cupar Conservation Area.

The proposals have been informed by detailed heritage and structural assessments. The works will result in a positive conservation outcome by removing unsympathetic modern additions and allowing the reinstatement of appropriate materials and detailing consistent with the original architectural composition.

It is therefore considered that the extent of demolition proposed accords with the statutory duties set out under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4 and the Adopted FIFEplan. The proposals represent a proportionate and well-justified intervention that will preserve and enhance the character and appearance of the Cupar Conservation Area.

## 6.0 Recommendation

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

**CONDITIONS:**

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

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

2. NO WORKS OF DEMOLITION SHALL TAKE PLACE until construction contracts have been entered into for the replacement development of the site and written evidence of this has been submitted and approved in writing by this Planning Authority. The replacement development shall be for a scheme with a valid full planning permission.

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

## 7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Andy Taylor, Chartered Planner and Case Officer.

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 28.10.25

**Committee Date: 5 November 2025**

**Agenda Item No. 8**

**Work in Progress**

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**Application for Listed Building Consent**

**Ref: 25/01298/LBC**

**Site Address: Watts of Cupar Station Road Cupar**

**Proposal: Listed Building Consent for internal and external alterations to property, including demolition of existing extension, erection of extension,**

**Applicant: Mr Andrew Craig, 11 Alva Street Edinburgh**

**Date Registered: 9 May 2025**

**Case Officer: Andy Taylor**

**Wards Affected: W5R20: Cupar**

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### **Reasons for Referral to Committee**

This application requires to be considered by the Committee because it has received more than 5 objections.

### **Summary Recommendation**

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The application is recommended for: Approval

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## **1.0 Background**

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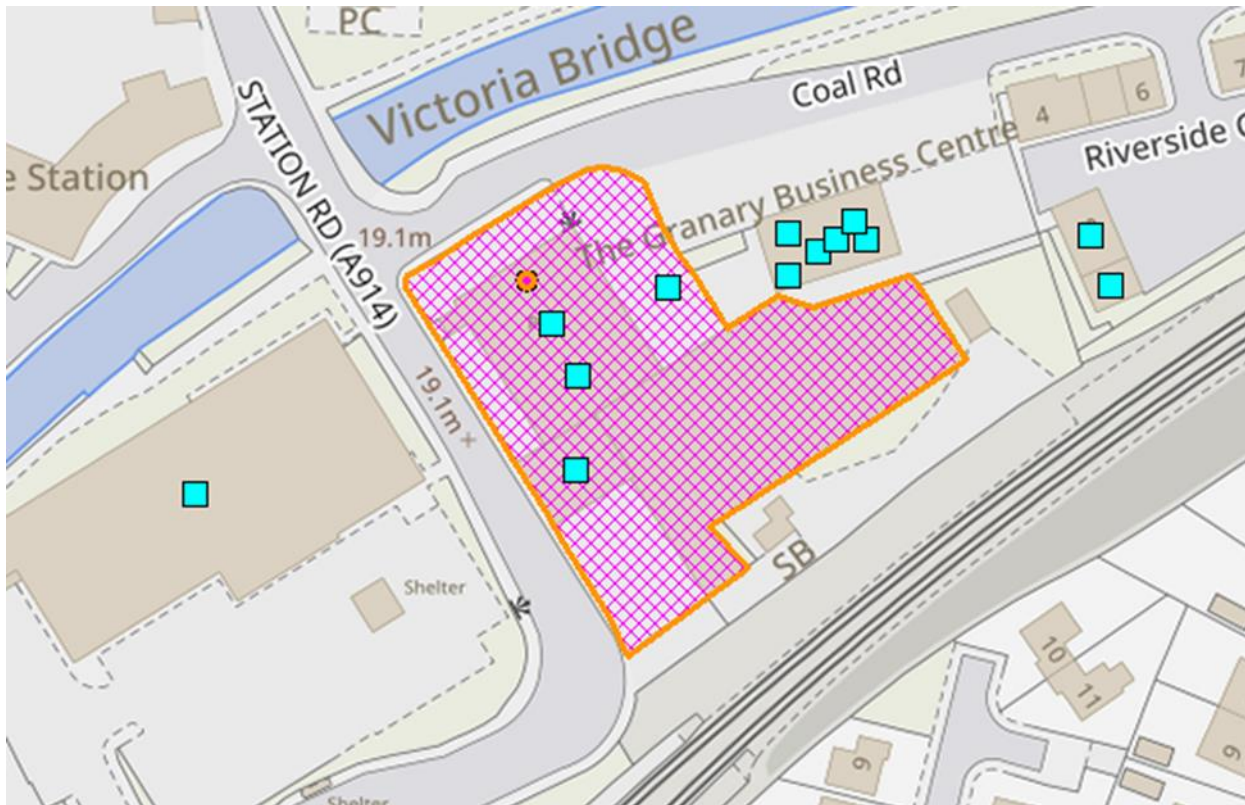
### **1.1 The Site**

1.1.1 The application site extends to approximately 0.34 hectares and is located prominently at the corner of Station Road and Coal Road within Cupar town centre and the designated Conservation Area. The site currently comprises a cluster of vacant and deteriorating structures, including the Category B listed former Watts of Cupar building dating from 1813, the former nightclub extension, a vacant retail unit, and remnants of the former Cupar Cattle Auction Mart. The principal Watts building, designed by James Gillespie Graham, is recognised for its classical two-storey frontage with giant Roman Doric columns and finely detailed ashlar stonework. It has been unoccupied since 2019 and is included on Historic Environment Scotland's Buildings at Risk Register.

1.1.2 The site occupies a highly visible gateway location on one of the principal approaches into Cupar from the west. It lies approximately 200 metres north-east of Cupar Railway Station and is surrounded by a mix of commercial and public uses. To the east is the Grade A listed Granary Business Centre, while to the west lies a modern food store. The River Eden, Victoria Bridge

and Haugh Park define the northern edge of the site. Vehicular access is currently taken from Coal Road, with the proposed development retaining this access and introducing new pedestrian links across the site to improve permeability and accessibility.

### 1.1.3 LOCATION PLAN



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## 1.2 The Proposed Development

This application seeks Listed Building Consent for internal and external alterations to the former Watts of Cupar property, including the demolition of unsympathetic later extensions and the erection of a new rear extension. The proposed works form part of a wider mixed-use redevelopment under planning application 25/01300/FULL, which seeks to bring the site back into viable use through a combination of Class 1A, Class 3 and Class 11 activities.

## 1.3 Relevant Planning History

11/01120/FULL - Formation of hardstanding area (retrospective), approved April 2011.

97/00107/HIST - Conservatory extension to front of licensed premises (demolish porch), refused September 1997.

25/01299/CAC - Conservation area consent for demolition of nightclub extension, and 2 no. Commercial was also submitted. However, while the buildings to be demolished lie within the Cupar Conservation Area and within the curtilage and setting of the Category B Listed former Watts of Cupar building and they form part of the listed site. In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, where demolition is included within a proposal requiring Listed Building Consent, a separate Conservation Area

Consent is not required. The listed building application therefore supersedes the need for a separate conservation area consent in this instance in so far as it relates to the demolition works involving the original listed gaol courtyard walls and the later roof structure over the original courtyard itself. The remaining elements forming part of the wider proposal that do involve duntakings will be considered in the related CAC application.

25/01300/FULL - Change of use and extension to nightclub (Class 11) to form mixed use development (Class 1A, Class 3, Class 11), erection retail property (Class 1A), erection of cafe (Class 3) with ancillary drive through (Sui Generis), including formation of car parking, and associated works, pending consideration in conjunction with this application.

## **1.4 Application Procedures**

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.4.2 A physical site visit has not been undertaken for this planning application. All necessary information to allow for full consideration and assessment of the proposal was collated digitally using Google imagery (including Google Street View and Google satellite imagery) and GIS mapping. It is considered, given the scale and nature of the proposal, the evidence and information available to the case officer is sufficient to determine the proposal.

1.4.3 National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan. In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017.

1.4.4 Local Place Plans registered through Fife Council will not be part of the 'Development Plan' as defined by the Planning Act but will feed into the preparation of Fife's Local Development Plan 2 which is at the early stages of preparation. The Local Place Plan is a material planning consideration in the assessment of planning applications but given the early stages of LDP2 and that the Development Plan remains the starting point for decision-making in the planning process, it is considered that the material weight given to the Local Place Plan at this stage is limited and this proposal is acceptable in terms of the relevant planning policies.



## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

#### Policy 7: Historic assets and places

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

#### Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

### **Adopted FIFEplan (2017)**

#### Policy 14: Built and Historic Environment

Requires proposals affecting historic buildings/areas to safeguard and enhance the built heritage and to demonstrate sensitive design/repair/reuse.

### **National Guidance and Legislation**

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Historic Environment for Scotland's Managing Change in the Historic Environment.

The Historic Environment Scotland Policy Statement (2019)

This policy statement advises that development proposals involving Listed Buildings should have high standards of design and should maintain their visual setting.

### **Supplementary Guidance**

Supplementary Guidance: Low Carbon Fife (2019)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

### **Other Relevant Guidance**

Fife Council's Cupar Conservation Area Appraisal and Management Plan 2010.

Cupar Ward and Monimail Local Place Plan (LPP 2024).

## 2.0 Assessment

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### 2.1 Relevant Matters

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

- **Design and Layout/Visual Impact/Impact on Listed Building(s)**

### 2.2 Design and Layout/Visual Impact/Impact on Listed Building(s)

2.2.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that in considering whether to grant listed building consent, special regard shall be given to the desirability of preserving the building or its setting and any features of special architectural or historic interest it possesses. Section 64(1) of the same Act also requires that, in determining such applications within a conservation area, special attention is paid to the desirability of preserving or enhancing the character or appearance of that area.

2.2.2 Policy 14 (Historic Assets and Places) of NPF4, together with Policies 1, 10 and 14 of the Adopted FIFEplan, require that alterations or extensions to listed buildings respect the scale, form, materials, and setting of the original structure, ensuring that new work sustains and enhances the historic environment. Fife Council's Making Fife's Places Supplementary Guidance and Historic Environment Scotland's Managing Change in the Historic Environment series also provide material guidance supporting a design-led approach that protects architectural integrity while enabling sensitive adaptation for viable reuse.

2.2.3 The former Watts of Cupar building is a Category B listed property of regional architectural and historical significance, designed in 1813 by James Gillespie Graham. The building's classical two-storey frontage with giant Roman Doric columns, finely detailed ashlar sandstone, and natural slate roof make a prominent contribution to the Cupar Conservation Area. Its evolution from town gaol to militia headquarters, seed merchant premises, and later restaurant/nightclub charts Cupar's civic and commercial history and underlines the building's cultural importance.

2.2.4 The works proposed under this Listed Building Consent encompass demolition, a programme of conservation, repair, and a large extension designed to secure the long-term preservation and reuse of the building. In summary, these include:

- **Structural Repairs and Stabilisation:** Localised masonry stitching, repointing in lime mortar, and replacement of defective stone with natural sandstone to match the original in colour, tooling, and bond. This will restore the façade's integrity and halt ongoing water ingress and erosion.
- **Roof Repairs:** Retention and reinstatement of original Scottish slates where possible, with matching reclaimed slate for replacements. Lead flashings and cast-iron rainwater goods will be reinstated to traditional patterns.

- **Windows and Joinery:** Comprehensive overhaul and repair of existing timber sash and case windows, with replacement of irreparable units on a like-for-like basis, replicating original profiles and proportions. All new timber joinery, including external doors and shopfront framing, will be finished in painted timber in colours appropriate to the conservation area palette.
- **Interior Conservation:** Retention and refurbishment of the original stone stair, central stair turret, and key internal wall alignments to preserve the legibility of the original gaol plan. Surviving historic joinery and balustrades will be restored, and damaged sections reconstructed using traditional detailing and surviving examples for reference.
- **Selective Demolition:** The removal of unsympathetic later additions and extensions to the rear, many dating from the late 20th century, which detract from the building's form and architectural clarity. The revised scheme ensures the retention of significant early fabric, including the rear wall and stair turret, following consultation with HES. The former boundary walls of the Gaol exercise yard with form part of the original listed structure would be demolished.
- **Reconstruction and Adaptive Reuse:** The reinstatement of openings and integration of new internal partitions to accommodate a bar/restaurant use at ground floor and ancillary facilities above, designed to work within the existing structure while minimising intervention in historic fabric.
- **Reinstatement of Historic Features:** The 1813 date stone will be carefully removed, stored, and re-incorporated as a heritage feature within the redeveloped scheme. Any salvaged masonry or joinery will be reused where feasible to maintain material continuity.
- **External Works and Setting:** The removal of intrusive outbuildings will re-establish the setting of the principal façade and improve the visual relationship between the listed building and Station Road, enhancing the wider Cupar Conservation Area.

2.2.5 Eight objections were received including representations from the Society for the Protection of Ancient Buildings (SPAB Scotland), the Fife Historic Buildings Trust (FHBT) and members of the public. The principal concerns relate to the extent of demolition proposed, including loss of original rear sections, stair turret and roof fabric, absence of a structural or options appraisal to justify demolition, the new extension design being visually dominant or incongruous with the listed building and the Conservation Area and the loss of embodied carbon and authenticity through partial façade retention. While objections identify “substantial demolition,” assessment of the submitted plans indicates that the principal elevation (north-west façade), portico, and key external stone elements are to be retained and restored. Elements proposed for removal are largely later additions from the late 20th century associated with nightclub use. Where original features exist within those structures (e.g., sections of the 1813 courtyard walls), these would be recorded and material used in the reconstruction or incorporated into the new scheme where practicable. The proposed extension adopts a contemporary architectural language clearly distinguishable from the original classical form of Watts. HES and Fife Council design guidance support a complementary but modern approach that does not create pastiche or falsify the building's evolution. The new structure is subservient in overall height and intended to read as a later phase in the building's story. The design establishes a visual hierarchy, ensuring the retained Doric frontage remains the dominant feature.

2.2.6 These concerns are material to the determination of this LBC, as they address the statutory tests of preserving the building's character and historic interest. In response, the applicant revised the proposals to retain the central stair turret and a greater proportion of the 1813 rear wall, thereby reducing the extent of demolition and addressing the principal heritage objection raised.

2.2.7 Following further site meetings and amended drawings (submitted 12 September 2025), HES confirmed that earlier concerns have been satisfactorily addressed. HES welcomed:

- the retention of the original stone stair and increased retention of historic fabric;
- restoration of stonework using traditional methods and materials;
- reuse of original slates and sash windows; and
- overall sensitivity in adapting the building for sustainable reuse.

HES advised that the replacement of the damaged stair balustrade should replicate the historic profile using surviving balusters where possible, and that the 1813 date stone should be carefully removed, preserved, and re-incorporated into the development. They also recommended that salvaged masonry from demolished sections be reused within the new works to maintain material continuity. They did not object in principle to the demolition of the original listed boundary walls of the gaol exercise yard.

2.2.8 To ensure the works preserve the building's special architectural and historic interest, the following conditions are recommended:

1. Submission of detailed repair and restoration drawings, including stair balustrade design and stonework repair specification.
2. A method statement for careful removal, storage, and reinstatement of the date stone and other significant fabric.
3. Approval of all materials, finishes, and joinery prior to commencement.
4. A schedule of salvaged materials to be reused within the development.

2.2.9 The revised design achieves a balanced outcome between heritage conservation and adaptive reuse. The reinstatement of historic fabric, use of authentic materials, and careful integration of limited new interventions respect the architectural composition and classical character of the Watts of Cupar building. The removal of unsympathetic later additions will enhance the legibility and setting of the original structure and make a positive contribution to the Cupar Conservation Area.

2.2.10 The listed structure has suffered from effects of long-term vacancy and deterioration over recent years, and the principle of its repair and reuse is strongly supported in heritage terms. The proposed works are guided by a clear understanding of the building's significance and hierarchy of spaces, as evidenced by the submitted heritage and design statements. The principal elevation and key interior features are to be retained and conserved, with new interventions located primarily to the rear and secondary elevations where alterations will cause minimal impact on significant historic fabric.

## 2.2.11 Design and Architectural Relationship of the New Extension

2.2.11.1 In this instance the proposed rear extension is considered to have been designed as a deliberately contemporary style which would be a visually sympathetic addition to the existing listed building and would respect the important historic fabric and overall structure of the Listed Building and its setting. The design approach follows the principles set out within Historic Environment Scotland's "Managing Change in the Historic Environment" guidance, which supports well-considered modern interventions where they are clearly distinguishable from, yet complementary to, the original structure.

