

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 14 February 2024. 5 – 7
4. **23/02503/FULL - 92 HEPBURN GARDENS, ST ANDREWS, FIFE** 8 – 18

Down-taking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, installation of new automated vehicular gate and alterations to existing footpath.
5. **23/02504/LBC - 92 HEPBURN GARDENS, ST ANDREWS, FIFE** 19 – 29

Listed building consent for down-taking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, and installation of new automated vehicular gate.
6. **23/01885/FULL - LAND TO SOUTH OF 6 BALGOVE ROAD, GAULDRY** 30 – 40

Planning permission in principle for erection of 6 dwellinghouses with associated landscaping, vehicular access and SUDS (Section 42 application to remove condition 1(h) "Enhanced Informal Footpath" of planning consent ref. no. PPA-250-2272).
7. **23/03397/FULL - 22 MARKET STREET, ST ANDREWS** 41 – 56

First floor extension to side, single storey extension and installation of sun tunnel roof light to rear, replacement windows and doors of dwellinghouse.
8. **23/02446/FULL - ST ANDREWS STUDENT UNION, ST MARYS PLACE, ST ANDREWS** 57 – 62

Alterations to building to increase roof parapet and replacement of roofing, re-positioning of ventilation including erection of temporary covering structure.

9. 23/03013/FULL - LAND TO SOUTH OF ALEXANDRA PLACE, MARKET STREET, ST ANDREWS

63 – 75

Erection of dwellinghouse and formation of vehicular access and parking (including retrospective demolition of garage).

10. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.

<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.

Lindsay Thomson
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Finance and Corporate Services

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6 March 2024

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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

14 February 2024

1.00 pm – 2.40 pm

PRESENT: Councillors Jane Ann Liston (Convener), Sean Dillon, Alycia Hayes, Gary Holt, Louise Kennedy-Dalby, Allan Knox, Robin Lawson, David MacDiarmid and Ann Verner.

ATTENDING: Alastair Hamilton, Service Manager, Scott Simpson, Planner and Jamie Penman, Planner, Development Management; Steven Paterson, Solicitor, Planning, Property & Contracts, Legal Services and Diane Barnet, Committee Officer, Democratic Services, Finance & Corporate Services.

APOLOGIES FOR ABSENCE: Councillors John Caffrey, Al Clark, Fiona Corps, Stefan Hoggan-Radu, Margaret Kennedy, Donald Lothian and Jonny Tepp.

134. DECLARATIONS OF INTEREST

Prior to consideration of Paragraph No. 140 – 23/01885/FULL - Land to South of 6 Balgove Road, Gauldry - Councillor MacDiarmid declared an interest in the application as he knew the applicant well and had worked with the applicant on occasion over several years.

135. MINUTE

The committee considered the minute of meeting of the North East Planning Committee of 17 January 2024.

Decision

The committee agreed to approve the minute.

136. 23/01632/FULL - LAND TO SOUTH OF MAIN STREET, COLINSBURGH

The committee considered a report by the Head of Planning Services relating to an application for a residential development of 50 dwellings with associated infrastructure including access, landscaping, drainage, SUDS and open space.

Decision

The committee agreed:-

- (1) to approve the application subject to the 14 conditions and for the reasons detailed in the report;
- (2) following the conclusion of an agreement to secure the necessary planning obligations, namely: the provision of 15 affordable dwellings to be provided on site for the lifetime of the development as per Fife Council's Supplementary Guidance on Affordable Housing (2018) or any subsequent revision - the type, tenure and form of delivery to be agreed with Fife Council's Housing Services;

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- (3) that authority was delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement necessary to secure the planning obligation; and
- (4) that should no agreement be reached within six months of the committee's decision, authority was delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to refuse the application.

Councillor MacDiarmid joined the meeting during consideration of the above item.

137. 23/02503/FULL - 92 HEPBURN GARDENS, ST ANDREWS, FIFE

The committee was advised that this application for the down-taking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, installation of new automated vehicular gate and alterations to existing footpath, had been withdrawn from consideration at this meeting.

Decision

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

138. 23/02504/LBC - 92 HEPBURN GARDENS, ST ANDREWS, FIFE

The committee was advised that this application for Listed Building Consent for the down-taking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall and installation of new automated vehicular gate, had been withdrawn from consideration at this meeting.

Decision

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

139. 23/00547/FULL - LAND TO THE SOUTH OF PITCAIRN DRIVE, BALMULLO

The committee considered a report by the Head of Planning Services relating to an application for the erection of 39 dwellings (including affordable housing) and other supporting site infrastructure.

Decision

The committee agreed:-

- (1) to approve the application subject to the 21 conditions and for the reasons detailed in the report;
- (2) an additional condition together with the attendant reason preventing the occupation of any dwellinghouses approved by this application until the existing private farm access for agricultural and related farm traffic had been relocated; and

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

Councillor Hayes left the meeting during consideration of the above item.

Councillor MacDiarmid, prior to consideration of the following item, declared an interest resulting in the meeting becoming inquorate.

140. 23/01885/FULL - LAND TO SOUTH OF 6 BALGOVE ROAD, GAULDRY

The committee was advised that, as the meeting was no longer quorate, this application relating to planning permission in principle for the erection of six dwellinghouses with associated landscaping, vehicular access and SUDS (Section 42 application to remove condition 1(h) "Enhanced Informal Footpath" of planning consent ref. no. PPA-250-2272) could not be considered at this meeting.

Decision

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

141. 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: 13/03/2024

Agenda Item No. 4

Application for Full Planning Permission**Ref: 23/02503/FULL****Site Address: 92 Hepburn Gardens St Andrews Fife****Proposal: Downtaking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, installation of new automated vehicular gate and alterations to existing footpath.****Applicant: Mr Robert Kilgour, The White House 92 Hepburn Gardens****Date Registered: 11 September 2023****Case Officer: Kirsten Morsley****Wards Affected: W5R18: St. Andrews**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

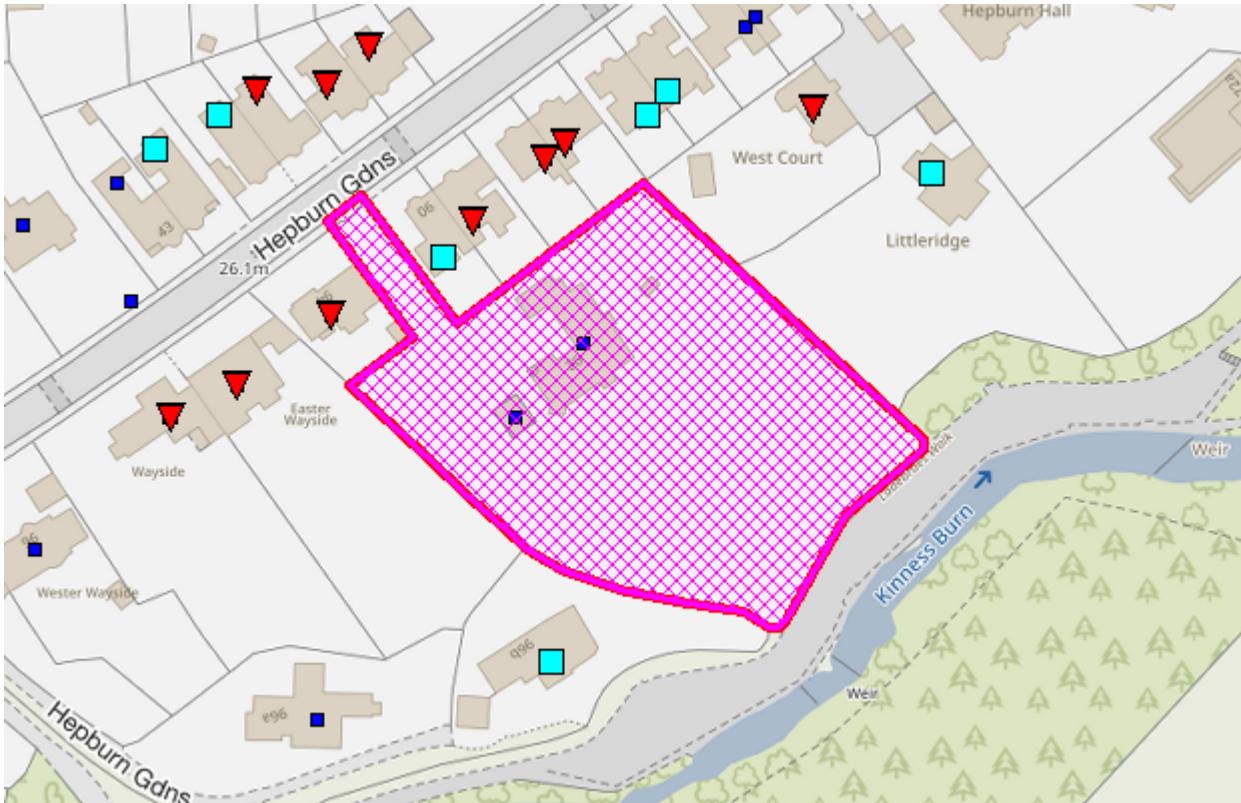
1.1 The Site

This application relates to an existing vehicular access associated with an English Arts and Crafts styled dwellinghouse situated off Hepburn Gardens, St. Andrews. The property (excluding the garage) was listed as Category C in 2021 and is located within the Hepburn Gardens Conservation Area, as defined within the Adopted FIFEplan Local Development Plan (2017). Known as the White House, the property was built as a private house in 1904, it is set well back from the public road and has substantial mature garden grounds. The property is an early example of the work carried out by Mills and Shepherd and is also an early example of an English-style Arts and Crafts house in Scotland.