2.2.11.2 The extension is largely of single-storey form (with a two-storey section immediately adjoining the rear wall of the original building) and is positioned on the footprint of the former jail exercise yard and former nightclub. This necessitates the demolition of the boundary walls of the former exercise yard though the proposal would involve the salvaging to of the 1813 date stone on the west wall. A wrap round contemporary single storey new build element comprising part of the single storey rear extension is proposed on the west gable, replacing a small castellated entrance porch which appears to be affected by settlement, as it is partially separating itself from the main building. This element is not original to the main building being added at some point later although was in existence at the time the building was listed. The loss of this element is to some extent regrettable but it is a somewhat idiosyncratic detail albeit of some interest but in the overall context of the coherent contemporary extension delivering a comprehensive viable restoration and redevelopment of this substantial listed building its loss is considered to be acceptable and would not undermine the overall historic merit of the main listed building. HES have not objected to this aspect of the proposal. The proportionately modest height and simplified massing of the new build elements ensure that it reads as a subordinate element within the overall makeup of the site. The design intentionally avoids replicating the detailing or proportions of the historic building, thereby maintaining a clear distinction between the original and new fabric in accordance with accepted conservation practice. This approach allows the architectural integrity and legibility of the original building to remain evident, with the new structure providing a significant but sensitive, functional addition that supports its continued use and long-term viability. This is a particularly important mitigating factor given the scale of the building and the extent of the renovation works required to secure its long-term preservation.

2.2.11.3 In terms of the proposed external finishing materials, the proposed extension combines natural stone to match the existing masonry on key elevations with areas of dark grey standing seam metal cladding to visually lighten its appearance and create a subtle contrast with the heavier stone mass of the listed structure. The natural stone base grounds the new building and ensures a coherent relationship with the established palette of materials, while the use of contemporary metal cladding and aluminium-framed glazing introduces a refined modern finish. The combination of materials reflects a deliberate order, traditional materials securing the extension within its historic context, with modern finishes used for upper or secondary elements to signify the new intervention.

2.2.11.4 It is considered that the proposed architectural detailing has been carefully developed to ensure physical and visual separation between the old and new structures. The connection between the new extension and the retained masonry wall is designed using a narrow-recessed joint and independent structural connections, avoiding any irreversible alteration or loss of historic material. This method ensures that the original stonework remains visually prominent and that the extension can, if necessary, be removed in the future without damaging the existing fabric, a key consideration in line with HES Managing Change: Extensions and Policy 7 of NPF4.

2.2.11.5 The proposed openings within the retained rear elevation correspond to areas identified as having lower heritage significance through the applicant's heritage assessment. This has also been reviewed by Historic Environment Scotland. These openings are of a limited scale and simple design. New fenestration within the extension uses slimline aluminium frames finished in anthracite grey, ensuring visual subservience to the traditional timber sash-and-case windows of the main building.

2.2.11.6 The proposals are considered to be overall restrained and respectful, in proportion to the dominant scale of the main building and read as a largely self-contained new build element which does not detrimentally impact on the main imposing facade. The contemporary extension is achieved using a low horizontal emphasis, and a limited palette of materials to avoid visual competition with the historic building. From key viewpoints, the extension will appear visually recessive, allowing the principal elevations of the listed structure to remain the dominant architectural feature. The intervention is therefore considered to achieve an appropriate balance between heritage conservation and contemporary design, successfully enhancing the functionality and sustainability of the building without eroding its special architectural or historic interest.

2.2.11.7 In summary, the extension represents a high-quality, contextually appropriate intervention that responds sensitively to the listed building's character, scale, and materials. It is considered to comply with the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Policy 7 (Historic Assets and Places) of NPF4, and relevant Historic Environment Scotland guidance, by preserving the building's character and providing for its continued positive use and upkeep.

## 2.2.12 Internal Alterations and Impact on Historic Fabric

2.2.12.1 The proposed internal works have been designed with the primary objective of ensuring the ongoing viable use and conservation of the listed building, while maintaining its architectural integrity and legibility. The internal alterations are generally modest and largely confined to areas of lower historic or architectural significance, as identified in the applicant's heritage and building fabric assessment. The proposed layout seeks to retain the original structural hierarchy and principal spaces, with loadbearing walls, major circulation routes, and key architectural features, such as the original staircase, window openings, and decorative corning, being preserved and incorporated into the new design. Where new partitioning is introduced to accommodate updated building functions or to meet accessibility and servicing requirements, these are designed to be lightweight, reversible constructions that can be removed in the future without damage to the underlying historic fabric.

2.2.12.2 New openings between rooms have been kept to a minimum and located where evidence indicates previous alterations or where the existing wall fabric is of reduced significance. The scale and proportion of these openings have been carefully considered to align with existing architectural design and avoid disruption to the historic plan form. Any exposed masonry or cut edges will be finished in lime mortar to match existing materials, ensuring compatibility and reversibility in line with conservation best practice.

2.2.12.3 Service installations such as heating, ventilation, electrical cabling, and plumbing have been planned to minimise visual and physical intrusion. Where possible, new services are to be concealed within existing voids or routed through modern partitions, avoiding interference with significant stonework, joinery, or decorative finishes. Energy efficiency improvements, such as discreet insulation and secondary glazing to selected windows, are to be introduced in a manner that respects the building's historic envelope, avoiding alterations that would compromise traditional construction or external appearance.

2.2.12.4 Throughout the interior, the applicant describes a "light touch" conservation philosophy, focusing on repair rather than replacement. Original features, including timber flooring, window shutters, and plaster detailing, are to be repaired and reinstated where practicable using traditional materials and methods. Any necessary replacements will be like-for-like in material and profile, ensuring that the visual and tactile qualities of the building's interiors remain authentic.

2.2.12.5 The proposed internal changes therefore are considered acceptable as they would ensure the building could function for modern uses whilst protecting the historic and architectural value of the building. The approach reflects the principles of minimum intervention and maximum retention of historic fabric, consistent with Historic Environment Scotland's Managing Change guidance (Use and Adaptation, Interiors, and Fabric).

2.2.12.6 In overall terms, the internal works are considered acceptable in conservation and design terms, as they preserve the character, layout, and key architectural features of the listed building, while facilitating its continued use and maintenance. The alterations are assessed as compliant with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Policy 7 of NPF4, and relevant HES guidance, ensuring that the special interest of the building is safeguarded for future generations.

2.2.13 The new build elements within the yard are physically and visually separate from the principal listed structure. Their form, scale, and siting reflect the historic pattern of outbuildings traditionally associated with service functions to the rear of town centre buildings. These structures are distinctly contemporary yet deferential in appearance, ensuring the dominance of the listed building is preserved. Their placement also assists in framing the rear courtyard, reinstating a sense of enclosure typical of Cupar's historic urban grain.

2.2.14 While the objections relating to loss of fabric and justification for demolition are material and have been considered carefully, the revised proposals are now supported by HES and are considered to satisfy the statutory tests under Section 59 of the 1997 Act and Policy 14 of NPF4. Other objections concerning traffic, commercial use, or general design preference are non-material to the listed building assessment.

2.2.15 Overall, the extension and new build elements are assessed to have a neutral to positive impact on the architectural and historic interest of the listed building. The proposals respect the original design intent of Gillespie Graham's design while enabling the adaptive reuse of a significant heritage asset. The careful detailing, material selection, and spatial arrangement ensure that the building's special interest is preserved and enhanced in accordance FIFEplan Local Development Plan and the statutory duty under Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

2.2.16 Historic Environment Scotland's Managing Change in the Historic Environment: Demolition (2010) sets out that proposals for demolition affecting a listed building or structure within a conservation area should be assessed against four key tests:

- whether the building or structure is of special interest;
- whether it is capable of meaningful repair;
- whether its demolition is essential to delivering significant benefits to economic growth or the wider community; and
- whether its repair and reuse would be economically unviable.

2.2.17 A main principal historic component of the listed building is the original 1813 jail, including its associated stone walls, exercise yard, and original masonry fabric. These elements are of significant architectural and historic significance, representing the earliest phase of the building's construction and embodying the original functional and spatial character of the facility. The stone walls forming the exercise yard are particularly important, providing insight into the building's operational layout and contributing significantly to the understanding of the site's heritage value. Their scale, craftsmanship, and survival over 200 years make them a key feature of the listed building and a defining element of its historic identity.

2.2.18 In their initial response HES observed that the later nightclub conversion involved roofing over the exercise yard to create an enclosed event space. While this adaptation served a modern use, it obscured the historic form of the yard, limiting the legibility of the original layout and partially masking one of the building's most significant architectural features. The removal of these non-original coverings and the reinstatement of the open yard will allow the spatial hierarchy, massing, and historic function of the jail to be read clearly once again. This intervention restores the dominance of the original stone walls within the site and ensures that their historic character remains the focal point of any new development.

2.2.19 The rear elevation of the listed building and its original masonry are also of primary significance. The later twentieth-century additions, flat-roofed structures, service areas, and non-historic partitions, have caused localized damage through water ingress and structural settlement. The applicant has stated that their removal is necessary not only to prevent further deterioration but also to enable comprehensive conservation and repair of the historic fabric. These works will allow for sensitive interventions such as repointing, masonry repair, and reinstatement of traditional features, ensuring the long-term preservation of the building.

2.2.20 The proposed rear extension now proposed, is designed as a lightweight, largely single-storey contemporary addition, is carefully positioned to maintain the visual and physical primacy of the original jail. Its height, scale, and form are deliberately subordinate to the historic building, with a material palette that provides a clear distinction between historic fabric and new work. By retaining the original stone walls, principal elevations, and key internal features, the proposed works protect the special architectural and historic interest of the building while allowing for a functional, usable addition that supports the building's long-term viability.

2.2.21 In summary, the original jail building and associated exercise yard form the core heritage asset of the site. The proposal represents a carefully considered balance between heritage preservation and adaptive reuse, ensuring the special interest of the listed building is



safeguarded as far as possible while allowing sensitive modern interventions that are visually and functionally appropriate. The main loss or sacrifice to the long-term preservation of the main listed structure is the demolition of the exercise yard.

2.2.22 The revised scheme now ensures the retention and repair of the nineteenth-century stair turret and greater retention of the rear wall of the 1813 gaol structure forming the main building. This responds positively to consultation with HES and Fife Council's Built Heritage Team. The demolition of the later nightclub – including the original listed walls of the exercise yard and ancillary service extensions is therefore considered both proportionate and necessary to deliver the comprehensive repair and sustainable reuse of the main listed building, consistent with the third of HES's four demolition tests, that demolition may be justified where it is essential to deliver wider public benefits and the long-term conservation of a significant heritage asset.

2.2.23 Historic Environment Scotland, as statutory consultee, has confirmed that it does not object to the proposed demolition and alteration works, including the removal of the walls of the former jail exercise yard. HES acknowledges that the revised proposals have significantly improved heritage outcomes through the retention of key architectural features including the original stair tower and a more extensive section of the rear wall of the main building, and the application of traditional repair methods and materials. The proposed demolition is therefore acceptable in heritage terms and will not result in an adverse impact on the special architectural or historic interest of the listed building.

2.2.24 Overall, the partial demolition proposed is integral to a comprehensive conservation strategy that ensures the long-term repair, restoration, and viable reuse of this prominent listed building currently identified on the Buildings at Risk Register. The proposals have been informed by a detailed understanding of the building's historic evolution and respond positively to both statutory and policy requirements. The removal of unsympathetic later additions will enhance the architectural clarity and setting of the principal building and make a positive contribution to the Cupar Conservation Area. The works therefore comply with the statutory duties under Sections 59 and 64 of the 1997 Act and with Policies 7 and 14 of NPF4, Policies 1 and 14 of the FIFEplan Local Development Plan (2017), and guidance contained within Managing Change in the Historic Environment: Demolition (2010).

2.2.25 The proposals involve removing later additions that are not part of the historic building, repairing and conserving the original 1813 listed building, and adding a modern rear extension. The majority of the main historic parts of the building, will be carefully preserved and restored as far as possible, though do involve the demolition of the entire exercise yard. The new extension is low in height apart from a two-storey element next to the rear wall of the main building, clearly distinct from the old building, and finished in materials that complement the original stone. By removing the unsympathetic later structures and carefully designing the new work, the proposals improve the building's appearance, reveal its important historic features, and allow it to be used safely and effectively in the future. Overall, the works protect the special historic and architectural interest of the building and are considered fully acceptable.

## 3.0 Consultation Summary

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Historic Environment Scotland

Historic Environment Scotland welcomed the revised proposals, noting that the increased retention of historic fabric and sensitive restoration works now appropriately safeguard the building's special architectural and historic interest, subject to detailed conditions on repair and reinstatement.

## 4.0 Representation Summary

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4.1 11 representations have been made in relation to this application, 8 objecting, 2 supporting and 1 making general comments.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. Objection to “substantial, almost complete demolition” of the listed building, including loss of interior, roof, castellated porch, and rear section dated 1813.	2.2.5-2.2.8
b. Concerns that the proposal “retains only the north-west façade” and therefore fails to conserve the building’s architectural or historic interest.	2.3.5-2.3.7
c. Reference to the 1813 dated section and courtyard walls being integral to the original gaol structure and therefore part of the listing.	2.3.1-2.3.4
d. Fife Historic Buildings Trust (FHBT) states demolition is excessive and unjustified, with no structural report or options appraisal submitted to demonstrate necessity.	2.3.5-2.3.7
e. Objections that the new extension is visually dominant, extends forward of the original building line, and engulfs or conceals key façades.	2.3.5–2.3.7
f. Criticism that the modern cladding and massing are “commercial in character” and “detract from” the listed building and the wider Cupar Conservation Area.	2.3..5-2.3.11
g. Suggestion that the extension should be “subservient” in scale and separated by a glazed link, in line with HES guidance (Managing Change in the Historic Environment – Extensions).	2.3.8–2.3.11
h. Several respondents highlight that the “nightclub extension” is not a later addition but part of the original gaol courtyard structure, evidenced by the 1813 date stone.	2.3.5-2.3.7
i. Concerns that demolition of this section would remove original historic fabric.	2.3.5–2.3.7
j. FHBT note lack of structural appraisal or options report to justify demolition.	2.3.5–2.3.7

**Issue****Addressed in Paragraph**

k. Several objections cite that the proposed external alterations and massing would detract from the Cupar Conservation Area.

**4.2.2 Support Comments****Issue**

- a. Reactivation and reuse: Supporters note the proposal “improves an impressive building that has become an eyesore” and “prevents further deterioration.”
- b. Investment in the conservation of a deteriorating listed structure can be a positive heritage outcome where balanced with preservation of character.

**4.2.3 Other Concerns Expressed****Issue****Comment**

- |   |                      |
|---|----------------------|
| a. Traffic, access, and congestion.   | Not material for LBC |
| b. Presence of nearby cafés, competition, or economic viability – not relevant to the preservation of the listed building.                            | Not material for LBC |
| c. Environmental objections to drive-thru format, material only to planning policy, not LBC.  | Not material for LBC |
| d. Design preference or personal opinion (“cheap”, “ugly”, “shopping centre-like”), subjective and not directly tied to the statutory heritage test.  | Not material for LBC |
| e. Alternative use proposals (housing, cultural centre, etc.) – not relevant to the LBC determination unless directly related to fabric preservation. | Not material for LBC |

**5.0 Conclusions**

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In conclusion, the proposed works will preserve and enhance the special architectural and historic interest of the Watts of Cupar building. The scheme demonstrates an understanding of the building’s significance and employs appropriate conservation techniques to ensure its long-term survival. The proposals will remove harmful later additions, reinstate lost features, and enable the sustainable reuse of a prominent heritage asset within the Cupar Conservation Area. Accordingly, the works are considered acceptable in terms of Section 59 of the 1997 Act, NPF4 and FIFEplan Policies subject to conditions securing detailed design, materials, and repair methodologies.

**6.0 Recommendation**

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

## CONDITIONS:

1. Prior to commencement of works, detailed drawings at a minimum scale of 1:10 shall be submitted to and approved in writing by the Planning Authority for all restoration works, including the stair balustrade, window joinery, stonework repairs, and roof detailing.

Reason: To ensure that the repair and restoration works are carried out to an appropriate conservation standard and preserve the special architectural and historic interest of the listed building.

2. No work shall commence until a method statement has been submitted and approved in writing by the Planning Authority detailing the safe removal, storage, and reinstatement of the original 1813 date stone from the original gaol exercise yard walls, and any other significant architectural features or historic fabric affected by the works which shall be subject to the prior written approval of the Planning Authority.

Reason: To ensure the protection, retention, and appropriate reinstatement of significant historic fabric in accordance with Section 59 of the 1997 Act.

3. A schedule identifying all salvageable stone, slate, and joinery elements proposed for reuse within the development shall be submitted to and approved in writing by the Planning Authority prior to commencement of works. The approved schedule shall thereafter be implemented in full.

Reason: To ensure maximum retention and reuse of original building fabric and to maintain material continuity between existing and new work.

4. Should any previously unrecorded historic features, structures, or materials be revealed during the course of works, the developer shall immediately notify the Planning Authority and afford access for recording or investigation by a competent archaeological body as may be required.

Reason: To ensure that any unexpected discoveries of historic or archaeological interest are appropriately recorded and preserved.

5. A Construction Method Statement shall be submitted and approved in writing by the Planning Authority prior to the commencement of development, detailing measures for the protection of retained historic fabric during construction works.

To prevent damage to retained listed fabric and ensure best practice in the management of construction within a heritage building.

## 7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Andy Taylor, Chartered Planner and Case Officer.

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead)  
28/10/25.

**Committee Date: 05/11/2025**

**Agenda Item No. 9**

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**Application for Full Planning Permission**

**Ref: 25/01829/FULL**

**Site Address: Kincaple Lodge Kincaple St Andrews**

**Proposal: Single storey extension including dormer extensions to side of dwellinghouse**

**Applicant: Mr Phillip Mulholland, 19 Osprey Road Piperdam**

**Date Registered: 6 August 2025**

**Case Officer: Kirsten Morsley**

**Wards Affected: W5R18: St. Andrews**

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### **Reasons for Referral to Committee**

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This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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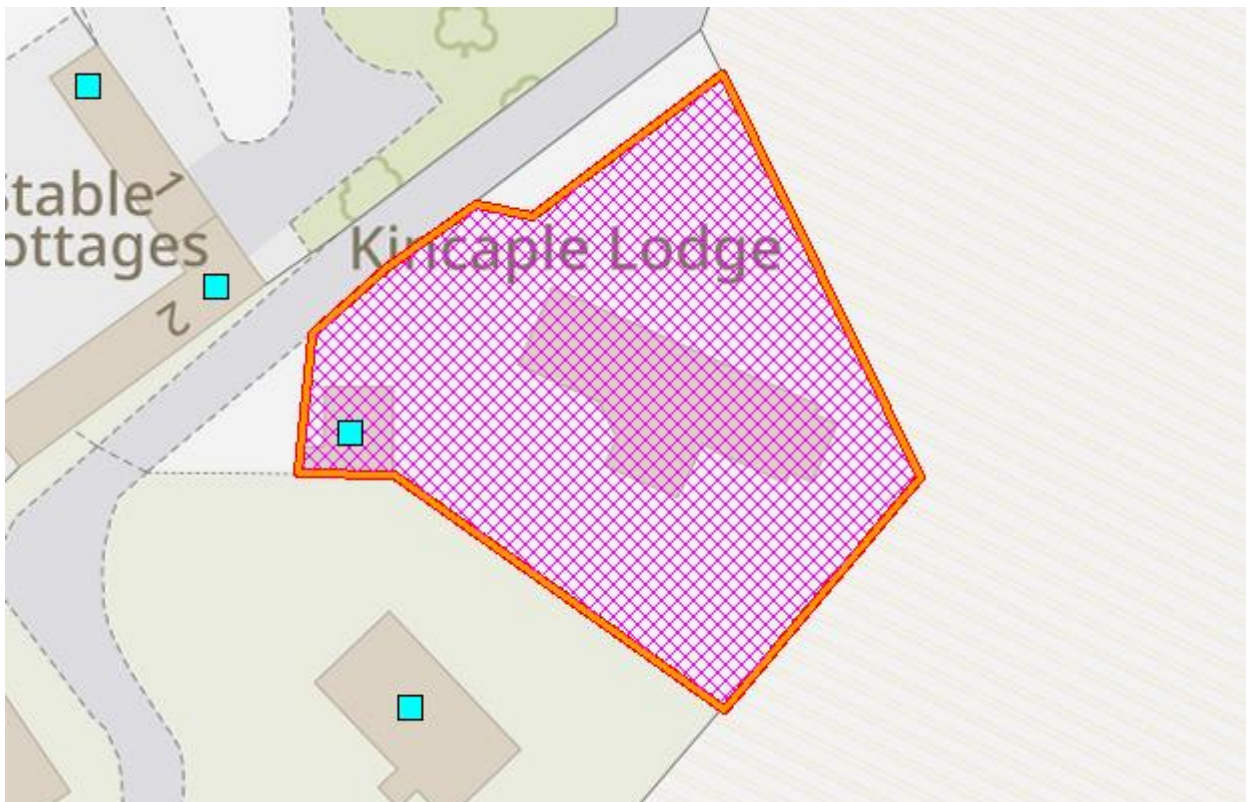
### **1.1 The Site**

- 1.1.1 The site relates to Kincaple Lodge, a modern detached dwellinghouse situated within the small hamlet of Kincaple, just north-west of St. Andrews. Kincaple Lodge is also referred to as 'The White House' in documents submitted by the applicant. For clarity, and for the purpose of this report, both Kincaple Lodge and The White House when referenced in this report are the same property.
- 1.1.2 Kincaple Lodge is located within the countryside and the St. Andrews Greenbelt. Vehicular access is from the A91, the C4, and via a single-track road which passes through Kincaple and then via a further private single tracked road with passing places. Vehicular access to the site is the same for other nearby properties, including Kincaple House, West Kincaple House, the Coach House, Kincaple Stables Cottages as well as the St. Andrews Forest Lodges (17 in number). The St. Andrews Forest Lodges are also owned by the applicant. Kincaple Lodge includes a detached double garage, a large garden curtilage and has wide panoramic views of the open countryside to the north-east and the south-east. The nearest buildings to the Lodge are a 3 bedroomed St. Andrews Forest chalet situated approximately 23 metres to the south-west, and the Category C

listed Kincaple Stable Cottages and the Category B listed West Kincaple House situated approximately 24 metres and 50 metres respectively to the north-west.

- 1.1.3 Planning history for the site confirms that Kincaple Lodge was originally approved with an occupancy restriction under outline planning permission N82/660 in 1985. This obligation restricted the use of Kincaple Lodge to that of a manager's house for the Forest Lodges Holiday Park. However, for reasons unknown, the full N85/700 planning consent (approved 8 November 1985) removed the N82/660 occupancy restriction condition. The removal of this condition discharged the owner and all heritable proprietors of the land from the restrictive obligation. This legal position was formalised on 9 November 2015, through a Discharge of Minute Agreement which was lodged with the Land Register of Scotland and took effect from 9 November 2015.
- 1.1.4 With the Discharge of Minute Agreement in 1985, Kincaple Lodge thereafter reverted to Use Class 9 (Houses), and with that change brought a range of permitted development rights which applicant took advantage of. This included erecting a flat roofed rear extension off the dwelling's south-east gable wall to form a family room in 2022. Thereafter further works to the 5 bedrooomed property took place following planning approvals, 22/01132/FULL and 22/02971/FULL. These additional works included for two dormer extensions off the north-east elevation to serve existing bedrooms 3 and 4, and for the installation of a first-floor observation decked area with a glass balustrade above the flat roofed family room extension which had been erected in 2022 under 'permitted development.'

#### 1.1.5 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 Planning permission is now sought to add a 1.5 storey pitched roof extension off the dwelling's south-west facing gable wall. The extension would provide for a games room and a bedroom with an en-suite on the ground floor and for a further bedroom with an en-suite on the first floor. The extension would have footprint of approximately 88m<sup>2</sup> and would increase the number of bedrooms serving the property from 5 to 7. The roof apex finial would be constructed from 'Cardinal' Steel Sheet, with a PVC Plastisol finish in 'copper'. All other external material finishes and details would match existing external material finishes and details.

## 1.3 Relevant Planning History

N82/660 – Outline permission for the erection of one house in connection with the management and supervision of the existing chalet development – PER – 11/10/85

N85/700 – Erection of a detached house – PER – 08/11/85

14/03683/FULL - Erection of eleven holiday units and a district biomass plant building (includes removal of nine holiday units) - PERC - 15/05/15

15/02529/OBL - Discharge of planning obligation (N82/660) - WDN - 25/11/15

22/00037/FULL - Single storey extension to side, dormer extensions to the rear and formation of balcony - WDN - 21/04/22

22/01132/FULL - Installation of dormer extensions to rear of dwellinghouse - PER - 29/08/22

22/02971/FULL - Installation of balcony and raised decking - PERC - 05/12/22

25/01829/FULL - Single storey extension including dormer extensions to side of dwellinghouse - PDE

1.3.1 This application also includes additional documents and feedback from the applicant in response to the objections received which are summarised as follows,

- copies of correspondence from the Hoseasons Property and Portfolio Manager who manages the bookings for the St. Andrews Forest Lodges highlights only 17 lodges are available for hire through their rental portfolio (4 no. 2 bedroom lodges, and 13 no. 3 bedroom lodges). The manager has also stated that the property known as 'The White House' is not part of Hoseasons rental fleet, that they are not involved in any rental of 'The White House', and as far as they are aware says this '*property is a private residential home and is used solely for domestic purposes by its owners/occupiers.*'
- a copy of a Fife Council Tax bill dated March 2025 which shows that Kincaple Lodge is classed as an 'Empty Property/2<sup>nd</sup> Home Variation'
- a letter from the applicant's accountant/tax advisor for St. Andrews Forest Lodges Limited which confirms that whilst Kincaple Lodge is owned by St. Andrews Forest Lodges Ltd, it is not part of the portfolio that is rented out as holiday lets. The only properties let out as holiday lets the letter states are the 17 no. purpose-built holiday chalets.
- the applicant contends strongly that the proposed additional bedrooms are required for his large, multi-generational family gatherings and for friends. He says that the house being described as a 'Fun House' by objectors is '*fabricated nonsense*'. He also states that the

Lodge has never been let out as a commercial holiday let, that he has no intention to let the Lodge out commercially in the future, and highlights that there is no social media platform that mentions this property being let commercially.

- the applicant has confirmed that The St. Andrews Forest Lodges have a short-term Let Licence for a maximum of 86 guests until 11 September 2027. This licence breaks down as follows, 76 guests for the Forest Lodges and 10 occupants for The White House. Whilst The White House has been included within the 'Short-term Let Licence' for the St. Andrews Forest Lodges the applicant has stated that this is for the following reason,
  - should there be any emergency whereby catastrophic failure in one of the forest lodges were to occur and the site is 100% full, they could legally decant guests into the Lodge temporarily until the emergency is resolved. The applicant has highlighted that this type of situation has not ever happened.

## **1.4 Application Procedures**

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

#### Policy 8: Green belts

To encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably.

#### Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

#### Policy 16: Quality Homes

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland

#### Policy 18: Infrastructure first

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

#### Policy 22: Flood risk and water management

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

### **Adopted FIFEplan (2017)**

#### Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts.



### Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

### Policy 9: Green Belt

Outcome: Development in the Dunfermline and St Andrews Green Belts is managed to protect and enhance these towns' respective character, landscape settings, and identities.

### Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

### Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.

### Policy 12: Flooding and the Water Environment

Outcome: Flood risk and surface drainage is managed to avoid or reduce the potential for surface water flooding. The functional floodplain is safeguarded. The quality of the water environment is improved.

## Supplementary Guidance

### Supplementary Guidance: Making Fife's Places (2018)

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

### Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (v3)

This guidance sets out Fife Council's requirements for information to be submitted for full planning permission to ensure full compliance on matters of flood risk and drainage.

## Planning Customer Guidelines

Daylight and Sunlight

Garden Ground

Home Extensions

Minimum Distances between Window Openings

These guidelines focus on separate subject areas and outline the key issues Fife Council would consider when assessing development proposals.

## 2.0 Assessment

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### 2.1 Relevant Matters

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

- Principle of Development
- The Existing and Proposed Use of the Dwellinghouse
- Design and Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage

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

2.2.2 The application would be for an extension to an existing property classed as a dwellinghouse under Use Class 9 (Houses) which is located within the countryside and within the St. Andrews Greenbelt as defined in the Adopted FIFEplan Local Development Plan (2017). An extension to an existing dwellinghouse is acceptable in principle as it would comply with the Local Development Plan in broad land use policy terms, however the use of the enlarged dwellinghouse as well as specific design details, amenity impacts, and other material considerations also need to be considered to determine whether the proposal is considered supportable. These further material considerations are discussed in more detail below.

## **2.3 The Existing and Proposed Use of the Dwellinghouse**

2.3.1 The applicant has submitted additional information (refer above to paragraph 1.3.1) to clarify the relationship between the St. Andrews Forest Lodges and Kincaple Lodge. The applicant states that the Lodge has never been let out commercially, that he has no intention to let the Lodge out commercially in the future and has also highlighted that no mention of this property as a commercial let will be found on any social media platform.

2.3.2 The Lodge could be temporarily used by the St. Andrew's Forest Lodges in the unlikely event that an existing Forest lodge (each of which has only 2 or 3 bedrooms) were to have a catastrophic failure and there were no other lodges available that those guests could use. This is considered a reasonable act of contingency for a business. The short-term let licence for the Lodge has also placed a limit on the number of guests that could use Kincaple Lodge to 10. This level of occupancy is no more than the current occupancy of the Lodge, which currently has 5 double bedrooms. Further to this, the applicant has highlighted that the Lodge would only be used for this purpose in exceptional circumstances.

2.3.3 The applicant has stated that the Lodge is used as a dwellinghouse, that it is not their main residence, and it is not occupied throughout the year. The following uses of a dwellinghouse are permitted under Use Class 9 (Houses) without the requirement for a change of use,

- the 'use' primarily relates to the use of the property as a house rather than who owns the property, or whether it is occupied as a principal home, or as a secondary home. Its use can be for a single person or by people living together as a family, or for a maximum of 5 residents or less living together including a household where care is provided for the residents.

- a change of occupancy is permitted, and the owner of a house does not require planning permission to let the whole house out to a different family through a private residential tenancy agreement.
- the house could be used as a bed and breakfast establishment or a guesthouse, provided not more than 2 bedrooms are used for that purpose.

2.3.4 Whilst the Lodge is included in the short-term letting licence for the St. Andrews Forest Lodges, where a dwellinghouse has a short-term letting licence the need for a change of use application would only be required for the following reasons,

- if the site fell within a designated short-term let control area.
- if the short-term let constitutes a material change of use.

2.3.5 There is no designated short-term let control for this site. As Kincaple Lodge is located significantly back from both the Stable Cottages and West Kincaple House (refer above to paragraph 1.1.2), both of which are holiday lets, it is the view that the short-term letting licence does not trigger a material change of use. Further to this, the evidence provided by the applicant, combined with the scope of use permitted under Class 9 (Houses) signifies that the use of Kincaple Lodge is compliant with Use Class 9 (Houses).

2.3.6 Objectors have stated that the enlargement of Kincaple Lodge would go against existing planning decisions, N82/660 – which restricted the use of the dwellinghouse to that of a manager's house for the holiday park, and the refusal of application 20/02891/FULL for an extension to the existing holiday park. Details regarding the historic N82/660 decision are addressed above in paragraphs 1.1.3 and 1.1.4. The 20/02891/FULL submission (appeal reference PPA-250-2369) relates to a site located approximately 100 metres north of Kincaple Lodge. This submission was for the change of use of 1.5 ha prime agricultural land to a holiday park for 18 holiday lodges, managers accommodation, and a biomass heating plant and associated works. This application was refused on the grounds that the proposed development was not small scale, that it would be an encroachment into the countryside, would be harmful to the character of the area and contrary to the objectives of the Green Belt policy, would result in the loss of prime agricultural land, and would impact on the long views from the Grade B listed Kincaple House which would be harmful to its setting. The reporter did not refuse this proposal on any other grounds, including Road Safety or Flooding and Drainage.

2.3.7 The development proposal in this case is for an extension to an existing dwellinghouse and the proposed works are not considered comparable to the 20/02891/FULL application in terms of location, type of application, or scale of development.

2.3.8 In consideration of the above material considerations, the existing and proposed used of Kincaple Lodge would not justify the requirement for a change of use application.

## **2.4 Design and Visual Impact**

2.4.1 National Planning Framework 4 (NPF4) (2023) policies 8, 14, 16, Annex D - Six Qualities of Successful Places, Adopted FIFEplan Local Development Plan (2017) policies 1, 7, 9, 10, Fife Council's Making Fifes Places Supplementary Guidance (2018) and Fife Council's Planning Customer Guidelines on Home Extensions are relevant to this application.