The vehicular access is described in the listing as having '*circular gate piers topped by domed coping stones that are integrated into a sandstone rubble boundary wall with a rounded cope.*' White Lodge, a separate property situated just north-west of the White House, has a matching

set of circular domed gate piers, and also forms part of this historical group of buildings. The White House was listed as it remains largely as originally built, its historic setting has largely remained intact and it retains external and internal features characteristic of the Arts and Crafts style - known for its simplicity and pared down style. The existing vehicular opening (and driveway) have a width of approximately 2.7 metres, and the existing metal vehicular gates whilst traditionally styled are modern.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

Planning consent is sought to widen the existing vehicular entrance by relocating both stone gate piers, widening the access drive, and installing a replacement vehicular gate which would be set approximately 6.0 - 7.5 metres into the site. The existing granite sett crossover on the public footpath would remain in place and the enlarged vehicular opening would be finished in hot rolled asphalt. The application has been revised following objections received. The proposals now show the proposed vehicular opening to measure 4.8 metres wide (original proposal was to enlarge the opening to 6.3 metres wide), the stone pillars would be taken down and rebuilt by hand in their new positions to match the existing stone profile coursing, the existing name plaques would be re-positioned, the replacement gates would be detailed in black cast iron (their detail design is still to be finalised) and the widened driveway would be finished in silver grey gravel to match existing. A revised Design and Access Statement and a Technical Note - Review of Access Issues have also been submitted to support the revised submission.

1.3 Relevant Planning History

12/00566/CLP - Certificate of Lawfulness for proposed residential development - INV -

15/01563/TCA - Fell a tree and crown reduce a tree in Hepburn Gardens Conservation Area - PER - 12/05/15

18/00703/FULL - Change of use from dwellinghouse (Class 9) to 40 bed care home (Class 8) and erection of two link detached two storey extensions, erection of boundary wall and formation of car parking and associated works including access and landscaping - REF - 22/02/19

19/01868/FULL - Change of use from dwellinghouse (Class 9) to form 38 bed care home (Class 8), erection of detached two storey extensions, erection of boundary wall, formation of car parking and associated works including access and landscaping - REF - 22/10/19

22/01874/TCA - Felling of 2no Cypress trees within conservation area - CLOSED - 13/09/22

23/00552/TCA - Fell 6 and crown reduce 2 trees - Please see attached Tree Work Schedule - PER - 30/05/23

23/00694/LBC - Listed Building Consent for internal alterations including installation of partition walls, formation of new internal doors to rooms and installation of external new soil vent stack - PERC - 04/07/23

23/02215/FULL - Installation of 2 No. door canopies - PERC - 10/10/23

23/02216/LBC - Listed building consent for installation of 2 No. door canopies - PERC - 10/10/23

23/02504/LBC - Listed building consent for downtaking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, and installation of new automated vehicular gate. - PDE – This application is also on the Agenda.

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). 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. In addition 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.

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 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 10: Amenity

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

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

Historic Environment Policy for Scotland (HEPS) Managing Change Series – Setting 2016 (Updated 2020), Boundaries 2010 (Updated 2020)

HES sets out the general principles that should apply when proposing new work to ensure that a Listed Building or its setting or any features of special architectural or historic interest are safeguarded from harm or inappropriate change. Design proposals should satisfy the principles for change as set down by HES.

Other Relevant Guidance

Hepburn Gardens, St Andrews Conservation Area Appraisal and Management Plan

The Conservation Area Appraisal and Management Plan describes the significance of the area in terms of townscape, architecture, and history and provides a framework for conservation area management.

2.0 Assessment

2.1 Relevant Matters

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

- Design and Visual Impact on the Conservation Area and the Setting of the Listed Building
- Transportation/Road Safety

2.2 Design and Visual Impact on the Conservation Area and the Setting of the Listed Building

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

2.2.2 Historic Environment Policy Scotland (HEPS) (April 2019), Historic Environment Scotland (HES) Managing Change in the Historic Environment – Setting (Updated 2020), Boundaries (updated 2020), National Planning Framework 4 (NPF4) policies 7 and 14, Annex D – Six Qualities of Successful Places, FIFEplan Local Development Plan (2017) policies 1, 10, and 14, and the Hepburn Gardens Conservation Area Appraisal and Management Plan (2016) apply to this application.

2.2.3 The Hepburn Gardens Conservation Area Appraisal and Management Plan (2016) describes the White House as a notable property and highlights that the Arts and Crafts influence predominates the Hepburn Gardens Conservation Area. The Appraisal and HES guidance on Setting and Boundaries set out the general principles that should be considered when assessing proposed changes within a Conservation Area. The range of factors to consider would include the wall's key characteristics in terms of materiality and design, and its visual prominence and contribution to character of the Conservation Area. The guidance also highlights that even small changes/alterations can be detrimental and so potential impact has to be considered in relation to the character of the surrounding Conservation Area as well as whether any characteristics would be lost. In terms of the widening of an access the guidance advises that this should be avoided if it would '*adversely affect the coherence and proportion of a design or relationship with another building/opening*', however goes on to note that this type of alteration may be possible in circumstances where historic gates no longer exist and where there is a minimal loss of historic fabric. The guidance also states that any such proposal should be supported by a structural report, photographs, and detailed survey drawings to ensure a faithful reconstruction.

2.2.4 Design proposals should satisfy the principles for change as set down by HES above. NPF4 Policy 7 and Local Plan policies 1 and 14 support development where it will not harm important historic or architectural fabric or impact adversely upon the character and appearance of a Conservation Area. NPF4 policy 14 and Annex D - in particular the quality 'distinctive' advise that development proposals shall be supported where they reinforce identity and sense of place.

2.2.5 The revised submission proposes to relocate both pillars by one pillar width and reconstruct the pillars to match the cope bedding lines and stone coursing of the existing wall by hand and by a local appointed master stone mason. The supporting Design and Access Statement highlights that the current vehicular access is too narrow, that parked cars on Hepburn Gardens regularly impair visibility and restrict the turning circles required for cars and this makes access and egress from the site difficult. The statement contends that the existing access, which has a current width of 2.73 metres, is too narrow and this restricts the ability to align vehicles in position to access the site comfortably.

2.2.6 The revised submission shows the width of the proposed access reduced from 6.3 metres to 4.8 metres, and the original proposed timber gates changed to a set of black coloured cast iron gates which would be set further back into the site to create a lay-in space with a secure entry which would be controlled by a touch pad sensor. This approach, it is stated, would also allow for the improved access for service, delivery, and emergency vehicles. The revised proposals also include for the retention of the existing granite setts situated at the vehicular access.

2.2.7 In concluding the Design and Access statement advises that the proposed works would improve the accessibility to the White House for all site users including service vehicles and emergency vehicles, which works would be undertaken sensitively and sympathetically and would not affect the character and style of the existing opening to the site and that the access would reflect the widths of other driveways which exist within the immediate area.

2.2.8 Fife Council's Built Heritage Officer commented on the related LBC submission before the application was revised and recommended modifications to the submission to better preserve the heritage assets. The officer recommended a reduction in the scale of the widening to mitigate down the impact and suggested that the applicant may wish to discuss parking restrictions with Fife Council as an alternative to help widen the turning circles for access so to

minimise the impact to the listed entrance feature. The officer also highlighted that the scale and the materiality of the timber gate was not considered suitable and would detract from the setting of the listed building and the character of the Conservation Area. It was further noted that the boundary gates where they do exist within this part of the Hepburn Gardens consist of cast and wrought iron work with a black painted finish and as such any proposed gate design should reflect this character.

2.2.9 The site was also assessed by Transport Consultants appointed by the applicant, and the updated design proposal is the result following a review of the site constraints whilst aiming to address concerns raised by objectors. The Transport Report highlights that the vehicle swept path analysis of a family car entering the existing access leaves little room for error and this poses a significant issue for larger vehicles (including emergency vehicles) wishing to enter the site. The existing achievable visibility splays from the access also do not comply with Fife Council's Transportation Development Guidelines. Current guidance specifies a visibility splay of 2m x 30 m and currently visibility splays are approximately 2m x 17.6 m and 2m x 19.6 m. The report states that the traffic flow and parking problems on Hepburn Gardens, the restricted access for service and emergency vehicles and cars waiting to enter 92 Hepburn Gardens exacerbate the problem and create safety concerns for other road users and pedestrians including pupils from Madras College.

2.2.10 The Transport Report further notes that Fife Council's suggestion of limiting the widened access to 3.3 metres (an increase of 0.5 metre) would not resolve the problem as the geometry would remain very tight with vehicles having to stray onto the opposite side of the road to make a left turn. The site visibility splays would also be little improved - (20.8 and 23.8 m). Whilst the suggestion by Fife Council to set the gate back into the site offers meaningful improvement the limit on the width of the access would not. The Report goes on to point out that other driveways on Hepburn Gardens were reviewed with most ranging from 2.9 to 4.6 metres in width, and the driveway at 90 Hepburn Gardens is even wider at 5.1 metres. In concluding the report highlights that an opening 4.8 metres wide would give an improved visibility splay of 28.9 m to the left and 30 to the right.

2.2.11 The alteration of a boundary wall situated within a Conservation Area to address road safety concerns in terms of visibility and access issues should be avoided if it would adversely affect the character of the Conservation Area and where, as Historic Environment Scotland (HES) advises, it would affect *'the coherence and proportion of a design or relationship with another building/opening'*. Other alternative approaches to address road safety concerns should be considered first before proposing to alter significant heritage assets within a Conservation Area . As the site is fully enclosed there is no other viable vehicular access into/from the site other than from Hepburn Gardens. The Built Heritage officer has suggested that the applicant may wish to discuss parking restrictions with Fife Council as an alternative to help widen the turning circles for access rather than make changes to the wall opening. Given that parking on Hepburn Gardens is already very difficult placing further restrictions on public parking for a single dwellinghouse is not considered a viable or fully justified approach. Whilst an objector has highlighted that safety issues concerning exiting and entering site could be applied to every property on Hepburn Gardens, other objectors have not objected to the principle of widening the entrance, they just did not support the extent of the widening and the gate as initially proposed. Indeed the owner of the matching gate piers at White Lodge has confirmed that their gate entrance has a width of 3.15 metres which is very tight. The existing vehicular entrance at the White House has a width of 2.7 metres which is significantly less.

2.2.12 Following consideration of the above and given the current width of the vehicular access the principal to enlarge the opening is considered to be justified. The case officer had advised that the enlargement should be minimal i.e. to 3.3 metres, with only the relocation of one gate pier rather than both to minimise loss of wall fabric, that the timber gate design would require to be revised to a traditional cast iron type to be in keeping with the character of the Conservation Area, and in order to address accessibility concerns with an electronic gate recommended that the gate be set into the site so its use would not impede traffic flow on Hepburn Gardens. The recommended revised gate design and its revised position have been taken on board; however

the revised drawings show a larger opening of 4.8 metres and both stone pillars to be relocated. The agent's justifications for this have been outlined in paragraph 2.2.11 above.

2.2.13 The visual impact concerns raised with the first submission related to a wider opening of 6.3 metres in combination with a large modern timber gate. This type of alteration would have resulted in a more significant loss of important architectural/historic wall fabric as well as the creation of a visually prominent gated opening, which would have impacted significantly upon the character of the Conservation Area. In addition, the current relationship the existing wall and the gate piers have with the matching set of circular domed gate piers at White Lodge would have been fundamentally broken. The revised proposals have reduced the opening to 4.8 metres and the timber gate has now been removed, thus significantly reducing the visual impact of the proposals on the wider Conservation Area. The relationship between both sets of gate pillars would, it is considered, still remain intact, given the intention to carefully dismantle by hand and faithfully re-construct the pillars with the existing stone. Whilst the gate opening would be larger, given the range of vehicular openings within the Conservation Area, particularly those associated with larger properties set back from the road, the alterations would not appear excessive or be discordant within the Conservation Area. Furthermore, given that historic gates no longer exist within the opening and the wider opening would address the building's current accessibility problems for service and emergency vehicles, the revised submission is considered supportable.

2.2.14 Whilst a further objection noted that the vehicular access at 102 Hepburn Gardens (a Category B listed building) measures only 3.5 metres, this access also presents an open splay onto Hepburn Gardens which extends to a width of approximately 9.0 metres. The concerns that supporting such a proposal would set a worrying precedent is not supported as each site is assessed on its own merits. The concern that the increased opening would suggest preparations for additional development within the site do not form part of this assessment. The assessment here is based on whether the proposed alterations would unacceptably harm the character and appearance of the Conservation Area. Impacts caused by construction works is again not material to the assessment of this application given that this would only be temporary.

2.2.15 There has been no method statement submitted which outlines in detail how the works to the stone pillars would be implemented and who would do the work. This issue has been addressed within the related listed building application. The detailed design of the vehicular gate has also not been confirmed and this requires to be established before any works commence on site to ensure that final details are appropriate and are in keeping with both the character of the Conservation Area and the setting of the listed building. The increase in the width of the drive using matching materials is considered acceptable and the retention of the existing granite setts on the cross over would retain important traditional fabric within the Conservation Area.

2.2.16 In light of the above, and subject to appropriate conditions, relating to a detailed method statement for the down taking and rebuilding of the stone piers and for the replacement vehicular gate, the proposals as revised are considered compliant with National Guidance, Development Plan policy and all related guidance in respect of Design and Visual Impact on the Conservation Area and the Setting of the Listed Building.

2.3 Transportation/Road Safety

2.3.1 National Planning Framework 4 (NPF4) policies 18 and Annex D - Six Qualities of Successful Places, policies 1, 3 and 10 of the Adopted Fifeplan Local Development Plan (2017) and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines apply to this application.

2.3.2 NPF4 policy 18 highlights that development will only be supported where it can be demonstrated that where there would be any material impact on infrastructure that this would be appropriately mitigated. Policies 1, 3 and 10 of the Adopted FIFEplan advise that development must be designed in a manner that ensures that the capacity and safety of infrastructure is not compromised. Support shall be given where development will 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. Making Fife's Places associated transportation guidelines provide further advice in this regard.

2.3.3 Transportation Development Management provided comments on the proposals and have confirmed that they would have no objections should the access be increased to 5.5 metres as this would equate to a double width driveway. They also noted that a heel kerb would be required at the back of the widened driveway in line with the rear of the adopted footway boundary, but this would be dealt with by Roads Network Management colleagues once a S56 application to widen the vehicular crossing is submitted and considered. They also confirmed that the junction visibility would be better than currently available. It is therefore accepted that an increase to 4.8 metres would offer similar benefits. Transportation Network Management expressed the view that it would likely be difficult to source a good match for the existing granite setts at the vehicular entrance so are content that the existing setts are retained and the extended area to form the enlarged vehicular opening is finished in hot rolled asphalt (HRA). Mo works within the public pavement area are proposed as part of this application.

2.3.4 In light of the above, the enlargement of the existing access is considered compliant with NPF4, the Adopted FIFEplan Local Development Plan (2017) and all related guidance in respect of Road and Pedestrian Safety.

3.0 Consultation Summary

TDM, Planning Services

No Objections

Built Heritage

Objection to original proposal.

4.0 Representation Summary

4.1 The original submission received 16 letters of objection. The concerns raised are detailed as follows:-

a. The boundary wall includes two sets of matching gate piers which serve both the White House and White Lodge. The list entry highlights the importance of the historic grouping and unity of the House and the Lodge, and their historical and functional relationship. The gate piers and the Lodge are of the same style and design and the proposals would change this relationship, the character of the access would be undermined and this would impact upon the character of the approach to the Listed Building all of which would be contrary to Sections 59(1) and (64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b. The scale of the opening is disproportionately wide, would result in too much of the listed wall being lost and this would be far beyond that required for the purpose of allowing access for service and fire brigade vehicles.

- c. The Hepburn Gardens Conservation Area Appraisal states that change within the Conservation Area should not be indiscriminate or damaging and the unique character of the area should be respected and not harmed.
- d. The ranch style timber gate is not sympathetic to the Arts and Crafts style. It would be visually overbearing and over-dominate being twice the size of the original gates and would not maintain or enhance the amenity of the Conservation Area where gates are in wrought iron.
- e. An entrance this size and a 5.5 metre wide driveway for a single house would set a worrying precedent if supported in the Hepburn Gardens Conservation Area. It would also suggest preparations for two-way traffic to a single dwellinghouse or for the purposes of intended construction within the grounds of this dwellinghouse.
- f. The use of whin stone cobbles on the extended cross-over would not meet the equalities legislation and would impact upon those with mobility or visual impediments.
- g. Two objectors highlight that they understand the need to widen the access to enable emergency vehicles and enhance safety for pedestrians, cyclists and other road users but do not support the extent of the widening which is considered un-necessary. The owners of 94 Hepburn Gardens highlight that they have the matching set of pillars and their entrance width is 3.15 metres which is also tight.
- h. The wall is continuous with the entrance to no. 94 and there is a similar unity with no.96 and no. 98. Hepburn Gardens. In addition the access at 102 Hepburn Gardens measures only 3.5 metres.
- i. The proposed changes would not substantially improve the existing sightlines.
- j. Parking on the street Monday to Friday is already very difficult and there are persistent problems with the flow of traffic. This is exacerbated by parking on both sides of the street which lead to one way traffic. The new Madras College has also increased car numbers. Stopping to put in an access code before vehicles could enter the site via a solid electronic gate would block traffic flow. A solid gate would also not allow drivers to see pedestrians from both sides of the gate, and pedestrians could get impatient and attempt to enter onto the carriageway when it is not safe to do so.
- k. Safety issues exiting and entering site could be applied to every property on Hepburn Gardens.
- l. No personal injury accidents have been recorded in the road network here and the road has a 20 mph speed limit and horizontal traffic-calming measures.
- m. There is no justification or need for a solid gate to improve privacy. The house is not visible from Hepburn Gardens.
- n. Application description was extremely mis-leading.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a.	2.2.11, 2.2.12 and 2.2.13
b.	2.2.10, 2.2.11 and 2.2.12
c.	2.2.11, 2.2.12, 2.2.13 and 2.2.14

Issue	Addressed in Paragraph
d.	The timber gate has been removed.
e.	2.2.14
f.	The existing whin stone cobbles (setts) are not being extended
g.	2.2.5, and 2.2.6
h.	2.2.14
i.	2.2.10 and 2.3.3
j.	2.2.12
k.	2.2.11, and 2.2.12
l.	2.2.9
m.	The gate design has been revised.
n.	The app. description was revised and the neighbours renotified.

4.2.2 Support Comments

None

4.2.3 Other Concerns Expressed

None

5.0 Conclusions

The proposals as amended are considered acceptable in meeting the terms of National Guidance, the Development Plan, and all other relevant guidance in relation to Design and Visual Impact on the Conservation Area and the Setting of the Listed Building.

6.0 Recommendation

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. BEFORE ANY WORKS START ON SITE, a detailed method statement which provides an accurate record and measurement of the stone piers, full material specifications and standards of workmanship in the dismantling and re-construction of the stone gate piers using the original salvaged stone to ensure a faithful and accurate re-construction shall be submitted for prior approval in writing by this Planning Authority under the related Listed Building Consent application, 23/02504/LBC. Thereafter the development shall be carried out in accordance with the details approved by a suitably qualified conservation professional.