2.4.2 These policies highlight that development proposals must be located and designed to protect the overall landscape and environmental quality of the surrounding area. NPF4 (2023) Annex D and Fife Council's Making Fifes Places Supplementary Guidance (2018) states that all new development, no matter its scale or location, must meet the six qualities of a successful place where relevant. In this case development would only be supportable where it would not have long term adverse visual impacts upon the environmental quality of the St. Andrews Green Belt, the countryside, or impact upon the setting of nearby listed buildings. Setting can extend beyond immediate property boundaries and can include views to, from, and beyond historic boundaries. A development proposal must not block important views, it must relate well to nearby buildings in terms of scale, form, and character and use appropriate material finishes and details. These design requirements are also set out under NPF4 (2023) policy 16 (g)(i). Fife Council's Customer Guidelines on Home extensions outlines in further detail the design expectations for house extensions, including the requirement to ensure that extensions do not alter the character of an existing house or take up too much of a small garden.

2.4.3 The proposed side extension would be located within the garden and would not result in the loss of any woodland or trees. The Lodge is set well back from the nearby listed buildings and does not impinge upon significant views from these buildings. The build would be in keeping with the character of Kincaple Lodge in terms of height, scale, design and external material finishes, and would not materially impact upon the environmental quality of the St. Andrews Green Belt, the countryside, or on any nearby listed buildings.

2.4.4 In consideration of the above, the extension proposal is deemed to comply with the Development Plan policies and all its related guidance in relation to Design and Visual Impact.

## **2.5 Residential Amenity**

2.5.1 National Planning Framework 4 (NPF4) policies 14, 16 and Annex D - Six Qualities of Successful Places, Adopted FIFEplan Local Development Plan (2017) policies 1, 10, Fife Council's Planning Customer Guidelines on Daylight and Sunlight, Garden Ground, and Minimum Distances between Window Openings are relevant to this application.

2.5.2 NPF4 policy 14 supports development proposals which shall improve the quality of an area and shall not be detrimental to the amenity of the area or be inconsistent with the six qualities of successful places. Policy 16 (g) (ii) supports development which does not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Policy 10 advises that development is required to be implemented in a manner that ensures that existing uses and the quality of life of those in the immediate area are not adversely affected by factors such as, (but not limited to) noise, potential losses of privacy, overlooking, sunlight, or daylight, overshadowing etc. Fife Council's Customer Guidelines sets out the general design principles which should apply to extensions in respect of maintaining a good standard of residential amenity.

2.5.3 It is recognised that objectors have raised concerns regarding the proposed increase in the size of Kincaple Lodge, as this they say shall encourage larger groups staying at the property and increasing the potential for noise during the day and at night which is incompatible with resident neighbours. Members should note that the application site relates to a domestic curtilage, it's use is evidenced above under paragraphs 2.3.3, 2.3.4 and 2.3.5 therefore should there be excessive noise/amenity issues coming from Kincaple Lodge then this would more appropriately dealt with by Environmental Health Public Protection legislation rather than through the planning system.

2.5.4 As Kincaple Lodge is not located close to other dwellings, the development proposals are fully compliant with Fife Council's Planning Customer Guidelines on Daylight and Sunlight. The garden curtilage serving the property is large and the combined footprints of the existing rear extension and the proposed extension are fully compliant with the requirements for garden ground in terms of site coverage. With the addition of the extension, the separating distance between Kincaple Lodge and the nearest chalet would be reduced to approximately 13-14 metres. Given this, it would be prudent to attach a condition to prevent any glazed openings being formed off the dwelling's south-west gable wall at a future date without the express consent from this Planning Authority. This would ensure that the proposal is fully compliant with Fife Council's Guidance on Minimum Separation Distances between Window Openings.

2.5.5 In light of the above, and with the inclusion of a condition to maintain privacy between buildings, the extension proposal is deemed to comply with the Development Plan policies and all its related guidance in relation to Residential Amenity.

## **2.6 Transportation/Road Safety**

2.6.1 National Planning Framework 4 (NPF4) policies 18 and Annex D - Six Qualities of Successful Places, the Adopted FIFEplan Local Development Plan (2017) policies 1, 3 and 10, and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines are relevant.

2.6.2 The above policies support development proposals which do not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements and which do not exacerbate road safety.

2.6.3 Fife Council Transportation Development Management were consulted on this application and have no objections. They advised that the proposal to increase the number of bedrooms to seven would not require any additional parking spaces as the dwellinghouse already has adequate off-street parking spaces.

2.6.4 Objectors have expressed concern that both the C4 access road and the access road through Kincaple (which is a single-track road with no passing spaces) are being damaged by the current volume of traffic, including heavy supply lorries, biomass and refuse vehicles. It should be noted that the condition and the suitability of these roads, which are situated out with the application site, and are out with the control of the applicant, is an issue not relevant in the determination of this current application. It is the view that the proposed development would not lead to a significant intensification of visitors to the site, and as such the development would not give rise to any adverse transportation/road safety concerns and would comply with the policies and supplementary guidance.

## **2.7 Flooding And Drainage**

2.7.1 National Planning Framework 4 (NPF4) (2023) policy 22, Adopted FIFEplan Local Development Plan (2017) policies 1, 3 and 12 and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (v3) are relevant.

2.7.2 The above policies and guidance highlight that development proposals shall avoid flooding and impacts on the water environment and shall not increase the risk of surface water flooding

to others, or itself be at risk. NPF4 (2023) policy 22 states that all developments must demonstrate that surface water will be managed sustainably through SUDS (e.g. soakaways, permeable surfacing, swales etc).

2.7.3 Scottish Water have been consulted and have no objections. They advise that where development proposals increase the area of hard standing within the property boundary that all reasonable attempts must be made to limit an increase in the discharge rate and volume of surface water, and for all surface water to discharge into the existing private network within the site boundary.

2.7.4 SEPA maps show that the site is not susceptible to flood risk and therefore a flood risk assessment is therefore not required to be submitted as part of this application. The addition of an extension of over 50 m<sup>2</sup> however would introduce an impermeable surface which exceeds the 50m<sup>2</sup> trigger in Fife Council's Flooding and Drainage Guidance and would change how water would flow across the property and the site. A surface water drainage strategy at an appropriate scale which is proportionate to the proposed development which shows how water run-off would be attenuated/treated using SUDS is required. In addition, the submission of a completed and signed Appendix 1 – SUDS Design Compliance Certificate by a suitably qualified professional, i.e. an Incorporated Engineer or equivalent from an appropriate Engineering Institution would also be required to support the current application and satisfy Development Plan policies and supplementary guidance in respect of surface water management.

2.7.5 A proposed SUDS Soakaway Layout Plan, a Surface Water Data Sheet and a signed SUDS Design Compliance Certificate have since been submitted by a qualified professional in this field which should ensure that the new development would not increase the risk of surface water flooding to others, or itself be at risk. All surface water from the proposed extension would be directed to a soakaway trench located in the southernmost corner of the rear garden as shown and detailed in documents 14 and 15.

2.7.6 In consideration of the above, the extension proposal is deemed to comply with the Development Plan policies and all its related guidance in relation to Flooding And Drainage.

## 3.0 Consultation Summary

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Scottish Water	No Objections
Ministry Of Defence (Statutory)	No Objections
TDM, Planning Services	No Objections

## 4.0 Representation Summary

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4.1 Objections from 14 individuals were received on time. A 25-signatory petition was also submitted but was received out of time. The issues raised which were received on time are summarised in detail as follows.

## 4.2 Material Planning Considerations

### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraphs</b>
a. The dwellinghouse was originally built as a manager's house for the Forest Lodges Holiday Park and the enlargement is against existing permissions. (This is reference to outline planning permission N82/660 which restricted the use of Kincaple Lodge to that of a manager's house and application 20/02891/FULL for a holiday park which was refused by the Scottish Government at appeal). The current proposal to enlarge the house and turn it into a short-term commercial let would breach these decisions.	<b>1.1.3, 1.1.4, and 2.3.4</b>
b. The house is not being used as a family home but has been enlarged and absorbed into a commercial property without a change of use application and is now to be enlarged to 7 bedrooms with a games room which could increase its use for up to 14 people which would increase the flow of short-term stay customers.	<b>1.3.1, and section 2.3</b>
c. The proposal would undermine the heritage of a historical site and an agriculturally sensitive area.	<b>2.4.3</b>
d. The enlargement would encourage larger groups staying which would encroach on the enjoyment of the adjacent residential properties, particularly The Coach House, Stables Cottages 1 and 2, Kincaple House (and flats) all of which are occupied and/or managed by resident owners.	<b>1.1.2, 2.3.1, 2.3.2, 2.3.3, and 2.5.3</b>
e. Increased capacity shall lead to higher levels of noise during the day and night from late night parties and visitors which is incompatible with resident neighbours. Increased noise will disturb the wildlife, including bats and owls.	<b>2.5.3</b>
f. Increased capacity shall lead to more traffic, heavy lorries. could result in 7 plus cars accessing through the hamlet as it is highly likely that each bedroom would be used by independent travelling couples.	<b>2.3.2, 2.3.3, 2.6.3, and 2.6.4</b>
g. The access road is a single-track road with no passing places and drivers use soft verges and resident's driveways as passing places. The soft verges are being damaged.	<b>2.6.4</b>
h. The current volume of water from the hot tubs at the Forrest Lodges and the existing 5 bedroomed Kincaple Lodge already overwhelm the existing drainage arrangements.	

Members should note that hot tubs located within the St. Andrews Forest Lodges Holiday Park are separate to this site and is an issue not

relevant to this application. It is also noted that hot tubs within a domestic curtilage where they are temporary/relocatable features do not require planning consent.

- i. Scottish Water have raised concerns regarding an increase in serviceability, flow and discharge of water. 2.7.3
  
- j. The structural integrity of the C4 has failed on several occasions due to the heavy traffic using it. The C4 is unsuitable for heavy supply lorries, biomass delivery vehicles and refuse vehicles. 2.6.4

#### 4.2.3 Other Concerns Expressed

##### Issue

- a. The Woodland chalets only got permission on the stipulation that there was a manager in residence. This made sense for health and safety reasons, as without round the clock management, accidents, disturbances, other incidents and noise could otherwise go unchecked to the detriment of the neighbours and other local residents.

##### **Refer to paragraphs 1.1.3, and 1.1.4**

- b. Any further holiday accommodation, or extensions to existing holiday accommodation is unwelcomed and there are concerns that building work to extend the Lodge again may have already started or has, to all appearances already been completed, without planning permission or any change of use being sought first.

##### **No works have commenced**

- c. If permission is granted it must be on the basis that under no circumstances should the property be licensed to be used as a holiday let or an occasional let during the Open or other large events.

##### **Refer to section 2.3**

- d. There is now an imbalance of tourists and residents which impacts on the lives of the residents. Tourism may bring revenue to some but is impacting hugely on the permanent residents and there are concerns the impact this proposal will have on the community. The increase in this business will bring no benefit to the residents of Kincauld.

##### **Refer to paragraphs 1.3.1 and 2.3.5**

- e. Existing large floodlights remain on throughout the night which disturbs residents. is contrary to the local Fife plans which seek to protect and enhance biodiversity.



**The lighting relates to the St. Andrews Forest Lodges site and was approved with conditions under consent 16/03890/FULL. The lighting on this site has no relevance to this current application.**

- f. Intensified use of laundry facilities with the potential of detergents and other substances entering the local environment, this combined with over the last 5 years there has been an increase in the area of hard surfacing and tarmac roads which have reduced natural drainage, destroyed habitats and have contributed to run-off pollution. These issues create ongoing damage to the local ecosystem and threaten the natural character of the area.

**These comments are not relevant to this current application.**

- g. The C4 is being used as a 'rat run' at busy times for those who commute to St. Andrews as the adjacent A91 is beyond capacity. One former resident has already moved away due to concerns regarding their safety. Residents are also being bullied and harassed on the roads by other drivers because there are no passing places for half a mile through the village. The current signage is inadequate, road markings are fading, traffic signs are damaged, there are concealed entrances, and there is a speeding problem despite a 20 mph speed limit as holiday makers rarely observe the speed limit. These pose risks to children, the elderly, cyclists and other pedestrians with push chairs and pets. A hole in the road was reported to Fife Council in February 2024.

**Refer to paragraph 2.6.4**

**There are Fife Council online forms to report on-going Road Maintenance issues and Safety concerns. The behaviour of other road users is not relevant to this current application.**

- h. Given the amount of extensive house building around the area in St. Andrews, Strathkinness, Guardbridge and other places, there should be an Impact Assessment carried out given the additional stress on surrounding roads this is causing, including the Hamlet of Kincaple. The last traffic measuring exercise on the loan was carried out was at a time when it was uncharacteristically quiet.

**This comment is not relevant to this current application.**

- i. There have been four serious electrical outages caused by car and van crashes that have involved the police

**This comment is not relevant to this current application.**

- j. Drainage/Sewerage/Water/Electrical Infrastructure is overwhelmed. There are holes in existing culverts. Both Scottish Power and Scottish Water have carried out several emergency repairs following water and electricity outages.

**This comment is not relevant to this current application.**

k. Concerns with regularly changing out the hot tub waters (17 on site and each treated with chemicals) and other bathroom facilities that are installed in the Forrest Lodges, the chemical smell, the associated crop failures and there are concerns that other parts of the underground water network could be affected? Objectors are asking whether it would be prudent to consult SEPA prior to any decision as would they not have an interest in the overall management of Kincaple. SEPA issues a certificate of use for all septic tanks to ensure compliance with the law, so have they issued an up-to-date certificate for increased use?

**This comment is not relevant to this current application.**

l. In 2025 flooding and crop failure in the field and this has not been the first time.

**This comment is not relevant to this current application.**

m. Water supply is limited, and some residents are already affected by low water pressure due to the number of increased users. The system is fragile and was not designed for the number of people using it and this raises concerns regarding fire.

**Scottish Water have not objected to this application.**

## 5.0 Conclusions

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The extension proposal is considered acceptable in meeting the terms set out in National Planning Framework 4 (2023), the Adopted FIFEplan Local Development Plan(2017) and all other relevant guidance in relation to Principle of Development, The Existing and Proposed Use of the Dwellinghouse, Design and Visual Impact, Residential Amenity, Transportation/Road Safety and Flooding/Drainage and is recommended for approval.

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

2. FOR THE AVOIDANCE OF DOUBT, no glazed openings shall be formed off the south-west elevation of the extension hereby approved without the express consent of the Planning Authority.

Reason: In the interests of maintaining privacy by satisfying minimum window to window separation distances.

## 7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Kirsten Morsley, Planning assistant and Case Officer

Report reviewed and agreed by Alastair Hamilton, Service Manager, (Committee Lead)  
28/10/25.

Committee Date: 05/11/2025

Agenda Item No. 10

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**Application for Full Planning Permission**

**Ref: 25/01342/FULL**

**Site Address: 5 Nelson Street St Andrews Fife**

**Proposal: Change of use of dwellinghouse (Class 9) to 2 no. flatted dwellings (Sui Generis) and external works including erection of two story extension**

**Applicant: Mr Neil Forsyth, 5 Nelson Street St Andrews**

**Date Registered: 21 May 2025**

**Case Officer: Scott McInroy**

**Wards Affected: W5R18: St. Andrews**

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### **Reasons for Referral to Committee**

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This application requires to be considered by the Committee because the application has attracted an objection from a statutory consultee, whilst the officer's recommendation is for approval.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

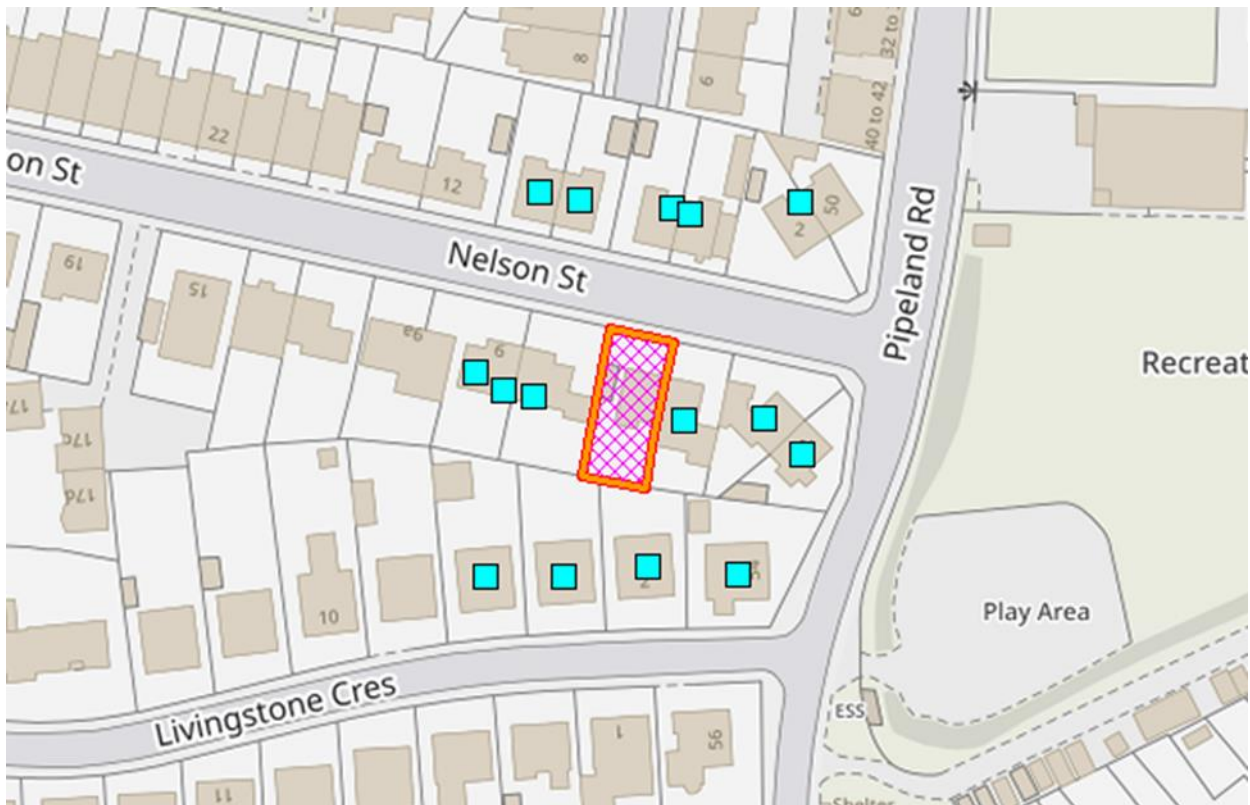
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## **1.0 Background**

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### **1.1 The Site**

## 1.1.2 LOCATION PLAN



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**1.1.3** This application relates to a two-storey semi-detached property situated within a residential area within the settlement boundary of St Andrews as designated in the adopted FIFEplan (201). The property is externally finished in concrete tiles, painted roughcast render and uPVC windows. Access to the building is taken from Nelson Street.

## 1.2 The Proposed Development

**1.2.1** The applicant seeks planning permission for the Change of use of dwellinghouse (Class 9) to 2 no. flatted dwellings (Sui Generis) and external works including erection of two-storey extension. The existing side garage is to be demolished. Rear ground floor and western first floor windows will be removed. The principal elevation remains unchanged, aside from the addition of two rooflights. To the rear, two box dormers and a rooflight are proposed. The side and rear extension would be two storeys with a flat roof, stepping down to single storey at the eastern rear section. External finishes include grey brick, a timber front door, glazed uPVC rear door, and uPVC windows.

## 1.3 Relevant Planning History

**1.3.1** There is no previous planning history for this site.

## **1.4 Application Procedures**

**1.4.1** Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

**1.4.2** National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan. In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017.

**1.4.3** Local Place Plans registered through Fife Council will not be part of the 'Development Plan' as defined by the Planning Act but will feed into the preparation of Fife's Local Development Plan 2 which is at the early stages of preparation. The Local Place Plan is a material planning consideration in the assessment of planning applications but given the early stages of LDP2 and that the Development Plan remains the starting point for decision-making in the planning process, it is considered that the material weight given to the Local Place Plan at this stage is limited and this proposal is acceptable in terms of the relevant planning policies.

**1.4.4** A site visit was undertaken on 29.09.2025.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

#### **Policy 1 & 2: Tackling the climate and nature crises.**

NPF 4 Policies 1 (Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) advise that when considering proposals, significant weight to encourage, promote and facilitate development in sustainable locations and those that address the global climate and nature crises through zero carbon and nature positive places will be encouraged. As such proposals will be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks for climate change as far as possible.

#### **Policy 3: Biodiversity**

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

#### **Policy 11: Energy**

NPF4 Policy 11 (Energy) also provides support for all forms of renewable, low-carbon and zero emissions technologies provided associated detrimental impacts are addressed.

#### **Policy 12: Zero Waste**

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

### **Policy 13: Sustainable transport**

NPF4 Policy 13 states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and where appropriate they will be accessible by public transport.

### **Policy 14: Design, quality and place**

NPF4 Policy 14 states development proposals should be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. NPF4 Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

### **Policy 15: Local Living and 20 minutes neighbourhoods**

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

### **Policy 16: Quality Homes**

NPF4 Policy 16 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

## **Adopted FIFEplan (2017)**

### **Policy 1: Development Principles**

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts.

### **Policy 2: Homes**

FIFEplan Policy 2 Homes states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply. Proposals will be supported on sites allocated for housing in FIFEplan or on other sites provided the proposal is compliant with the policies for the location.

### **Policy 10: Amenity**

Outcome: Places in which people feel their environment offers them a good quality of life.

### **Policy 11: Low Carbon Fife**

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

## **Policy 13: Natural Environment and Access**

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

### **Supplementary Guidance**

#### **Supplementary Guidance: Making Fife's Places (2018)**

Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

#### **Supplementary Guidance: Low Carbon Fife (2019)**

Low Carbon Fife Supplementary Planning Guidance provides guidance on assessing low carbon energy applications; demonstrating compliance with CO2 emissions reduction targets and district heating requirements; and requirements for air quality assessments.

### **Planning Policy Guidance**

Fife Council Planning Customer Guidelines: Garden Ground (2016)

Fife Council non statutory Minimum Distance Between Window Openings customer guidelines

Fife Council non-statutory Daylight and Sunlight customer guidelines

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Garden Ground
- Transportation/Road Safety
- Trees
- Housing in Multiple Occupation
- Low Carbon

### **2.2 Principle of Development**

**2.2.1** Policies 14, 15 and 16 of National Planning Framework 4 (2023) (NPF4) and Policies 1 and 2 of the Adopted FIFEplan – Fife Local Development Plan (2017); the LDP apply.

**2.2.2** In simple land use terms, the principle of the residential development meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the settlement boundary of St Andrews and the site already being in residential use. Notwithstanding this, the overall acceptability of the proposal is subject to the development satisfying other policy criteria such as design, amenity, road safety and other matters all of which are considered in detail below.



2.2.3 The proposal is therefore considered to meet the requirements of the policies outlined above in that the proposed change of use of dwellinghouse (Class 9) to 2 no. flatted dwellings (Sui Generis) and external works including erection of two-story extension, is thus deemed to be acceptable in principle, complying with the Policies 14, 15 and 16 of NPF4 and Policy 1 and 2 of FIFEplan.

## **2.3 Design and Layout / Visual Impact**

**2.3.1** The relevant provisions of NPF4 policy 14 and FIFEplan Policies 1 and 10 and Making Fife's Places Supplementary Guidance (2018) apply.

**2.3.2** Two supporting comments have been received regarding the proposed design and materials proposed. The existing side garage is to be demolished. Rear ground floor and western first floor windows will be removed. The principal elevation remains unchanged, aside from the addition of two rooflights. To the rear, two box dormers and a rooflight are proposed. The side and rear extension will be two storeys with a flat roof, stepping down to single storey at the eastern rear section. External finishes include grey brick, a timber front door, glazed uPVC rear door, and uPVC windows.

**2.3.3** The proposed rear dormers are set 0.5m below the ridge line and over 1m from the gable, in accordance with Fife Council's Dormer Extensions Planning Guidance. The rear extension reflects the form of the adjoining property at 3 Nelson Street, comprising a two-storey element that steps down to a single-storey flat-roofed section.

The two-storey side extension is set back 4.6m from the principal elevation, and its form is consistent with similar developments in the area, notably at 11 Nelson Street. The proposed grey brick finish introduces visual texture and contrast with the existing materials, clearly distinguishing the new elements from the original structure.

The rear elevation will not be visible from the public street scene. While the side elevation will be visible, its recessed position ensures it will not have a significant visual impact on the surrounding area. The local context features a variety of building forms and materials, including brick and render, and the proposed finishes are considered appropriate within this residential setting.

**2.3.4** Overall, it is considered that by way of scale, design and external finishing materials, the proposed extensions would not have a detrimental visual impact on the dwellinghouse or surrounding streetscape and complies with the relevant policies and guidelines relating to design and visual impact.

## **2.4 Residential Amenity**

**2.4.1** The relevant provisions of NPF4 policy 14 and FIFEplan Policies 1 and 10 apply. Fife Council Planning Services Garden Ground and Daylight and Sunlight, Customer Guidelines also apply.

**2.4.2** The existing side garage is proposed to be demolished. The proposed side elevation will be set back 4.6m from the building's frontage and 1.2m from the western boundary with 7 Nelson Street. The rear extension will project 2.1m beyond the current rear elevation, aligning with the rear of the adjoining property at 3 Nelson Street. The proposed extension would increase the footprint of the dwelling by 36sqm.

**2.4.3** The proposed front elevation of the side extension would not result in any overlooking concerns due to the separation distance from the property located opposite on Nelson Street. The side elevation includes only a ground floor window, and existing boundary treatments are sufficient to mitigate any potential overlooking from this opening.

The ground floor windows of the proposed rear extension would not adversely affect the privacy of neighbouring properties or garden areas, owing to the raised nature of the site and the presence of established boundary treatments.

At first floor level, the rear elevation includes a window serving the kitchen/living area. This window is positioned over 18 metres from the rear elevation of No. 4 Livingstone Crescent, thereby meeting the minimum separation distance requirements. The separation distances to No. 2 Livingstone Crescent are 16.6 metres and 17 metres, respectively. Although these fall marginally below the recommended standard, the affected windows serve non-habitable rooms (kitchens), and the relationship is considered acceptable in this context.

Due to the elevated position of the garden and the higher ground level of properties on Livingstone Crescent, there would be no significant overlooking into adjacent garden areas. While the proposed first floor rear window may introduce a degree of overlooking into the garden of No. 7 Nelson Street, the oblique angle of view limits the extent of impact, and it is not considered significant.

**2.4.4** The internal layout and external arrangement of the proposed development have been designed to minimise overlooking and enhance privacy between the proposed flats. The positioning of floor plans and garden areas ensures that direct lines of sight between habitable rooms are avoided.

To further mitigate potential overlooking from the raised garden area into ground floor bedroom windows, the proposal includes the installation of wooden planters and storage boxes. These features increase the separation distance and alter the viewing angle, thereby reducing visibility into adjacent windows. The planters will be planted and maintained year-round to provide continuous screening.

Additionally, the placement of windows and the internal room configuration have been carefully considered to direct any limited views towards non-sensitive areas such as corners or internal walls, rather than towards occupants. This approach is considered effective in preserving residential amenity and maintaining acceptable levels of privacy.

**2.4.5** With regards to potential daylight and sunlight impact on the adjacent properties and curtilages, the applicant has submitted daylight and sunlight calculations as part of the supporting Design Statement. The proposed extension, which sits marginally above the existing eaves line, is not anticipated to result in significant overshadowing of neighbouring garden areas due to the height and positioning of the existing dwelling.

The scale and form of the proposal comply with the Fife Planning Guidance, specifically in relation to the 45-degree rule. The extension does not breach the 45-degree line when measured from the centre of the nearest affected window, both in plan and elevation.

A minor shadowing effect is noted over the doorway of No. 7 Nelson Street; however, this impact is limited to low level and represents only a marginal change from the existing situation. As the affected door complies with the 45-degree rule in plan, the proposal is considered to meet the requirements of the Fife Daylight and Sunlight Guidelines.

**2.4.6** As such, it is considered that the development accords with the above provisions of policy and guidance as they relate to residential amenity.

## **2.5 Garden Ground**

**2.5.1** The relevant provisions of NPF4 policy 14 and FIFEplan Policies 1 and 10 apply. Fife Council Planning Services Garden Ground Customer Guidelines also apply.

**2.5.2** The proposed development would result in garden ground provision of approximately 45sqm and 33sqm for the respective flats. While this falls below the minimum standards outlined in Fife Council's Planning Customer Guidelines on Garden Ground, it does provide usable private amenity space to the rear of the site. Additionally, the application site is located approximately 55m from Spider Park, a public outdoor amenity space. In this context, given that there is garden ground provided (although below the minimum standard as set out by the customer guidelines) and the application site is in close proximity to outdoor public open space, it is deemed appropriate by the planning authority to relax the provision in this instance. Although the proposal does not fully comply with the garden ground standards, it is deemed acceptable in this instance due to the character of the development and its setting.

## **2.6 Transportation/Road Safety**

**2.6.1** Policies 13, 14, and 15 of NPF4, Policies 1,3 and 10 of the LDP and Making Fife's Places Supplementary Guidance apply.

**2.6.2** Concerns have been raised regarding the lack of parking provision associated with the proposal. The Transportation Development Management (TDM) Team was consulted and has objected to the application due to a shortfall in off-street parking. The proposal involves the conversion of the existing dwelling into two 3-bedroom flats, which would require four off-street parking spaces. However, only three spaces are proposed, resulting in a shortfall of one space. The required visibility splays can be achieved.

A Transport Statement was submitted in support of the application. It references National Planning Framework 4 (NPF4), specifically Policy 13, which promotes active travel and sustainable transport. The policy no longer sets national maximum parking standards, instead encouraging developments that prioritise walking, cycling, and wheeling. The statement highlights the site's proximity to key services and transport links, including St Andrews bus station, the town centre, schools, and the university, aligning with the principles of the 20-minute neighbourhood as set out in NPF4 Policy 15.

While the parking provision falls short of the standard, the site is considered to be in a sustainable location well served by public transport and active travel infrastructure. The Transport Statement also notes that other developments in the area have been approved with similar parking shortfalls, and that not all properties on Nelson Street benefit from off-street parking.

In this context, and in line with the aims of NPF4 Policies 13 and 15, the planning authority considers the parking shortfall acceptable.

**2.6.3** It is therefore concluded that whilst the proposal would not comply with the Fife Council Transportation Development Guidelines and relevant development plan policies, it is nonetheless acceptable in this case.

## 2.7 Trees

**2.7.1** The relevant provisions of policies 1, 3 and 4 of NPF4 (2023), Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017) apply. Making Fife's Places Supplementary Guidance Document (2018) is also relevant here.

**2.7.2** Concerns have been raised regarding the impact on trees. There are currently 4 trees in the back garden area of the application site. The application site is not within the St Andrews Conservation Area and there are no tree protection orders on site. Three of the existing trees are to be retained with one being removed due to structural works required and faults/cracks this is currently creating with the retaining wall. Given that the majority of trees are being retained on site, and other planting opportunities will arise through the design of the garden area, it is considered that this proposal is acceptable in this instance.

## 2.8 Houses in Multiple Occupation

**2.8.1** The relevant provisions of FIFEplan policy 2 apply.

**2.8.2** The proposal is not intended for HMO use at this time. Nonetheless, a condition is recommended to ensure that the property will not be used as an HMO in the future unless a further application for that use is submitted for consideration.

## 2.9 Low Carbon

**2.9.1** The relevant provisions of NPF4 policies 1, 2 and 14 and FIFEplan Policies 1, 3 and 11 apply. Fife Council's Low Carbon Supplementary Guidance (2019) is also relevant here.

**2.9.2** The applicant has submitted a supporting statement which states that the proposed works will be designed and constructed to the minimum u-values set out by the Scottish Building Regulations. The proposal will also utilise the use of Solar Tubes, for the ground floor kitchen/ dining and the first-floor shower room, which will decrease the demand for electricity and lighting.

**2.9.3** As such, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon.

## 3.0 Consultation Summary

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Community Council	Object
TDM, Planning Services	Object
Scottish Water	No objection

## 4.0 Representation Summary

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4.1

1 objection from the Community Council and 2 supporting comments were received.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. Road Safety (parking)	2.6.2
b. Impact on trees	2.7.1

#### 4.2.2 Support Comments

<b>Issue</b>	
a. Design and Visual Impact	2.3

#### 4.2.3 Other Concerns Expressed

<b>Issue</b>	<b>Comment</b>
a. Potential future uses	Comments noted, however these are not a material planning consideration in the assessment of planning applications
b. Potential users of the building	Comments noted, however these are not a material planning consideration in the assessment of planning applications
c. Drainage	Given the size of the proposed extension, there was no requirement for the submission of drainage information. Scottish Water were consulted and raised no objection to this proposal.

## 5.0 Conclusions

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The proposal is considered acceptable in meeting the terms of the Development Plan and National Guidance. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any significant detrimental impacts on surrounding residential properties or road safety and is considered acceptable in terms of its visual impact.