Reason: In the interests of visual amenity; to ensure a faithful re-construction of the gate piers that do not detract from the character and appearance of this Category C Listed boundary wall and the Hepburn Gardens Conservation Area within which the site is located.

3. BEFORE ANY WORKS START ON SITE: full material specifications and 1:20 elevation details of the proposed black painted cast iron vehicular gates shall be submitted for PRIOR approval in writing by this Planning Authority. FOR THE AVOIDANCE OF DOUBT, the new gates shall not be attached to the existing natural stone boundary walls. Thereafter the development shall be carried out in accordance with the details approved unless changes are subsequently agreed in writing with this Planning Authority.

Reason: In the interests of visual amenity; to ensure that the proposed gates do not impact on the setting of the listed building or detract from the character and appearance of the Hepburn Gardens Conservation Area within which the site is located.

7.0 Background Papers

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 Guidance

Historic Environment Policy Scotland (HEPS) (April 2019)

Historic Environment Scotland (HES) Managing Change in the Historic Environment – Setting (Updated 2020), Boundaries (updated 2020)

Other Guidance

The Hepburn Gardens Conservation Area Appraisal and Management Plan (2016)

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 4.3.24

Committee Date: 13/03/2024

Agenda Item No. 5

Application for Listed Building Consent**Ref: 23/02504/LBC****Site Address: 92 Hepburn Gardens St Andrews Fife****Proposal: Listed building consent for down taking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, and installation of new automated vehicular gate.****Applicant: Mr Robert Kilgour, The White House 92 Hepburn Gardens****Date Registered: 11 September 2023****Case Officer: Kirsten Morsley****Wards Affected: W5R18: St. Andrews**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

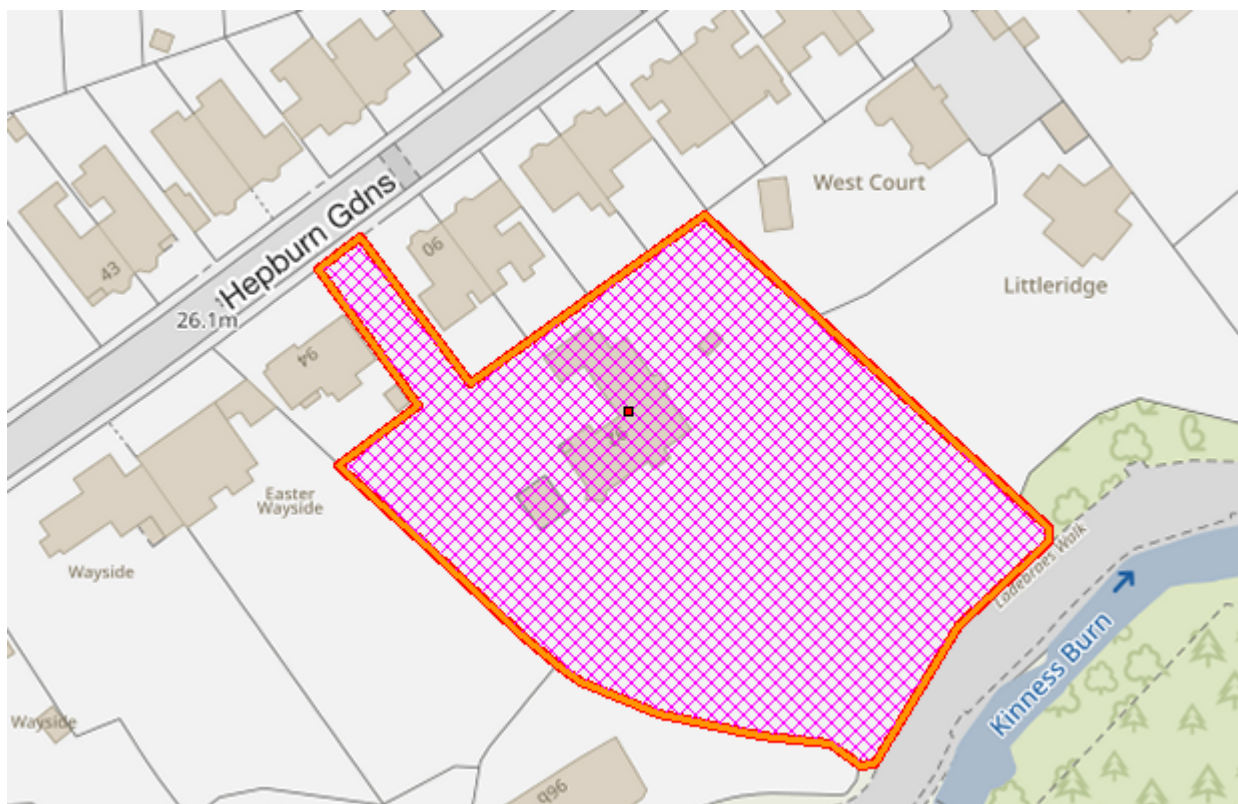
1.1 The Site

This application relates to an existing vehicular access associated with an English Arts and Crafts styled dwellinghouse situated off Hepburn Gardens, St. Andrews. The property (excluding the garage) was listed as Category C in 2021 and is located within the Hepburn Gardens Conservation Area, as defined within the Adopted FIFEplan Local Development Plan (2017). Known as the White House, the property was built as a private house in 1904, it is set well back from the public road and has substantial mature garden grounds. The property is an early example of the work carried out by Mills and Shepherd and is also an early example of an English-style Arts and Crafts house in Scotland.

The vehicular access is described in the listing as having '*circular gate piers topped by domed coping stones that are integrated into a sandstone rubble boundary wall with a rounded cope.*' White Lodge, a separate property situated just north-west of the White House, has a matching set of circular domed gate piers, and also forms part of this historical group of buildings. The

White House was listed as it remains largely as originally built, its historic setting has largely remained intact and it retains external and internal features characteristic of the Arts and Crafts style - known for its simplicity and pared down style. The existing vehicular opening (and driveway) have a width of approximately 2.7 metres, and the existing metal vehicular gates whilst traditionally styled are modern.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

Listed Building Consent is sought to widen the existing vehicular entrance by relocating both stone gate piers. Other proposed works include a replacement vehicular gate which would be positioned approximately 6.0 -7.5 metres into the site and proposed alterations to the cross-over footway to the vehicular entrance, both of which are assessed under the related FULL planning application. The application has been revised following objections received. The proposals now show the proposed vehicular opening to measure 4.8 metres wide (original proposal was to enlarge the opening to 6.3 metres), the stone pillars would be taken down and rebuilt by hand in their new positions to match the cope stone profile and wall coursing, and the existing name plaques would be re-positioned. A revised Design and Access Statement and a Technical Note - Review of Access Issues have also been submitted to support the revised submission.

1.3 Relevant Planning History

12/00566/CLP - Certificate of Lawfulness for proposed residential development - INV -

15/01563/TCA - Fell a tree and crown reduce a tree in Hepburn Gardens Conservation Area - PER - 12/05/15

18/00703/FULL - Change of use from dwellinghouse (Class 9) to 40 bed care home (Class 8) and erection of two link detached two storey extensions, erection of boundary wall and

formation of car parking and associated works including access and landscaping - REF - 22/02/19

19/01868/FULL - Change of use from dwellinghouse (Class 9) to form 38 bed care home (Class 8), erection of detached two storey extensions, erection of boundary wall, formation of car parking and associated works including access and landscaping - REF - 22/10/19

22/01874/TCA - Felling of 2no Cypress trees within conservation area - CLOSED - 13/09/22

23/00552/TCA - Fell 6 and crown reduce 2 trees - Please see attached Tree Work Schedule - PER - 30/05/23

23/00694/LBC - Listed Building Consent for internal alterations including installation of partition walls, formation of new internal doors to rooms and installation of external new soil vent stack - PERC - 04/07/23

23/02215/FULL - Installation of 2 No. door canopies - PERC - 10/10/23

23/02216/LBC - Listed building consent for installation of 2 No. door canopies - PERC - 10/10/23

23/02503/FULL - Downtaking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, installation of new automated vehicular gate and alterations to existing footpath. - PDE - this application is also on the Agenda

1.4 Application Procedures

Under Section 14(2) 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. 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.

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 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 10: Amenity

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

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

Historic Environment Policy for Scotland (HEPS) Managing Change Series – Setting 2016 (Updated 2020), Boundaries 2010 (Updated 2020)

HES sets out the general principles that should apply when proposing new work to ensure that a Listed Building or its setting or any features of special architectural or historic interest are safeguarded from harm or inappropriate change. Design proposals should satisfy the principles for change as set down by HES.

Other Relevant Guidance

Hepburn Gardens, St Andrews Conservation Area Appraisal and Management Plan

The Conservation Area Appraisal and Management Plan describes the significance of the area in terms of townscape, architecture, and history and provides a framework for conservation area management.

2.0 Assessment

2.1 Relevant Matters

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

- Design and Visual Impact on the Listed Boundary Wall and Gate Piers

2.2 Design and Visual Impact on the Listed Boundary Wall and Gate Piers

2.2.1 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. All proposed alterations to a listed building should be sensitively managed to ensure that its historical and/or architectural significance is safeguarded against insensitive change or damage and that its special characteristics are protected, conserved, or enhanced.