## 6.0 Recommendation

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

## **CONDITIONS:**

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

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

2. The residential units provided on site shall be used solely as residences for (a) a single person or by people living together as a family; or not more than 2 unrelated residents living together in a flat. For the avoidance of doubt, none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

Reason: In the interests of maintaining a mixed and balanced housing stock as required by Adopted FIFEplan - Fife Local Development Plan Policy 2 (Homes) or any subsequent revision or amendment of this document.

## **7.0 Background Papers**

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Other Guidance

Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2017)

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

Fife Council's Minimum Distance between Windows Guidance

Report prepared by Scott McInroy, Planner Development Management

Report reviewed and agreed by Alastair Hamilton, Service Manager(Committee Lead) 22/10/25

**Committee Date: 05.11.25**

**Agenda Item No. 11**

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**Application for Full Planning Permission**

**Ref: 25/01360/FULL**

**Site Address: Elie Holiday Park Easter Grange Earlsferry**

**Proposal: Change of use of land to allow siting of mobile sauna unit and associated works (retrospective)**

**Applicant: Wild Scottish Sauna, Middleacre, Cupar Road**

**Date Registered: 23 May 2025**

**Case Officer: Matthew Don**

**Wards Affected: W5R19: East Neuk And Landward**

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### **Reasons for Referral to Committee**

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This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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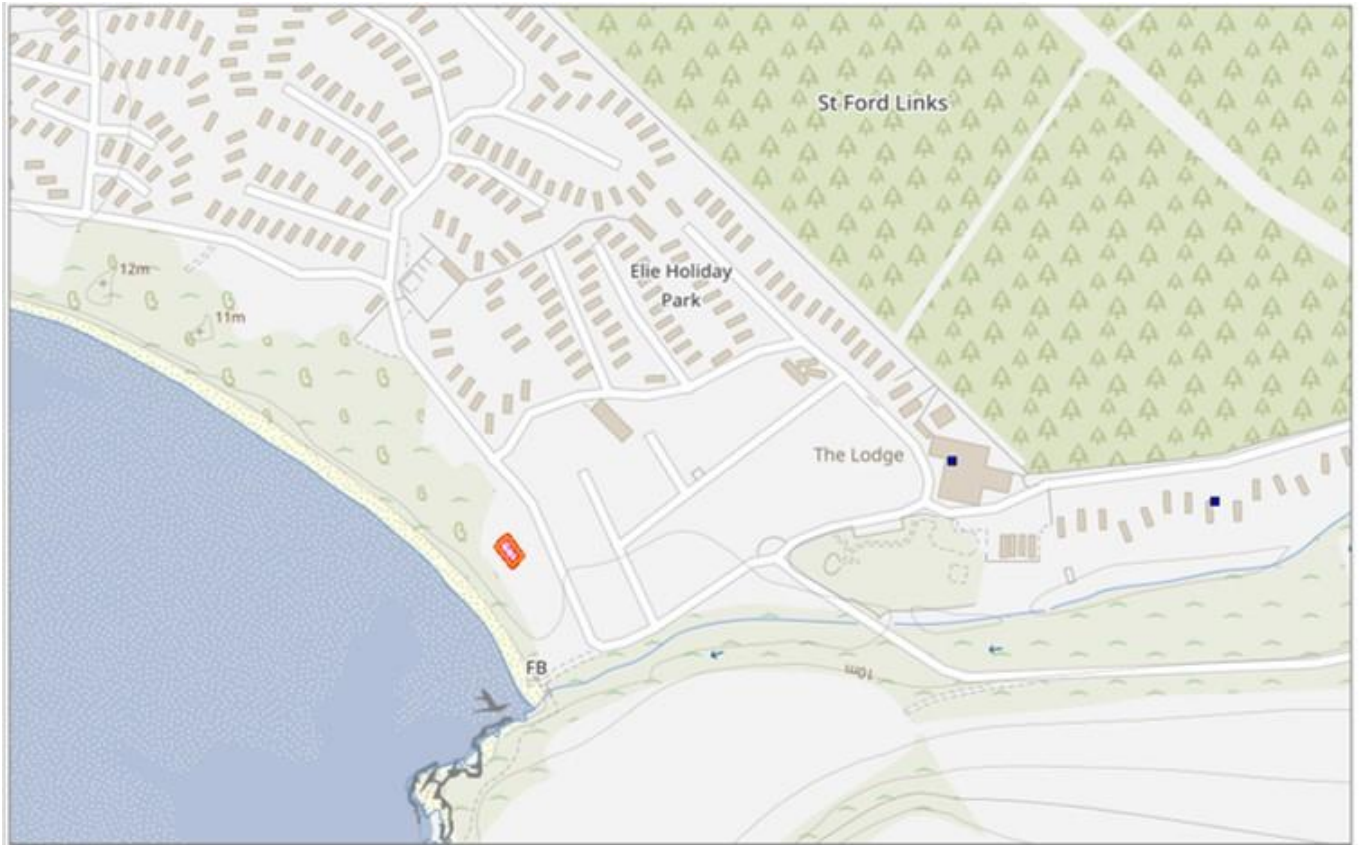
## **1.0 Background**

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### **1.1 The Site**

This application relates to a parcel of land located on the foreshore of the Firth of Forth and is located within the countryside as defined by the Adopted FIFEplan – Fife Local Development Plan (2017). The site is located approximately 1.2 miles (1.9 km) Northwest of Elie and Earlsferry. The coastal site consists of grassy plains/dune and is located to the west of a large holiday park near to the sandy beach. The site is located on an area of maintained grassland within the Kilconquhar Local Landscape Area and is within 40-50 metres of the foreshore of the Firth of Forth which is also an area of Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and a RAMSAR site in terms of ecological designated sites. Access to the site would be from an internal access road within the holiday park and access to the beach from the site would be via an established footpath.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

This application is for retrospective permission for the change of use of land to allow the siting of a commercial mobile sauna unit and associated works. The sauna would be a mobile unit and would be finished with cedar horizontal cladding, with a black roof with large flue and anthracite coloured framed double-glazed door on the West elevation and two single pane windows on the South elevation. The unit's dimensions would be 3 metres in height by 1.9 metres in width by 4.7 metres in length. The hours of operation would be 5 days per week from 10 am - 4 pm during winter/spring months, and 9am - 6pm in the summer months. The unit would be managed and cleaned regularly on a daily basis.

## 1.3 Relevant Planning History

03/01337/EFULL - Use of land to site portable hospitality unit (including toilets, office and bar facility) (temporary period) – Conditional Approval (08/05/03)

03/03338/EFULL - Erect single storey extension to caravan park clubhouse – Conditional Approval (24/11/03)

04/02988/EFULL - Install water tank and enclosure – Unconditional Approval (04/10/04)

05/01728/EFULL - Siting of holiday chalet (suitable for disabled access) – Conditional Approval (12/07/05)

05/03407/EFULL - Construct replacement toilet – Conditional Approval (17/10/05)

14/03784/FULL - Extension to amenity building to provide Class 3 restaurant, two Class 1 units and additional storage space – Conditional Approval (08/01/15)



## **1.4 Application Procedures**

**1.4.1** Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). 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. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**1.4.2** National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan. In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017.

**1.4.3** Local Place Plans registered through Fife Council will not be part of the 'Development Plan' as defined by the Planning Act but will feed into the preparation of Fife's Local Development Plan 2 which is at the early stages of preparation. The Local Place Plan is a material planning consideration in the assessment of planning applications but given the early stages of LDP2 and that the Development Plan remains the starting point for decision-making in the planning process, it is considered that the material weight given to the Local Place Plan at this stage is limited and this proposal is acceptable in terms of the relevant planning policies. Elie and Earlsferry Local Place Plan (2024) has been considered, however, makes no specific reference to the impact of coastal development and therefore, there would be no information relevant to the assessment of this application.

**1.4.4** This application was withdrawn from the agenda of a previous North East Planning Committee as it transpired that the redline boundary was incorrect. Subsequently, the application site plan has been amended to reflect the correct siting of the sauna and neighbouring properties re-notified. Representations are available to view online.

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

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

#### Policy 2: Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

#### Policy 10: Coastal development

To protect coastal communities and assets and support resilience to the impacts of climate change

#### Policy 18: Infrastructure first

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

#### Policy 26: Business and industry

To encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses

#### Policy 29: Rural development

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

#### Policy 9: Brownfield, vacant and derelict land

and empty buildings

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

#### Policy 30: Tourism

To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland.

### **Adopted FIFEplan (2017)**

#### Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals, and address their individual and cumulative impacts.

#### Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.

#### Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

#### Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

#### Policy 11: Low Carbon Fife

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

## Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

### Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

- Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.

Supplementary Guidance: Low Carbon Fife (2019)

-Low Carbon Fife Supplementary Planning Guidance provides guidance on assessing low carbon energy applications demonstrating compliance with CO2 emissions reduction targets and district heating requirements; requirements for air quality assessments.

### Planning Policy Guidance

National Planning Framework 4 (NPF4) (2023)

Adopted FIFEplan (2017)

### Other Relevant Guidance

Elie and Earlsferry Local Place Plan + Community Action Plan (2024) [Elie & Earlsferry Local Place Plan \(2024\)](#)

PAN 1/2011 Planning and noise

BRE Site Layout for daylight and sunlight: a guide to good practice (BR209)(2022)

## 2.0 Assessment

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### 2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Air Quality
- Natural Heritage
- Sustainability

## 2.2 Principle of Development

2.2.1 NPF4 (2023) Policy 10 (Coastal Development) Part (b) (iv) states for coastal areas that are un-developed will only be supported where they are designed to have a very short lifespan. Policy 26 (Business and industry) part (a), (b) and (c) is applicable in this instance where the development proposals for businesses uses on sites allocated within the LDP will be supported; micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses. Development proposals for businesses will be supported where they are compatible with the primary business function of the area, or neither prejudice the primary function of the area and compatible with the business/industrial character of the area. Policy 30 (Tourism) part (b) and (d) (although relating to a 'hut') are applicable in this instance. Part (b) states that tourism related proposals will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment.

Whereas part (d) states that proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.

2.2.2 Adopted FIFEplan (2017) Policy 1 (Development Principles) states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location; or in a location where the proposed use is supported by the Local Development Plan. In this instance, the proposal is located out with the settlement boundary of Elie & Earlsferry and would therefore be considered a countryside location. On that basis the proposal would be assessed under policy criteria 5 and 6 where development in the countryside will only be supported where it is for facilities for access to the countryside and is for facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location.

2.2.3 52 letters of support have been received for the application that highlight that the development would be highly beneficial to the surrounding area in terms of the economic benefit arising from job creation from the provision of additional tourist facilities. The health and well-being benefits of attracting people into the natural environment and the additional provision of a community asset are also cited.

2.2.4 8 letters of objection have been received stating that there are too many sauna businesses concentrated within area that would lead to a negative impact on the existing businesses.

2.2.5 In this instance, the proposed unit would be a moveable mobile structure, suitably scaled for a coastal countryside location (i.e. 3 metres in height by 1.9 metres in width by 4.7 metres in length) and is considered to be an appropriate land use in the context of its proximity to the caravan holiday park adjacent. The principle of such development has been accepted previously in other coastal and countryside locations near established leisure and tourist enterprises in Fife. The third party concerns raised relating to there being too many saunas concentrated within the area is noted, however, the development would be acceptable as it is the only sauna unit in this part of the immediate coastal area with other consented units being located in Lower Largo and Elie both some distances away. In terms of location, the proposal is also considered to be suitably sited and scaled and sufficiently distant from the shoreline not to result in an overdevelopment nor overprovision in this local coastline location. The unit would also be considered to be suitably distant (approximately 24 metres) from the nearest third-party holiday caravan units. Further to that, the proposed sauna unit would also provide access to the natural environment, would be an additional ancillary use to complement the established neighbouring holiday caravan site and can be accessed by people with disabilities. In this regard the proposal is considered to comply with NPF4 (2023) Policy 26 (Business and industry) and Policy 30 (Tourism); and Adopted FIFEplan (2017).

## **2.3 Design And Layout / Visual Impact**

2.3.1 The proposal is for the siting and installation of a moveable small scale sauna unit. The proposed sauna would be 4.7 metres long, 1.9 metres wide and 3 metres high and would be externally finished using cedar horizontal cladding, a black roof, external flue and anthracite grey window frames. The design and visual implications of the structure have been assessed with regard to the proposed location in the Local Landscape Area and in the context of NPF4 (2023) Policy 14 (design, quality and place), 29 (Rural development), NPF4 (2023) Annex D-Six Qualities of Successful Places; Adopted FIFEplan (2017) Policy 1 (Development Principles), Policy 7 (Development in the Countryside) and Policy 13 (Natural Environment and Access) and Making Fife's Places – Supplementary Guidance (2018).

2.3.2 NPF4 (2023) Policy 14 (Design, quality and place) part (a) states that development proposals will be designed to improve the quality of an area whether in urban or rural location and regardless of scale. Part (b) states that development proposals will be supported where they are consistent with the six qualities of successful places (healthy, pleasant, connected, distinctive, sustainable, adaptable). Policy 29 (Rural development) Part (b) states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.

2.3.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) Part B (Criterion 7) states that must safeguard the character and qualities of the landscape. Policy 7 (Development in the Countryside) states that development must:

- be of a scale and nature compatible with surrounding uses;
- be well-located in respect of available infrastructure;
- be located and designed to protect the overall landscape and environmental quality of an area

Policy 13 (Natural Environment and Access) states development proposals will only be supported where they protect or enhance natural heritage including designated sites of landscape character views.

2.3.4 One letter of objection was received that makes reference to the over commercialization of the coastal setting that would occur should the application be approved.

2.3.5 10 letters of support have been received that make reference to the sauna unit being sited in an appropriate location which does not impact on the surrounding setting, and incorporate high quality design finishes.

2.3.6 It is considered that the proposed development would be acceptable given the small scale in the wider landscape setting and incorporate materials which are a mix of traditional and contemporary external finishes and would comply with the relevant FIFEplan and NPF4 policies on design. Furthermore the proposal would be in accordance with NPF4 (2023), Adopted FIFEplan (2017), and other related guidance in that the unit is a moveable structure located in a position that is not prominent on the coastline and is not deemed to be an ecologically protected part of the coastal environment. It is positioned on an open grassy area and visible from the north, however, would be suitably screened by vegetation from the South/ West (beach). The proposed sauna would be small in scale and suitably externally finished with quality cladding material that would be considered to comply with the surrounding natural setting. Therefore, the small-scale nature of the structure with quality finishes is compliant with NPF4 (2023) Policy 29 (Rural development and Adopted FIFEplan (2017) Policy 7 (Development in the Countryside).

## **2.4 Residential Amenity**

2.4.1 Impact of daylighting, overshadowing, overlooking and increased noise, has been considered in full accordance with NPF4 (2023) Policy 14 (Design, quality and place) part ((c), Policy 16 (Quality homes) (g)(ii); Adopted FIFEplan Policy 10 (Amenity), PAN 1/2011 Planning and noise, BRE Site Layout for daylight and sunlight: a guide to good practice (BR209)(2022).

2.4.2 Two letters of support have been received for the application stating that the unit does not emit high levels of noise that would cause disturbance to nearby residential properties/caravans.

2.4.3 Issues of increased noise disturbance have been assessed and would be considered to be acceptable in accordance with relevant guidance. The sauna unit is located 24 metres from the nearest caravan at the Elie Holiday Park at Shell Bay. The area is an established tourism activity/leisure site and with appropriate hours of operation falling within sociable hours therefore there would be minimal noise levels associated with the proposal.

2.4.4 Issues of odour emissions nuisance has been considered and would be acceptable in this instance. This is further elaborated below (in section 2.5) by consideration by the Land and Air Quality Team for the impact on air quality.

2.4.5 Due to the height and distance of the sauna from neighbouring caravans there is no overshadowing or overlooking issue. As the neighbouring caravans are for commercial leisure use there are no privacy standards which would apply in this context.

2.4.6 The residential amenity impact of the proposal has been assessed and would be considered to be acceptable in meeting the requirements of NPF4 (2023) and Adopted FIFEplan (2017) and other relevant amenity protection related guidance.

## **2.5 Air Quality**

2.5.1 Impact of the Air Quality from the proposal would be assessed against NPF4 (2023) Policy 23, Adopted FIFEplan (2017) Policy 10 (Amenity).

2.5.2 NPF4 (2023) Policy 23 (Health and safety) part (d) states that development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

2.5.3 Adopted FIFEplan (2017) Policy 10 (Amenity) states that Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas. Development proposals that lead to a breach of National Air Quality Standards or a significant increase in concentrations within an Air Quality Management Area will not be supported.

2.5.4 Land and Air Quality team have been consulted on this application and have advised that in terms of air quality, they are satisfied with the technical specifications proposed in terms of the woodburning stove. With regards to the potential for any contaminated land issues, they are satisfied that as no groundbreaking will be involved, the proposal would not raise any issues. Should any complaints of nuisance arise as a result of the development Fife Council's Environmental Health Team would investigate in consultation with Planning Services. However any of the adjacent caravans could also install woodburning stoves without requiring planning permission. Given the comments from the Fife Council Land and Air Quality team regarding the dispersal of smoke associated with the sauna the proposal would be considered acceptable and in accordance with NPF4 (2023) and Adopted FIFEplan (2017).

## **2.6 Transportation/Road Safety**

2.6.1 Impact of road access and parking provision has been considered in full accordance with NPF4 (2023) Policy 13 (Sustainable transport) and Policy 18 (Infrastructure first); Adopted FIFEplan (2017) Policy 1 (Development Principles), Policy 3 (Infrastructure and Services) and Making Fife's Places – Supplementary Guidance: Appendix G (2018). Transportation Development Management colleagues have not been consulted on this application.

2.6.2 Policy 13 (b) of NPF4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;
- Integrate transport modes;
- Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- Adequately mitigate any impact on local public access routes

Policy 18 (Infrastructure first) (b) states that impacts of development proposals on infrastructure should be mitigated and material considerations must be addressed in order to be acceptable.

Policy 30 (b) of NPF4 states that proposals for tourism related development will take into account opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas.

2.6.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) Part C states that development proposals must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 (Infrastructure and Services) developments must address any impacts on road safety and ensure the design implements the correct level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 (Amenity) states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.6.4 One letter of objection has been received regarding the increased strain on available parking infrastructure.

2.6.5 Two letters of support have been received that state that there is plentiful parking within the immediate vicinity with suitable access.

2.6.6 Transportation Development Management (TDM) colleagues have been consulted on this application and do not object to the proposal. It is considered that the site would be readily accessible by the public with sufficient parking within the area and the short-term booking system for the sauna use would not significantly impact the area's road network and on-street parking, therefore, considering there is no road safety impact considered by TDM colleagues would, therefore, be considered acceptable in accordance with NPF4 (2023) and Adopted FIFEplan (2017).

## **2.7 Natural Heritage**

2.7.1 Natural heritage impacts have been considered for this application in accordance with NPF4 (2023) Policy 1 (Sustainable Places), Policy 3 (Biodiversity), Policy 4 (Natural places), Policy 20 (Blue and green infrastructure); Adopted FIFEplan (2017) Policy 1 (Development Principles) and Policy 13 (Natural Environment and Access) and would be considered to be acceptable.

2.7.2 NPF4 (2023) Policy 1 (Sustainable Places) states that significant weight must be given to the nature crisis when considering development. Policy 3 (Biodiversity) (d) states that adverse impacts (including cumulative impacts) on biodiversity as a result of development will be minimised through careful planning and design. Policy 4 (Natural places) (a) states that development of a type, location or scale in with a negative impact on the natural environment will not be supported. Policy 20 (Blue and green infrastructure) (a) states that the loss of green infrastructure must demonstrate that there is not a deficit, and the overall integrity of the green network is maintained.

2.7.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) Part B states development proposals must address impact by complying with following relevant criteria and supporting policies and safeguard the character and qualities of the landscape. Policy 10 (Amenity) must



demonstrate the development does not lead to increased detriment regarding the loss of open space. Policy 13 (Natural Environment and Access) states development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of international and national importance, including Sites of Special Scientific Interest; designated sites of local importance, including Local Wildlife Sites, biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

2.7.4 Three letters of objection have been received regarding the natural heritage impact on the surrounding coastline environment with regard to the potential for the erosion of the fragile dune system and resultant coastal erosion.

2.7.5 The application has been considered in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 for the requirement of Environmental Impact Assessment and would not be required for this small scale of development that is suitably set back from the designated Special Protection Area to the South as well as the SSSI and Ramsar site).

2.7.6 The proposed siting of the sauna approximately 40-50 metres distant from the foreshore (which also marks the boundary of the SPA, SSSI, and Ramsar sites), means that due consideration must be given to the potential impact on the landscape and potential impacts (both positive and negative/harm) to the natural environment and fragile coastal eco-systems. The applicant's agent has advised that users of the sauna would be directed to enter and exit the sauna onto the beach using the established footpath nearby. Fife Council Natural Heritage Officer has been consulted and advised that the sauna would be located on regularly mown amenity grassland and is therefore considered to be of low ecological value. On that basis the loss of a small area of grassland would not be deemed significant in terms of impact on species or loss of natural habitat. Again, patrons should use pre-existing routes and avoid using the dune areas which could be prone to erosion of the more fragile dune grassed areas. The sauna operator should ensure such access arrangements are adhered to.

2.7.7 In this instance, given the temporary nature of the sauna, its small footprint area, and the siting on a maintained grass area with effective management to encourage users to use designated footways to and from the shore would ensure that there is detrimental impact to the local natural heritage. The site of the sauna is open to and contiguous with the open amenity space of the established holiday caravan park. In terms of waste management, this would be dealt with by the operators who would maintain and clean daily and this would ensure there is no waste material from the sauna operation released to the adjacent marine and terrestrial environments. Overall, the proposal is considered acceptable and would comply with NPF4 (2023) and related policies and guidance within the Adopted FIFEplan (2017) with regard to protecting and preserving the natural heritage.

## **2.8 Sustainability**

2.8.1 NPF4 (2023) Policy 1 and 2; Adopted FIFEplan (2017) Policies 1 and 11 and Fife Council Low Carbon Fife Supplementary Guidance (2019) apply in this regard.

2.8.2 Two letters of support have been received stating that the proposal would incorporate sustainable materials and fuel sources.

2.8.3 The proposal would be a mobile unit that would be transported to site, and therefore, no requirements for foundations are required reducing the associated embodied carbon footprint of this aspect of development. A log burning stove is proposed to heat the sauna unit with kiln dried hardwood logs thus reducing smoke and odour pollution potential. Where possible the applicant would use local, sustainable and ethically acceptable materials. Waste associated with the sauna use (ash, materials) would be stored on-site and removed daily. The proposal is also a small-scale tourism opportunity and would not generate large amounts of traffic in the area. Any impact is marginal in the context of the much larger holiday caravan park and established amenities serving that facility. The smoke from the log burner has been assessed by the Land and Air Quality Team (elaborated in section 2.5.4) and in this instance the kiln dried logs are considered to be an acceptable fuel/heat source. Kiln dried logs can be sustainably sourced and would be considered to be a sustainable fuel source. It is considered that the proposal would comply with NPF4 (2024), Adopted FIFEplan (2017) and other related guidance regarding Low Carbon impact.

### 3.0 Consultation Summary

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Natural Heritage, Planning Services	No objection – subject to ensuring the users of the sauna access the shore via established pathways.
Land And Air Quality, Protective Services	No objections
TDM, Planning Services	No objections

### 4.0 Representation Summary

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4.1 64 letters of representation have been received for this application including 52 letters of support and 12 letters of objection.

#### 4.2 Material Planning Considerations

##### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Too many sauna units within the area	2.2.5
b. Natural Heritage impact of the degradation of the dune system from high footfall	2.8.4
c. Design and Visual Impact of the commercial aesthetic of the sauna unit negatively impacting on the coastal sting	2.3.6
d. Road safety impact of increased reliance on parking	2.6.4

## 4.2.2 Support Comments

### Issue

- a. The economic, community, and health and well-being benefits from the sauna

## 4.2.3 Other Concerns Expressed

### Issue

- a. The applicant applying for retrospective planning permission and the potential negative impacts and cumulative effects of similar proposals on the natural environment

### Comment

Regardless of being retrospective the proposal is assessed on its planning merits.

## 5.0 Conclusions

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The proposal is an acceptable form of land use compliant with the surroundings in accordance with NPF4 (2023) and Adopted FIFEplan (2017). The rural location has been demonstrated as a necessary location as it provides access to the coastal environment, and it would be sited adjacent to existing long established holiday caravan site and other outdoor recreational land uses. The unit is also a temporary/ mobile structure that is suitably scaled and finished to respect the site and its surrounding rural countryside environment; the proposal is considered to be an acceptable form of land use compliant with the surroundings in accordance with NPF4 (2023) and Adopted FIFEplan (2017)

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

2. FOR THE AVOIDANCE OF DOUBT, should the mobile sauna hereby approved be unused for a period of 6 or more continuous months, then the unit and any ancillary elements associated with the facility shall be completely removed and the land restored to its former condition unless otherwise agreed in writing with this Planning Authority.

Reason: In the interests of protecting the local environment and visual qualities of the locality and to ensure the unit and ancillary associated elements are removed should the proposal become redundant.

## 7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

[Planning Guidance](#)

Report prepared by Matthew Don

Report reviewed and agreed by Alastair Hamilton, Service Manager 10/10/25

**Committee Date: 5.11.25**

**Agenda Item No. 12**

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**Application for Full Planning Permission**

**Ref: 25/00591/FULL**

**Site Address: Land Adjacent to the West of 33 Kirk Road, Newport on Tay**

**Proposal: Change of use of land to allow siting of mobile sauna unit and associated works**

**Applicant: Mr Jon-Paul Kitching, 1 The Paddock Letham Farm**

**Date Registered: 21 March 2025**

**Case Officer: Matthew Don**

**Wards Affected: W5R17: Tay Bridgehead**

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### **Reasons for Referral to Committee**

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This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**

This application relates to a parcel of land located off of Kirk Road within the settlement boundary of Newport-on-Tay as defined by Adopted FIFEplan (2017). The area of land, is located nearby to Forgan Arts Centre in an area of established mature woodland, it can be accessed from Kirk Road up steps on a pedestrian path. The surrounding area comprises of heavily residential natural stone/slate traditional properties to the North, more modern houses by Forgan Way with white render, and notably the site is within a walkable vicinity to community asset Waterstone Crook a sports and leisure centre.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

This application is for change of use of land to allow the siting of a commercial mobile sauna unit and associated works. The sauna would have the capacity for 6-8 persons at any one time. It would be a mobile unit, which would be finished with charred timber vertical cladding and decking timber boards, anthracite aluminium framed single pane windows, and a pitched aluminium roof with a stainless-steel flue. The unit's dimensions would be 6.4 metres in length by 3 metres in height with the flue extending 3.6 metres in height. The hours of operation would be Tuesday (2pm-8pm), Wednesday (10am-1pm) (2-4pm) , Thursday (11 am –1 pm)(2-8pm), Friday (12pm-7pm) and Saturday (9am-12pm)(1pm-4pm). The hours of operation have been reduced to reflect hours more in keeping with the character of the area.

## 1.3 Relevant Planning History

There is no relevant planning history for this application.

## 1.4 Application Procedures

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). 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. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that with respect to any buildings or other land in a conservation area, special attention

shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

**1.4.2** National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers. The adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan. In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017.

**1.4.3** A physical site was undertaken on the 13<sup>th</sup> of May 2025 in relation to the assessment of this application. The site visit included the applicant and a member of Fife Council Public Protection services to see the site in relation to nearby residential properties and discuss the issues of air quality

**1.4.4** Under The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (as per the advice contained within Circular 3/2009) where the local authority has an interest in the land as part of their holding, Scottish Ministers are required to be notified of the application before planning permission is granted - should the proposal be significantly contrary to the development plan. Such a procedure allows Ministers to consider whether any possible conflicts of interest may have unduly influenced the planning authority, or have made it difficult for the authority to retain an impartial view of the merits of the proposed development. The Direction also advises that planning authorities must not 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 significantly contrary to the development plan and will be assessed under the delegation of powers as a local development.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

Policy 1: Tackling the climate and nature crises

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy 2: Climate mitigation and adaptation

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy 3: Biodiversity

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy 13: Sustainable transport

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy 14: Design, quality and place

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy 15: Local Living and 20 minute neighbourhoods

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy 18: Infrastructure first

To encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Policy 26: Business and industry

To encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses

### **Adopted FIFEplan (2017)**

Policy 1: Development Principles

Development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts.

Policy 3: Infrastructure and Services

Outcomes: New development is accompanied, on a proportionate basis, by the site and community infrastructure necessary as a result of the development so that communities function sustainably without creating an unreasonable impact on the public purse or existing services.

Policy 10: Amenity

Outcome: Places in which people feel their environment offers them a good quality of life.

Policy 11: Low Carbon Fife

Outcome: Fife Council contributes to the Climate Change (Scotland) Act 2009 target of reducing greenhouse gas emissions by at least 80% by 2050. Energy resources are harnessed in appropriate locations and in a manner where the environmental and cumulative impacts are within acceptable limits.

Policy 13: Natural Environment and Access

Outcomes: Fife's environmental assets are maintained and enhanced; Green networks are developed across Fife; Biodiversity in the wider environment is enhanced and pressure on ecosystems reduced enabling them to more easily respond to change; Fife's natural environment is enjoyed by residents and visitors.

### **National Guidance and Legislation**

#### **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

- Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.



Supplementary Guidance: Low Carbon Fife (2019)

-Low Carbon Fife Supplementary Planning Guidance provides guidance on assessing low carbon energy applications demonstrating compliance with CO2 emissions reduction targets and district heating requirements; requirements for air quality assessments

### **Planning Policy Guidance**

National Planning Framework 4 (NPF4) (2023)

Adopted FIFEplan (2017)

### **Other Relevant Guidance**

PAN 1/2011 Planning and noise

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Air Quality
- Natural Heritage
- Sustainability

### **2.2 Principle of Development**

2.2.1 NPF4 (2023) Policy 26 (Business and industry) part (a), (b) and (c) is applicable in this instance where the development proposals for businesses uses on sites allocated within the LDP will be supported; micro-businesses will be supported where it is demonstrated that the scale and nature of the proposed business and building will be compatible with the surrounding area and there will be no unacceptable impacts on amenity or neighbouring uses. Development proposals for businesses will be supported where they are compatible with the primary business function of the area, or neither prejudice the primary function of the area and compatible with the business/industrial character of the area. Policy 30 (Tourism) part (b) and (d) (although relating to a 'hut') are applicable in this instance. Part (b) states that tourism related proposals will take into account:

- i. The contribution made to the local economy;
- ii. Compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;

- iii. Impacts on communities, for example by hindering the provision of homes and services for local people;
- iv. Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas;
- v. Accessibility for disabled people;
- vi. Measures taken to minimise carbon emissions;
- vii. Opportunities to provide access to the natural environment

Whereas part (d) states that proposals for huts will be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.

2.2.2 Adopted FIFEplan (2017) Policy 1 (Development Principles) states that the principle of development will be supported if it is either within a defined settlement boundary and compliant with the policies for the location; or in a location where the proposed use is supported by the Local Development Plan. In this instance, the proposal is within the settlement boundary of Newport-on-Tay as defined by Adopted FIFEplan (2017) and therefore, there is a presumption on favour of development.

2.2.3 Two letters of representation have been received for this application stating that the proposal will provide social, health and well-being benefits, and the knock on economic benefits and regeneration of the settlement.

2.2.4 Three letters of objection have been received that state that the location is un-suitable considering the area is residential.

2.2.5 In this instance, the proposed unit would be a moveable mobile structure, suitably scaled that (dimensions of 6.4 metres in length by 3 metres in height with the flue extending 3.6 metres in height) is set back from Kirk Road and is an appropriate land use in this local context as although it is located within an area that is primarily residential. Third party concerns regarding the location being inappropriate is a valid concern for the residents of Kirk, however, the area is heavily wooded and suitably screened by vegetation and the proposal's leisure/recreation use would complement the area. It would be in an enclosed area out of site. A significant part of the assessment of this proposal and the basis concern relates to the impact on the air quality of wood log burning stove, however, through continued dialogue with the applicant and Public Protection team, there have been amendments to the scheme to include the electrification of the stove system, whereby the system would remain odourless (further elaborated in section 2.7.5). Further considerations would be the impact of the increased noise levels (further elaborated in section 2.4.3) and has been considered that the proposed use would fall within sociable hours and would therefore be acceptable. Although located within the settlement boundary in an area that is residential, there are also leisure and recreation uses within the surrounding area, and the small-scale proposed sauna use would provide its users with access to a natural environment. In this regard the proposal is considered to comply with NPF4 (2023) Policy 26 (Business and industry) and Policy 30 (Tourism); and Adopted FIFEplan (2017).