2.2.2 Historic Environment Policy Scotland (HEPS) (April 2019), Historic Environment Scotland (HES) Managing Change in the Historic Environment – Setting (Updated 2020), Boundaries (updated 2020), National Planning Framework 4 (NPF4) policies 7 and 14, Annex D – Six Qualities of Successful Places, FIFEplan Local Development Plan (2017) policies 1, 10, and 14, and the Hepburn Gardens Conservation Area Appraisal and Management Plan (2016) are relevant to this application.

2.2.3 The Hepburn Gardens Conservation Area Appraisal and Management Plan (2016) describes the White House as a notable property and highlights that the Arts and Crafts influence predominates the Hepburn Gardens Conservation Area. HES guidance on Setting and Boundaries set out the general principles that should be considered when assessing proposed

changes and potential impacts on important heritage assets. The range of factors which contribute to the significance of this boundary wall and the gate piers would include, the wall's key characteristics in terms of materiality and design, its age/rarity, its aesthetic quality, and its visual prominence and relationship within the surrounding townscape. The guidance also highlights that even small changes/alterations can be detrimental and so potential impact has to be considered in relation to the scale of the alteration in relation to the scale of the historic asset, as well as whether any key characteristics would be lost. In terms of the widening of an access the guidance advises that this should be avoided if it would '*adversely affect the coherence and proportion of a design or relationship with another building/opening*', however goes on to note that this type of alteration may be possible in circumstances where historic gates no longer exist and where there is a minimal loss of historic fabric. The guidance also states that any such proposal should be supported by a structural report, photographs, and detailed survey drawings to ensure a faithful reconstruction.

2.2.4 Design proposals should satisfy the principles for change as set down by HES above. NPF4 Policy 7 and Local Plan policies 1 and 14 support development where it will not harm but will safeguard/preserve the character, and special architectural or historic interest of listed buildings and their settings. NPF4 policy 14 and Annex D - in particular in the context of the quality 'distinctive' advise that development proposals shall be supported where they reinforce identity and sense of place.

2.2.5 The revised submission proposes to relocate both pillars by one pillar width and reconstruct the pillars to match the cope bedding lines and stone coursing of the existing wall by hand and by a local appointed master stone mason. The supporting Design and Access Statement highlights that the current vehicular access is too narrow, that parked cars on Hepburn Gardens regularly impair visibility and restrict the turning circles required for cars and this makes access and egress from the site difficult. The statement contends that the existing access, which has a current width of 2.73 metres, is too narrow and this restricts the ability to align vehicles in position to access the site comfortably.

2.2.6 The revised submission shows the width of the proposed access reduced from 6.3 metres to 4.8 metres, and the original proposed timber gates changed to a set of black coloured cast iron gates which would be set further back into the site to create a lay-in space with a secure entry which would be controlled by a touch pad sensor. This approach, it is stated, would also allow for the improved access for service, delivery, and emergency vehicles. The revised proposals do not relate to the existing granite setts situated at the vehicular access. The pavement area within which the setts are located is out with the application site.

2.2.7 In concluding the Design and Access statement, which is supported by a Technical Note – Review of Access Issues from a Transportation Consultant, advises that the proposed works would improve the accessibility to the White House for all site users including service vehicles and emergency vehicles, that works would be undertaken sensitively and sympathetically and would not affect the character and style of the existing opening to the site and that the access would reflect the widths of other driveways which exist within the immediate area.

2.2.8 Fife Council's Built Heritage Officer commented on the proposals before the application was revised and recommended modifications to the submission to better preserve the heritage assets. The officer recommended a reduction in the scale of the widening to mitigate down the impact and suggested that the applicant may wish to discuss parking restrictions with Fife Council as an alternative to help widen the turning circles for access so to minimise the impact to the listed wall and gate piers. The officer also highlighted that the scale and the proposed timber gate was not considered suitable and would detract from the setting of the listed building and the character of the Conservation Area. It was further noted that the boundary gates where they do exist within this part of the Hepburn Gardens consist of cast and wrought iron work with a black painted finish and as such any proposed gate design should reflect this character.

2.2.9 The site was also assessed by the applicant's Transport Consultants and the updated design proposal is the result following a review of the site constraints whilst aiming to address the concerns raised by objectors. The Transport Report highlights that the vehicle swept path

analysis of a family car entering the existing access leaves little room for error and this poses a significant issue for larger vehicles (including emergency vehicles) wishing to enter the site. The existing achievable visibility splays from the access also do not comply with Fife Council's Transportation Development Guidelines. Current guidance specifies a visibility splay of 2m x 30 m and currently visibility splays are approximately 2m x 17.6 m and 2m x 19.6 m. The report states that the traffic flow and parking problems on Hepburn Gardens, the restricted access and cars waiting to enter 92 Hepburn Gardens exacerbate the problem and create safety concerns for other road users and pedestrians including pupils from Madras College.

2.2.10 The applicant's Transport Report further notes that Fife Council's suggestion of limiting the widened access to 3.3 metres (an increase of 0.5 metre) would not resolve the problem as the geometry would remain very tight with vehicles having to stray onto the opposite side of the road to make a left turn. The site visibility splays would also be little improved - (20.8 and 23.8 m). The report further advises that the suggestion by Fife Council to set the gate back into the site offers meaningful improvement the limit on the width of the access would not. The Report goes on to comment that other driveways on Hepburn Gardens were reviewed with most ranging from 2.9 to 4.6 metres in width, and the driveway at 90 Hepburn Gardens is even wider at 5.1 metres. In concluding the report highlights that an opening 4.8 metres wide would give an improved visibility splay of 28.9 m to the left and 30m to the right.

2.2.11 The alteration of an existing listed boundary wall to address road safety concerns in terms of visibility and access issues should be avoided if it would *adversely affect the character of a wall and where*, as Historic Environment Scotland (HES) advises, it would affect '*the coherence and proportion of a design or relationship with another building/opening*'. Other alternative approaches to address road safety concerns should be considered first before proposing to alter significant heritage assets. As the site is fully enclosed there is no other viable vehicular access into/from the site other than from Hepburn Gardens. The Built Heritage officer has suggested that the applicant may wish to discuss parking restrictions with Fife Council as an alternative to help widen the turning circles for access rather than make changes to the listed wall opening. Given that parking on Hepburn Gardens is already very difficult placing further restrictions on public parking for a single dwellinghouse is not considered a viable or fully justified approach. Whilst an objector has highlighted that safety issues concerning exiting and entering site could be applied to every property on Hepburn Gardens, other objectors have not objected to the principle of widening the entrance, they just did not support the extent of the widening and the gates as initially proposed. Indeed, the owner of the matching gate piers at White Lodge has confirmed that their gate entrance has a width of 3.15 metres which is very tight. The existing vehicular entrance at the White House has a width of 2.7 metres which is significantly less.

2.2.12 Following consideration of the above issues and given the current width of the vehicular access the principal to enlarge the opening is considered to be justified. The case officer had advised that the enlargement should be minimal i.e. to 3.3 metres, with only the relocation of one gate pier rather than both to minimise loss of wall fabric, that the timber gate design would require to be revised to a traditional cast iron type, and in order to address accessibility concerns with an electronic gate recommended that the gate be set into the site so its use would not impede traffic flow on Hepburn Gardens. The revised gate design and its revised position have been taken on board; however, the revised drawings show a larger opening of 4.8 metres and both stone pillars to be relocated. The agent's justifications for this have been outlined in paragraph 2.2.10 above.

2.2.13 The visual impact concerns raised with the first submission related to a wider opening of 6.3 metres in combination with a large modern timber gate. This type of alteration would have resulted in a larger loss of important architectural/historic wall fabric as well as the creation of a development which would have taken visual prominence over the listed wall and the gate piers. In addition, the current relationship the existing wall and the gate piers have with the matching set of circular domed gate piers at White Lodge would have been fundamentally broken. The revised proposals have reduced the opening to 4.8 metres and the timber gate has now been

removed, thus reducing the visual impact of the proposals significantly. The relationship between both sets of gate pillars would, it is the view, still remain intact, given the intention to carefully dismantle by hand and faithfully re-construct the pillars with the existing stone. Whilst the gate opening would be larger, as the White House is the dominant property within this grouping of buildings this is considered acceptable, all the more so given that historic gates no longer exist within the opening and given the building's current accessibility problems for service and emergency vehicles, which the wider opening would address.

2.2.14 Whilst a further objection noted that the vehicular access at 102 Hepburn Gardens (a Category B listed building) measures only 3.5 metres, this access also presents an open splay onto Hepburn Gardens which extends to a width of approximately 9.0 metres. The concerns that supporting such a proposal would set a worrying precedent is not supported as each site is assessed on its own merits. The concern that the increased opening would suggest preparations for additional development within the site do not form part of this assessment. The assessment here is based on whether the proposed alterations would unacceptably harm the character and special architectural/historic interest of the listed wall and gate piers.

2.2.15 There has been no method statement submitted which outlines in detail how the works to the stone pillars would be implemented and who would do the work. An accurate record and measurement of the pillars by a suitably qualified conservation professional should be prepared in advance, and full material specifications and standards of workmanship should be clearly specified prior to the commencement of these works. The existing pillar stones require to be carefully photographed and numbered before their dis-mantling, to ensure that they are re-built exactly in the same order, way, and position as the existing pillars and with matching mortar joints to ensure the re-build fully replicates the original pillars. Confirmation on how the stone down takings would be kept secure on site should also be confirmed.

2.2.16 In light of the above, and subject to appropriate conditions, including the submission of a detailed method statement documenting how the work would be executed to a high standard for prior approval in writing by the Local Planning Authority before any works commence on site, the proposals as revised would comply with National Guidance, Development Plan policy and all related guidance in respect of Design and Visual Impact on a Listed Building and are recommended for approval.

3.0 Consultation Summary

Built Heritage, Planning Services

The considerable widening of the gate and the scale and materiality of the proposed gate would be detrimental to the listed boundary wall and the setting of the Conservation Area and are not supported. (Plans subsequently amended to reduce the proposed width as noted in the report)

4.0 Representation Summary

4.1 The original submission received 12 letters of objection. The concerns raised are detailed as follows:-

- a. The boundary wall includes two sets of matching gate piers which serve both the White House and White Lodge. The list entry highlights the importance of the historic grouping and unity of the House and the Lodge, and their historical and functional relationship. The gate piers and the Lodge are of the same style and design and the proposals would change this relationship, the character of the access would be undermined and this would impact upon the character of the approach to the Listed Building all of which would be contrary to Sections 59(1) and (64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- b. The scale of the opening is disproportionately wide, would result in too much of the listed wall being lost and this would be far beyond that required for the purpose of allowing access for service and fire brigade vehicles.
- c. The Hepburn Gardens Conservation Area Appraisal states that change within the Conservation Area should not be indiscriminate or damaging and the unique character of the area should be respected and not harmed.
- d. The ranch style timber gate is not sympathetic to the Arts and Crafts style. It would be visually overbearing and over-dominate being twice the size of the original gates and would not maintain or enhance the amenity of the Conservation Area where gates are in wrought iron.
- e. An entrance this size and a 5.5 metre wide driveway for a single house would set a worrying precedent if supported in the Hepburn Gardens Conservation Area. It would also suggest preparations for two-way traffic to a single dwellinghouse or for the purposes of intended construction within the grounds of this dwellinghouse.
- f. The use of whin stone cobbles on the extended cross-over would not meet the equalities legislation and would impact upon those with mobility or visual impediments.
- g. Two objectors highlight that they understand the need to widen the access to enable emergency vehicles and enhance safety for pedestrians, cyclists and other road users but do not support the extent of the widening which is considered un-necessary. The owners of 94 Hepburn Gardens highlight that they have the matching set of pillars, and their entrance width is 3.15 metres which is also tight.
- h. The wall is continuous with the entrance to no. 94 and there is a similar unity with no.96 and no. 98. Hepburn Gardens. In addition, the access at 102 Hepburn Gardens measures only 3.5 metres.
- i. The proposed changes would not substantially improve the existing sightlines.
- j. Parking on the street Monday to Friday is already very difficult and there are persistent problems with the flow of traffic. This is exacerbated by parking on both sides of the street which lead to one way traffic. The new Madras College has also increased car numbers. Stopping to put in an access code before vehicles could enter the site via a solid electronic gate would block traffic flow. A solid gate would also not allow drivers to see pedestrians from both sides of the gate, and pedestrians could get impatient and attempt to enter onto the carriageway when it is not safe to do so.

k. Safety issues exiting and entering site could be applied to every property on Hepburn Gardens.

l. No personal injury accidents have been recorded in the road network here and the road has a 20 mph speed limit and horizontal traffic-calming measures.

m. There is no justification or need for a solid gate to improve privacy. The house is not visible from Hepburn Gardens.

n. Application description was extremely mis-leading.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a.	2.2.11, 2.2.12 and 2.2.13
b.	2.2.10, 2.2.11 and 2.2.12
c.	This is assessed within the FULL application.
d.	The timber gate has been removed.
e.	2.2.14
f.	The existing whin stone cobbles (setts) in the pavement are out with the application site and are not being altered..
g.	2.2.5, and 2.2.6
h.	2.2.14
i.	2.2.10, this is also assessed within the FULL application and not relevant to the assessment of the impact on the listed building and its curtilage.
j.	Road safety is not a material consideration in relation to the assessment of the listed building application
k.	As item j above.
l.	As item j above
m.	As item j above
n.	The app. description was revised and the neighbours renotified.

4.2.2 Support Comments

None

4.2.3 Other Concerns Expressed

None

5.0 Conclusions

The proposals as amended are considered acceptable in meeting the terms of National Guidance, the Development Plan, and all other relevant guidance in relation to the design and visual impact on the Listed Boundary Wall and Gate Piers.

6.0 Recommendation

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

CONDITIONS:

1. BEFORE ANY WORKS START ON SITE a detailed method statement which provides an accurate record and measurement of the stone piers, full material specifications and standards of workmanship in the dismantling and re-construction of the stone gate piers using the original salvaged stone to ensure a faithful and accurate re-construction shall be submitted for prior approval in writing by this Planning Authority. Thereafter the development shall be carried out in accordance with the details approved by a suitably qualified conservation professional.

Reason: In the interests of visual amenity; to ensure a faithful re-construction of the gate piers that do not detract from the character and appearance of this this Category C Listed boundary wall.

2. FOR THE AVOIDANCE OF DOUBT the existing black coloured name plaques shall be refitted using black coloured stainless-steel fixings unless otherwise agreed in writing with this Planning Authority.

Reason: In the interests of visual amenity; to ensure appropriate materials are used on the Category C Listed wall and gate pier masonry.

3. BEFORE ANY WORKS START ON SITE: full material specifications and 1:20 elevation details of the proposed black painted cast iron vehicular gates shall be submitted for PRIOR approval in writing by this Planning Authority. FOR THE AVOIDANCE OF DOUBT, the new gates shall not be attached to the existing natural stone boundary walls. Thereafter the development shall be carried out in accordance with the details approved unless changes are subsequently agreed in writing with this Planning Authority.

Reason: In the interests of visual amenity; to ensure that the proposed gates are appropriate in terms of design and material and are not detrimental to the setting of the Category C Listed wall or detract from the character and appearance of the Hepburn Gardens Conservation Area within which the site is located.

7.0 Background Papers

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 Guidance

Historic Environment Policy Scotland (HEPS) (April 2019)

Historic Environment Scotland (HES) Managing Change in the Historic Environment – Setting (Updated 2020), Boundaries (updated 2020)

Other Guidance

The Hepburn Gardens Conservation Area Appraisal and Management Plan (2016)

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 4.3.24.

Committee Date: 13/03/2024

Agenda Item No. 6

Application for Full Planning Permission

Ref: 23/01885/FULL

Site Address: Land To South Of 6 Balgove Road Galdry

Proposal: Planning permission in principle for erection of 6 dwellinghouses with associated landscaping, vehicular access and SUDS (Section 42 application to remove condition 1(h) "Enhanced Informal Footpath" of planning consent ref. no. PPA-250-2272)

Applicant: Mr Scott Wallace, Milldeans Sawmill Milldeans

Date Registered: 13 July 2023

Case Officer: Scott McInroy

Wards Affected: W5R17: Tay Bridgehead

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 which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.2 LOCATION PLAN



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1.1 BACKGROUND

1.1.1 This application relates to a triangular area of ground that sits to the south east of the related approved 6 house development that was initially 'deemed refused' under Planning Application 16/02368/PPP but was later upheld by the DPEA Reporter as part of appeal PPA-250-2272 and was approved subject to conditions in April 2017. This area of land for which the required path was required is where the SUDS scheme that was approved as part of wider housing application PPA-250-2272 is also located. The site itself has an area of approximately 0.18Ha in size and is located adjacent to the settlement boundary of Gauldry, as defined in the Adopted FIFEplan - Fife Local Development Plan (2017). To the north and east of the site are residential dwellings and their associated garden ground while to the west and south of the site is agricultural land. Core path P123/01 runs by the southern tip of the application site.

1.2 The Proposed Development

1.2.1 This application has been made under Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to vary condition 1(h) of planning permission PPA-250-2272. Supporting and Access statements have been lodged in support of the application.

Condition 1 states:

"1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

For which amongst the list of specified matters listed in Condition 1 the appropriate requirement falls under 1(h) which requires -

(h) Details of a scheme of hard and soft landscaping works for the full site which shall include the buffer area between the garden grounds and the adjacent field. The submitted scheme shall include:

- Boundary hedging and tree planting with native species;
- Enhanced informal footpath along the eastern edge of site connecting to the existing core path network; and
- A long term management and maintenance plan for the buffer area.

The approved scheme, including the management and maintenance plan shall be fully implemented prior to the occupation of the third house."

And the reason for Condition 1(h) was to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

1.2.2 The informal path that condition 1 (h) refers to would be a new path, connecting the SUDs access track to the existing Core Path.

1.2.3 In considering this proposed change, the applicant's agent has submitted a supporting planning statement with the S42 application, which is for the variation of Condition 1(h). The supporting statement proposes to amend Condition 1(h) to read as follows:

"(h) Details of a scheme of hard and soft landscaping works for the full site which shall include the buffer area between the garden grounds and the adjacent field. The submitted scheme shall include:

- Boundary hedging and tree planting with native species; and
- A long term management and maintenance plan for the buffer area."

1.3 Relevant Planning History

- 16/02368/PPP - Planning permission in principle for erection of 6 dwellinghouses with associated landscaping, vehicular access and SUDS - deemed refusal (26.10/2016). This application was subsequently approved at appeal (ref PPA-250-2272) on 11.04.2017.

- 19/00979/FULL - Change of use from agricultural land to form residential development, erection of No 6 dwellinghouses, formation of hardstanding and parking, and associated infrastructure - withdrawn 02.19.2019.

- 20/00679/ARC - Approval of matters specified in conditions of planning consent ref. no. PPA-250-2272 for the erection of six dwellinghouses, upgrading of access and formation of car parking - approved 26.09.2020

- 22/01369/FULL - Erection of 6 no dwellinghouses, upgrading of access and formation of car parking (Substitution of house type on plots 2, 3, 4 and 5)(Amendment to 20/00679/ARC) - approved 07.10.2022

- 22/02655/FULL - Substitution of House Type on Plot 1 (20/00679/ARC) - approved 18.10.2022

- Multiple requests for Non-Material Variations (NMVs) to some design and garden layout aspects of the approved 6 dwellinghouses have also been approved in the intervening period from the first detailed approval. -

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 adopted NPF4 and the adopted FIFEplan LDP 2017.