### **2.3 Design And Layout / Visual Impact**

2.3.1 The proposal is for the siting and installation of a moveable small scale sauna unit of typical design. The proposed sauna would be 6.4 metres in length by 3 metres in height with the flue extending 3.6 metres in height. It would be finished with charred timber vertical cladding and decking timber boards, anthracite aluminium framed single. The design and visual implications of the structure have been assessed with regard to the proposed location in the Local Landscape Area and in the context of NPF4 (2023) Policy 14 (design, quality and place),

NPF4 (2023) Annex D- Six Qualities of Successful Places; Adopted FIFEplan (2017) Policy 1 (Development Principles), Policy 13 (Natural Environment and Access) and Making Fife's Places – Supplementary Guidance (2018).

2.3.2 NPF4 (2023) Policy 14 (Design, quality and place) part (a) states that development proposals will be designed to improve the quality of an area whether in urban or rural location and regardless of scale. Part (b) states that development proposals will be supported where they are consistent with the six qualities of successful places (healthy, pleasant, connected, distinctive, sustainable, adaptable)

2.3.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) will support developments that are within the settlement boundary; Policy 10 (Amenity) states that development that leads to a detrimental impact to amenity regarding the visual impact of the development on the surrounding area will not be supported.

2.3.4 It is considered that the proposed development would be acceptable and would be in accordance with NPF4 (2023), Adopted FIFEplan (2017), and other related guidance in that the unit is a moveable structure located within an area that is visually screened from the foliage of mature trees. The unit is small scale and suitably externally finished with quality cladding material that would be considered to comply with the surrounding natural setting and be compliant with NPF4 (2023) and Adopted FIFEplan (2017).

## **2.4 Residential Amenity**

2.4.1 Impact of daylighting, overshadowing, overlooking and increased noise, has been considered in full accordance with NPF4 (2023) Policy 14 (Design, quality and place) part ((c), Policy 16 (Quality homes) (g)(ii); Adopted FIFEplan Policy 10 (Amenity), PAN 1/2011 Planning and noise, BRE Site Layout for daylight and sunlight: a guide to good practice (BR209)(2022).

2.4.2 Eight letters of representation have been made regarding the impact onto nearby residential properties regarding increased nuisance of odours emitted from the sauna smoke, the impact of increased noise disturbance, and the potential for increased overlooking impact. Of the eight letters of representation regarding the impact of residential amenity:

- Eight letters of representation have been received regarding increased noise disturbances
- Three letters of representation have been received regarding the potential for overlooking onto residential properties
- Two letters of objection have been received regarding impact of increased odours

2.4.3 Issues of noise have been considered and in this instance would be considered to be acceptable. The area is heavily wooded and would act in a way of natural buffer of decibel levels. The character of the area is also consistent with loud events occasionally, however, in this particular instance there is a modest sauna unit proposed that would house up to 6-8 persons at any one time during appropriate hours and would not be considered to be an issue. Public Protection have also been aware of the proposal and have not raised any issue to this regard, and should there be a nuisance of nose disturbance then Public Protection would be obliged to investigate further and potentially impose action upon the commercial enterprise.

2.4.4 Issues of odour emissions nuisance has been considered and would be acceptable in this instance. This is further elaborated below (in section 2.7.5) by consideration by the Land and Air Quality Team for the impact on air quality. However to summarise, the adoption of an electric burning stove internally within the sauna unit would mean that there would not be an issue of odour emission onto nearby sensitive receptor residential units.

2.4.5 Due to the height and distance of the sauna from neighbouring caravans there is no overshadowing or overlooking issue.

2.4.6 The residential amenity impact of the proposal has been assessed and would be considered to be acceptable in meeting the requirements of NPF4 (2023) and Adopted FIFEplan (2017) and other relevant amenity protection related guidance.

## **2.5 Transportation/Road Safety**

2.5.1 Impact of road access and parking provision has been considered in full accordance with NPF4 (2023) Policy 13 (Sustainable transport) and Policy 18 (Infrastructure first); Adopted FIFEplan (2017) Policy 1 (Development Principles), Policy 3 (Infrastructure and Services) and Making Fife's Places – Supplementary Guidance: Appendix G (2018). Transportation Development Management colleagues have not been consulted on this application.

2.5.2 Policy 13 (b) of NPF4 states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;
- Integrate transport modes;
- Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- Adequately mitigate any impact on local public access routes

Policy 18 (Infrastructure first) (b) states that impacts of development proposals on infrastructure should be mitigated and material considerations must be addressed in order to be acceptable. Policy 30 (b) of NPF4 states that proposals for tourism related development will take into account opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural areas.

2.5.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) Part C states that development proposals must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 (Infrastructure and Services) developments must address any impacts on road safety and ensure the design implements the correct level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the

development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 (Amenity) states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.5.4 Nine letters of objection have been received regarding the impact on road safety considering Kirk Road is a heavily congested road with single file lane traffic considering the character of on-street parking, and the proposed sauna use in this location would further exacerbate the congestion on Kirk Road and Alma Terrace and impacting the road safety and pedestrian safety. There have also been there concerns relating to the access to the site through a single pedestrian gate, without any formal vehicle access (and/or access for persons with disabilities). Of the nine letters of representation received regarding road safety:

- Eight letters of objection have been received regarding the increased reliance on on-street parking on Kirk Road.
- Four letters of objection have been received regarding the increased congestion Kirk Road
- Two letters of objection have been received regarding the access being inadequate
- Two letters of objection have been received stating the site is not accessible for disabled persons
- One letter of objection has been received stating that site cannot be accessed by emergency services

2.5.5 Transportation Development Management (TDM) colleagues have been consulted on and have objected to the proposal on the grounds of increased on-street parking and result in detriment to road safety.

2.5.6 In this instance it is recognised that Kirk Road experiences high levels of traffic congestion. However, it is considered that there is sufficient public parking at Waterstone Crook that can serve the development for this small-scale enterprise. The site can be accessed from three vantage points (Forgan Way, Alma Terrace and Kirk Road), there is no feasible access of vehicles for the site other than through Forgan Way, and the Forgan Arts Centre, which may cause other issues of access nearby to residential properties. It has been proposed to utilise a gated pedestrian access where there are two off-street parking spaces. The pedestrian access and these parking spaces are currently used for residential purposes and are within Fife Council Transportation's title. There is no formal access for persons with disabilities, or emergency vehicles however, it is only slightly off of Kirk Road. Considering there is sufficient parking within the area, issues of road safety including parking and congestion are considered to be acceptable in this instance. The issues of access, while unfortunate, are not considered grounds enough to refuse the application on road safety (access) issues. Therefore, it is considered that there would not be a detriment to the road safety of the surrounding road network and is acceptable in accordance with NPF4 (2023) and Adopted FIFEplan (2017).

## **2.6 Natural Heritage and Trees**

2.6.1 Natural heritage impacts have been considered for this application in accordance with NPF4 (2023) Policy 1 (Sustainable Places), Policy 3 (Biodiversity), Policy 4 (Natural places), Policy 6 (Forestry, woodland and trees), Policy 20 (Blue and green infrastructure); Adopted

FIFEplan (2017) Policy 1 (Development Principles) and Policy 13 (Natural Environment and Access) and would be considered to be acceptable.

2.6.2 NPF4 (2023) Policy 1 (Sustainable Places) states that significant weight must be given to the nature crisis when considering development. Policy 3 (Biodiversity) (d) states that adverse impacts (including cumulative impacts) on biodiversity as a result of development will be minimised through careful planning and design. Policy 4 (Natural places) (a) states that development of a type, location or scale in with a negative impact on the natural environment will not be supported. Policy 6 (Forestry, woodland and trees) (b) (i) and (ii) state that loss of ancient woodlands, ancient and veteran trees, native woodland, hedgerows and individual trees of high biodiversity value are not supported for development proposals. Policy 20 (Blue and green infrastructure) (a) states that the loss of green infrastructure must demonstrate that there is not a deficit, and the overall integrity of the green network is maintained.

2.6.3 Adopted FIFEplan (2017) Policy 1 (Development Principles) Part B states development proposals must address impact by complying with following relevant criteria and supporting policies and safeguard the character and qualities of the landscape. Policy 10 (Amenity) must demonstrate the development does not lead to increased detriment regarding the loss of green networks, protected trees and woodland. Policy 13 (Natural Environment and Access) states development proposals will only be supported where they protect or enhance natural heritage including designated sites of international and national importance, including Sites of Special Scientific Interest; designated sites of local importance, including Local Wildlife Sites, biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation, trees that have a landscape, amenity, or nature conservation value.

2.6.4 Five letters of representation have been received regarding the impact on species (red squirrels, woodpeckers, deer, hedgehogs, owls) habitat within the area.

2.6.5 One letter of objection has queried the need for the requirement of an Environmental Impact Assessment. This has been addressed while registering the application in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 which concluded that an EIA application was not necessary given the type, scale and site location nor would the application have to go through the EIA process given the development proposed would not exceed a site area of 0.5 hectares.

2.6.6 One general comment letter has queried the requirement for a Tree Survey to be conducted considering the woodland within the area. There are no works to trees proposed and therefore there is no requirement for a tree survey.

2.6.7 Fife Council's Natural Heritage Officer has been consulted on this application and has stated that if the works can be inserted into the proposed site without the removal of any trees or other tree works then there are no Natural Heritage objections to the proposal. Furthermore, general waste from the operations of the site must correctly be disposed of.

2.6.8 In this instance the sauna unit would be placed on the site rather than built onto concrete foundations. Therefore, there is no active intervention with the ground and it is considered that there would not be any natural heritage impact in this regard, with no works to the trees. The odourless heating system would further emphasise no harm to animal species within the area. Therefore, with the support of the Natural Heritage Officer, it has been considered that the proposal would be considered to be acceptable on the impact of natural heritage and would be acceptable in accordance with NPF4 (2023) and Adopted FIFEplan (2017).

## **2.7 Air Quality**

2.7.1 Impact of the Air Quality from the proposal would be assessed against NPF4 (2023) Policy 23, Adopted FIFEplan (2017) Policy 10 (Amenity).

2.7.2 NPF4 (2023) Policy 23 (Health and safety) part (d) states that development proposals that are likely to have significant adverse effects on air quality will not be supported. Development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

2.7.3 Adopted FIFEplan (2017) Policy 10 (Amenity) states that Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality, with particular emphasis on the impact of development on designated Air Quality Management Areas. Development proposals that lead to a breach of National Air Quality Standards or a significant increase in concentrations within an Air Quality Management Area will not be supported.

2.7.4 Nine letters of objection have been received that make reference to the air quality of nearby residential properties being harmed as a result of the wood burning stove within this location.

2.7.5 Land and Air Quality team had been consulted on this application and have raised concern on the application and the impact of the odours/smoke and air particulates onto third party residential properties. The hours were drastically reduced so as that the commercial operations would not harm third party properties, however, there was still a statutory disturbance identified by Land and Air Quality team, and therefore, their objection remained. The applicant has therefore explored alternative options of heating the sauna unit. The proposal is to do so by running an electrical cable line to the unit and electrifying the stove system. Therefore, with no requirement for wood burning fuels, the concern of impacted air quality is now acceptable considering the removal of the wood burning stove and in accordance with NPF4 (2023) Adopted FIFEplan (2017). A condition has been added to the recommendation to restrict the heating method to electrical power.

## **2.8 Flooding And Drainage**

2.8.1 NPF4 (2023) Policy 22; Adopted FIFEplan (2017) Policies 1, 3 and 12 and Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) apply in this regard.

2.8.2 Policy 22 (Flood risk and water management) Section (c) (i) and (ii) states that development proposals will not increase risk of surface water flooding to others or itself be at risk. Furthermore, all rain and surface water will be managed through Sustainable Urban Drainage (SUDS), and integrate with existing blue and green infrastructure and presume no connection to the combined sewer.

2.8.3 Adopted FIFEplan (2017) Policies 1 (Development Principles) and 3 (Infrastructure and Services) where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and

services. Such infrastructure and services may include foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS). Policy 12 (Flooding and the Water Environment) states that development proposals will be supported were they can demonstrate they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere; reduce the water conveyance and storage capacity of a functional flood plain; detrimentally impact on ecological quality of the water environment, including its natural characteristics, river engineering works, or recreational use and detrimentally impact on future options for flood management.

2.8.4 Ten letters of representation have made reference to the sauna not having adequate drainage of an outdoor shower head.

2.8.5 The site is outwith an area of annual surface water flooding, and a fluvial 1 in 10 year or 1 in 200 year flood risk event zone. Therefore, the development would not itself be a risk of flooding or increase the risk of flooding elsewhere. The small scale nature of the shower head, used for customers rinsing themselves after sauna use, would not warrant full investigations into drainage details. Therefore, the proposal would be considered acceptable in accordance with NPF4 (2023) and Adopted FIFEplan (2017).

## 2.9 Sustainability

2.9.1 NPF4 (2023) Policy 1 and 2; Adopted FIFEplan (2017) Policies 1 and 11 and Fife Council Low Carbon Fife Supplementary Guidance (2019) apply in this regard.

2.9.2 There are no requirements for foundations considering the temporary nature of the development - reducing the associated embodied carbon footprint of this aspect of development. Initially, the proposal was to include a sustainable resource of burring kiln dried logs to heat the sauna. However, upon the rise of concerns regarding smoke odours and the proximity to nearby residential properties raised by Fife Council Public Protection colleagues and objector comments the wood burning stove has been opted for an electrical system as an effective way to address the air quality issue. Where possible the applicant would use local, sustainable and ethically acceptable materials where possible. Waste associated with the sauna use will be removed from the site daily. Therefore, It is considered that the proposal would comply with NPF4 (2024), Adopted FIFEplan (2017) and other related guidance regarding Low Carbon impact.

## 3.0 Consultation Summary

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Natural Heritage, Planning Services

No Objection – subject that no trees are removed or tree works for the scheme, and general good practice disposal of site waste

TDM, Planning Services

Object – lack of off-street parking would lead to detriment of road safety

Land And Air Quality, Protective Services

Objection – object to the wood burning stove in residential area



## 4.0 Representation Summary

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4.1 One general comment, two letters of support, and 13 letters of objection have been received for this application.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

<b>Issue</b>	<b>Addressed in Paragraph</b>
a. Drainage of the shower outdoor shower head	2.8.5
b. Air Quality impact of the (since removed) wood burning stove	2.7.5
c. Road Safety – access, parking and congestion. Increased risk to road users and pedestrians	2.5.6
d. Residential Amenity – overlooking, noise and odours nuisance and disturbance	2.4.3 & 2.4.4
e. Natural Heritage – impact on animal species, requirement for EIA and Tree Survey	2.6.5, 2.6.6 & 2.6.8
f. Principle of Development – out of keeping the character of the area	2.2.6

#### 4.2.2 Support Comments

<b>Issue</b>
a. Principle of Development – regeneration of the settlement, economic benefit, health and wellbeing and social benefits

#### 4.2.3 Other Concerns Expressed

<b>Issue</b>	<b>Comment</b>
a. Access onto the site is through private land	The land ownership is not an issue with the determination of the planning. Title deeds have been presented indicating rightful ownership.

## 5.0 Conclusions

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The proposal is an acceptable form of land use compliant with the surroundings in accordance with NPF4 (2023) and Adopted FIFEplan (2017). Continued dialogue has amended controversial wood burning aspect that would cause potential harm to third party nearby residential properties. The unit is also a temporary/ mobile structure that is suitably scaled and finished to respect the site and its surrounding natural environment, and the proposal would be considered to be an acceptable form of land use compliant with the surroundings in accordance with NPF4 (2023) and Adopted FIFEplan (2017)

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

2. FOR THE AVOIDANCE OF DOUBT, should the mobile sauna hereby approved be unused for a period of 6 or more continuous months, then the unit and any ancillary elements associated with the facility shall be completely removed and the land naturally restored to its former condition unless otherwise agreed in writing with this Planning Authority.

Reason: In the interests of protecting the local environment and visual qualities of the locality and to ensure the unit and ancillary associated elements are removed should the proposal become redundant.

3. The hours of operation of the development hereby approved shall be restricted to between Tuesday (2pm-8pm), Wednesday (10am-1pm) (2-4pm) , Thursday (11 am –1 pm)(2-8pm), Friday (12pm-7pm) and Saturday (9am-12pm)(1pm-4pm). No operations or activity shall take place at any time on a Sunday, unless otherwise agreed in writing with Fife Council as Planning Authority.

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

4. The sauna facility hereby approved shall utilise electric power to heat the building and for the sauna stove itself, as agreed with the applicant. PRIOR TO WORKS COMMENCING ON-SITE exact details of the proposed electric stove and electric heating system shall be submitted for the prior written approval of this planning authority.

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

## 7.0 Background Papers

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

[National Planning Framework 4 \(2023\)](#)

[FIFEplan Local Development Plan \(2017\)](#)

## Planning Guidance

Report prepared by Matthew Don

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 10/10/25