1.4.3 As this Section 42 application seeks to amend a condition on a Local development in terms of the Hierarchy of Development Regulations, the application itself is Local.

1.4.4 The effect of the application is to request the granting of planning permission with varied conditions. The Act advises that the Local Authority should only approve or refuse the change to the condition, however in the context of whether such a change impacts on the principle of developing the site, as originally approved, this assessment is limited solely to whether the conditions are required to make the principle of the development acceptable. In addition, where an application is submitted to vary or remove a condition from a previously issued planning permission is successful, the process is, in effect, to grant the planning permission again and reissue the decision removing or varying the specific condition(s). If this application is therefore approved, there would be a requirement to re-issue the decision with the appropriately worded amended conditions minus any suspensive conditions which have been discharged with the original planning permission.

1.5 A physical site visit was undertaken on 04.09.2023.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

2.0 Assessment

2.1 Relevant Matters

2.1.1 As this is a Section 42 application, only the impacts of changing or removing the condition specified in the application can be taken into account. The key issues relevant to the assessment of this application are therefore the following:

- Application procedure for applications made under Section 42 of the Act
- The purpose of the condition, and the impact of the change on the acceptability of the development in planning terms

2.2 Application procedure for applications made under Section 42 of the Act

2.2.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of this Act states that:

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and: if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly however if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous planning permission was granted, they shall refuse the application.'

2.2.2 These types of applications therefore do not generally revisit the principle of development on the site but only consider the appropriateness of the conditions attached to the previous consent. In assessing whether any condition is still relevant there would be the requirement to consider certain aspects of the development. Although Section 42 does not require the developer to specify which condition(s) they are looking to change or remove, the developer must support the application with sufficient information to identify and justify conditions for amendment or removal. In this instance the applicant has indicated that condition 1h should be amended, however should the application be approved the nature of the legislation would require all conditions to be revisited as they may be linked or connected to this specific condition. This would allow for the addition of conditions, if necessary, to accommodate the amendment of Condition 1(h).

2.2.3 The main matters for consideration are whether the proposed amendment(s) to Condition 1(h) would undermine the reasons for the condition or the Development Plan position, and, if the application does undermine either, whether there are material considerations which would outweigh these considerations.

2.3 The purpose of the condition, and the impact of the change on the acceptability of the development in planning terms are considered as follows.

2.3.1 As part of application 16/02368/PPP the applicant submitted a layout and design statement which incorporated a proposed new path from the end of the SuDs access track to Core Path P123/01 as part of the design of the site. This application attracted a number of objections with some objecting to the proposed path on safety grounds. This application was subsequently appealed by the applicant for non-determination. As part of this process the Local

Authority had to write a report of handling with the application being a deemed refusal. Through the appeal process the Reporter asked the Local Authority to provide a list of draft conditions for their consideration which could be added to any decision made by the DPEA. In making their decision on this application the Reporter modified the wording of conditions put forward from the council which resulted in the conditions attached to this consent including the wording of the condition 1(h) which this application refers to.

2.3.2 The purpose of Condition 1(h) of planning permission PPA-250-2272 was to provide an enhanced informal footpath along the eastern edge of site and therefore connecting it to the existing core path network path. The proposed path that condition 1 (h) refers to would introduce a new route from the SUDs access track to the Core Path.

2.3.3 The applicant has submitted a Supporting Statement alongside this application in support of the amendment of Condition 1(h). The supporting statement provides the following justification for the deletion of the second reason of Condition 1(h) i.e., the provision of an informal link:

- o Safety - the footpath passes a SuDS detention pond which is potentially hazardous when filled with water. Furthermore, the adjacent wastewater treatment tank requires to be emptied on a regular basis which is done by a large tanker.
- o Security of the house on plot 6 - The users of the path will have to cross their private driveway of this dwelling (which is to the front of the dwelling) to reach the path.
- o Amenity and Privacy - the amenity and privacy of both House 6 and The Croft will be compromised for the same reasons as cited above. Were the public to access Core Path P123 by crossing the development site at Lomond View, then they will walk directly in front of House 6.
- o Footpath Alignment - before the site was taken out of use as an agricultural field, members of the public using the track leading from Balgove Road to the Croft turned left at the Croft and went that way to reach Core Path P123. This route is formally recognised as footpath reference number FN938. The footpath originally shown on the planning drawings for Lomond View made that route slightly shorter. However, this shorter route is not a recognised public footpath and is not as safe. Both paths (footpath FN938 and the shorter path previously proposed through the development site) start at the same point and finish at the same point. As such, there is no need for the shorter path to be formed, particularly as it is less safe for users, less secure for the occupants of House 6 and compromises the privacy of the occupants of House 6 and the Croft.

2.3.4 As stated in paragraph 1.2.2 and 2.3.1, the proposed footpath would be a new footpath. The proposed footpath itself would be approximately 40 metres in length and would be located from the end of the access track to serve the SUDS basin and would join this track to Core Path (P123/01) which is located to the south east of the application site. Before the application site was developed there was a claimed footpath (FN938) which linked Balgove Road to the north to Core Path (P123/01) in the south east via the north of the Croft. This claimed footpath still follows the same route but part of the route from Balgove Road to the Croft is now the access road to the completed development (Lomond Road). The remaining part of the claimed footpath, which is not part of the access road, still follows the same route to the north of The Croft to Core Path (P123/01), and the distance from the access road to the Core Path following the claimed footpath route is approximately 65 metres long. The distance to reach the Core Path from Balgove Road and all the houses of the development apart from Plot 6 (the plot adjacent the SUDS basin) is less when using the existing claimed footpath than the proposed

footpath. Comments have been submitted in support of this application in that there is no need for a duplicate path in this location. Therefore, given that there is already an existing footpath available to access the Core Path from the development and it of similar length and condition and level of accessibility as well as ground level, it is considered that the requirement for a new footpath as part of this development is not required in order to still achieve suitable access links and thus permeability for users wishing to access existing recorded and claimed routes locally.

2.3.5 Comments have been submitted in support of this application relating to the alleged impact on the privacy of neighbouring properties. Part of the driveway of plot 6 and part of the gravel path that leads to the track to the SuDs area and that of the proposed path are in communal ownership. The communally owned land is not delineated from that that is in the ownership of plot 6, so although this area looks like it is all within the ownership of plot 6 in terms of layout it is not entirely private land. Although the proposed footpath would be accessed by communally owned land, this area forms the driveway and front garden area of plot 6 and the route takes you past the bedroom window on the front elevation of the dwelling on plot 6, so this could impact on the privacy of this dwelling. Vehicles and personnel who will maintain the suds basin and water management treatment tank will have to use the driveway of plot 6 to access this area, however these visits will be infrequent and would not impact on the residential amenity of plot 6. The provision of a footpath that would be accessed via the driveway would impact the residential amenity of this dwelling, therefore it is considered that the requirement for this proposed new footpath be removed.

2.3.6 Objections have been raised regarding the justification put forward by the applicant for the removal of the proposed path, in particular with regards to safety. Supporting comments have also been received with regards to safety. It is accepted that SuDs ponds in common with any water feature of watercourse can be dangerous if they are entered by members of the public, however there are many SuDs schemes developed as part of many developments throughout Fife which are similarly accessible. SuDs schemes will have signage advising of the dangers to the public, therefore it is considered that safety grounds alone are not a primary concern in the assessment of this application as the planning system cannot determine human behaviour.

2.3.7 It is therefore considered given the above that in this instance that the s.42 planning application request to amend condition 1(h) as outlined in section 1.2.3 of this report is considered acceptable on the basis of preserving and enhancing the amenity of the residents in plot 6 and the provision of existing acceptable alternative paths. If Members agree with this recommendation, then suitable access arrangements for all would still be achieved and within reasonable distance and appropriate access arrangements/path conditions etc. The application is therefore acceptable and meets the requirements of national planning guidance and the Development Plan and other applicable policies and guidance in this regard.

3.0 Consultation Summary

TDM, Planning Services

No objections. Access to the existing core path R123 should still be available from the claimed right of way to the north of The Croft.

Parks Development And Countryside

No response

4.0 Representation Summary

4.1

In assessing this proposal 6 objections, 9 supporting comments and 3 general comments were received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Applicants justification – safety	2.3.5

4.2.2 Support Comments

Issue	
a. No need for a duplicate footpath	2.3.3
b. Impact on privacy	2.3.4
c. Safety	2.3.5

4.2.3 Other Concerns Expressed

Issue	Comment
a. Planning Process with regards condition compliance	Comments regarding the planning process and condition compliance are noted and, in such instances, applicants have the legal right under Section 42 of The Act to apply to amend/vary/delete.
b. Neighbour notification	Comments regarding the neighbour notifications are noted. In this instance all neighbours who fell within the neighbour notification area (i.e., the 20 metres site notification buffer) were notified. The application was also advertised in The Courier newspaper on the 20th of July 2023. previously approved condition(s).
c. Consented development	Comments regarding the consented development are noted, however this is not a material planning consideration in the assessment of this application as only matters pertinent to Condition 1 (h) are applicable in this assessment instance.
d. Liability	

Comments regarding liability to any member of the public who might have an accident using this area of land are noted, however this is a civil matter not a planning matter.

5.0 Conclusions

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 detrimental impacts on surrounding residential properties or road safety nor would it undermine the access arrangements and permeability aspirations of developments and communities to achieve countryside access and therefore it is considered acceptable in terms of its environmental impact on the surrounding area.

6.0 Recommendation

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

CONDITIONS:

1. Plans and particulars of the matters listed below shall be submitted for consideration by the planning authority, in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

(a) A location plan of all the site to be developed to a scale of not less than 1:2500, showing generally the site, any existing trees, hedges, walls (or other boundary markers) layout of the roads and sewers, and the position of all buildings;

(b) A detailed plan to a scale of not less than 1:500 showing the site contours, the position and width of all proposed roads and footpaths to adoptable standards including public access provision, visibility splays, proposed build-outs, the provision of parking in accordance with current Fife Council Transportation Development Guidelines, the siting of the proposed buildings, finished floor levels, new walls and fences and details of proposed landscape treatment;

(c) Detailed plans, sections and elevations of the six dwellings, as approved, to be erected on the site together with details of the colour and type of materials to be used externally on walls and roofs;

(d) Details of the proposed method of drainage including details of a Sustainable Urban Drainage system (SUDs) for the site's surface water;

(e) Detailed plans showing at least 100 square metres of useable garden ground per house with front gardens being at least 4.5 metres deep and back gardens being at least 9 metres deep;

(f) A detailed plan to a scale of not less than 1:500 showing the design and specification of the proposed turning area. The turning area as approved shall be constructed to adoptable standards within the curtilage of the site in order that vehicles can enter and leave in a forward gear before the development is occupied;

(g) The detailed plans shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finalised floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a Fixed Datum Point on or nearby the site such as a road or pavement, which shall be identified on the submitted plans. The design of the dwellings shall ensure that the first floor accommodation is to be substantially within the roof form of each dwelling;

(h) Details of a scheme of hard and soft landscaping works for the full site which shall include the buffer area between the garden grounds and the adjacent field. The submitted scheme shall include:

- o Boundary hedging and tree planting with native species; and
- o A long term management and maintenance plan for the buffer area.

The approved scheme, including the management and maintenance plan shall be fully implemented prior to the occupation of the third house.

Reason: to ensure that the matters referred to are given full consideration and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

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

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

3. The hours of operation for the building construction and finishing works to the development hereby approved shall be restricted to 8 am to 8 pm Monday to Friday, 8 am to 1 pm Saturday and at no time on a Sunday unless previously justified and agreed in writing with this Planning Authority.

Reason: In the interests of residential amenity, there is housing in close proximity to the development site.

7.0 Background Papers

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 - Fife Local Development Plan (2017)

Other Guidance

Making Fife's Places Supplementary Guidance (2018)

Report prepared by Scott McInroy (Chartered Planner and case officer) 15/01/2024.

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 4.3.24.

Committee Date: 13/03/2024

Agenda Item No. 7

Application for Full Planning Permission **Ref: 23/03397/FULL**

Site Address: 22 Market Street St Andrews Fife

Proposal: First floor extension to side, single storey extension and installation of sun tunnel roof light to rear, replacement windows and doors of dwellinghouse

Applicant: Mr Jamie Logie, 22 Market Street St Andrews

Date Registered: 6 December 2023

Case Officer: Kirsten Morsley

Wards Affected: W5R18: St. Andrews

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 which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

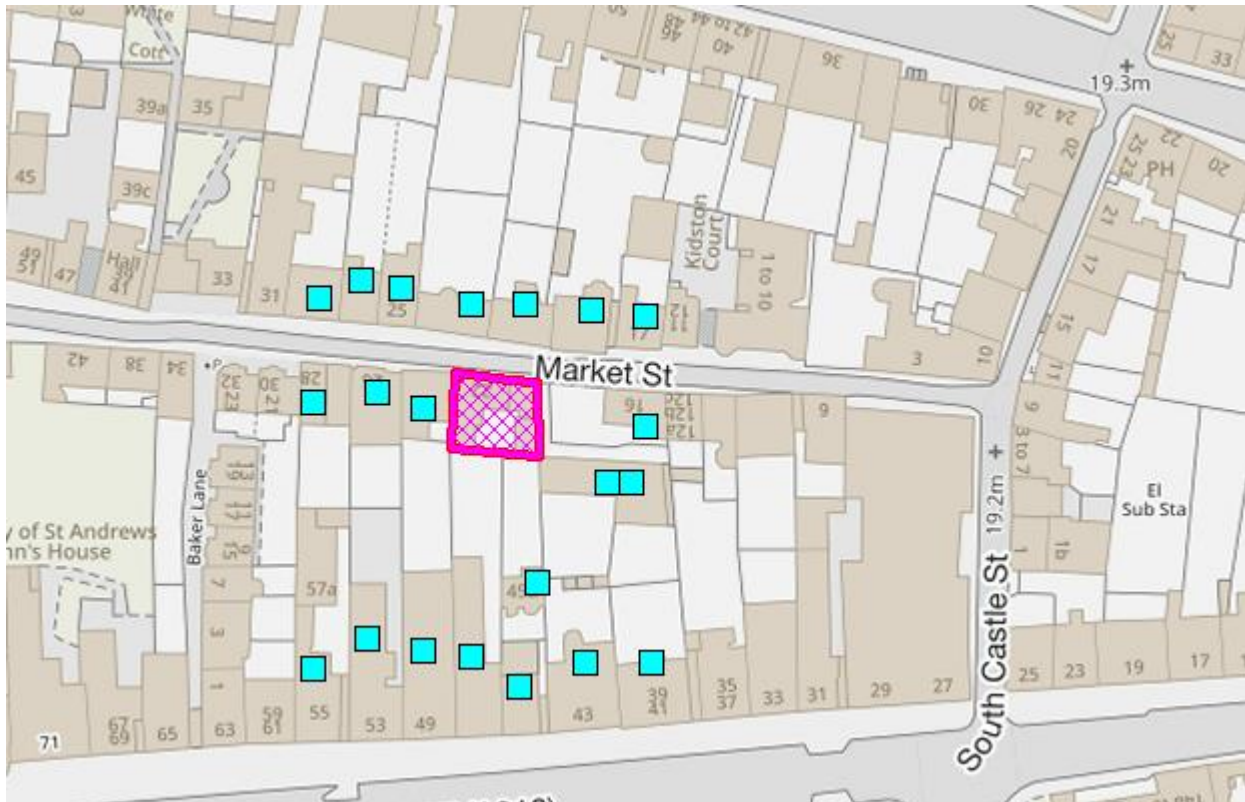
1.1.1 This application relates to a 3-storey traditional terraced dwellinghouse situated on Market Street (east end), within the town centre of St. Andrews. The dwellinghouse dates from the 19th century however part of the building may be older. The dwellinghouse is not a listed building but it is located within the St. Andrews Conservation Area as defined within the Adopted FIFEplan Local Development Plan (2017). The eastern section of Market Street within which this application is located is a narrow street, measuring approximately 6.0 metres wide, and is one of the oldest streets in St. Andrews. The eastern end includes a range of historic buildings dating from the 17th – 19th century. The application site is enclosed by traditional dwellinghouses, with listed buildings at 19, 21, 23 and 25 Market Street situated opposite the site to the north.

1.1.2 The application site formerly contained two dwellinghouses (20 and 22 Market Street) but 20 Market Street was demolished by 1944 as it had been considered unfit for human habitation and improvement works to improve 22 Market Street were carried out including stripping out and renovation along with roof works (original clay pantiles changed to natural slate); new floors

and an internal stair were added; and the windows and doors were upgraded or replaced. The vacant site left from the demolition of 20 Market Street was enclosed by a 3.0-metre-high natural stone boundary wall. Behind this boundary wall a flat-roofed kitchen and a bathroom extension were added to serve 22 Market Street which are still in use today.

1.1.3 Later 20th century changes to the property also took place and included the addition of a garage door through the north boundary wall to facilitate access to one off-street parking space, the addition of a railing to the top of the north boundary wall, window and door alterations including the addition of internal secondary glazing, sanitation and central heating improvements, and a UPVC sunroom and a prefabricated workshop/office were installed in the small rear courtyard.

1.1.4 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 Planning consent is now sought to repair, upgrade, and extend the 3 bedroomed dwellinghouse. Following the withdrawal of an earlier planning application 23/00597/FULL and further discussions the proposal has evolved (as demonstrated on Drawing No.14 – Existing and Proposed Contextual North Elevations). This revised submission proposes a first floor side extension with a pitched roof and dormers over the existing garage to serve a bedroom and two en-suite bathrooms, a rear single storey flat roof extension to serve a kitchen / dining area, replacement windows and doors, and the installation of a sun tunnel on a rear south facing roof plane. The proposals would also include the overhaul of the existing slate roof and the removal of the existing side extension, conservatory extension, and the garden room (the former workshop).

1.2.2 The proposed external finishes would include the re-use of existing and reclaimed Welsh slate to the pitched roofs, zinc ridges, lead valleys and flashings, grey single ply to flat roofs, black painted cast iron water goods, and off-white painted timber fascia's. Further to those, the front first floor side extension would be finished in lime pointed Darnley Sandstone - using random lengths, random coursing and hand tooled to match the existing garage wall, and the

south and east elevations would be finished in white coloured wet dash roughcast with natural stone copings and quoins. Proposed windows to the front elevation and the upper floors would be timber framed multi-pane sash and case units, and the replacement front door and garage door would be detailed in timber. Ground floor doors and windows to the hidden rear elevations would have larger openings with grey aluclad frames. The proposed works also include for part of the garage front boundary wall to be partially dismantled and rebuilt in the existing stone to allow for the new extension to be built off the top of this boundary wall. Following the works the dwellinghouse would remain as a 3 bedroomed dwellinghouse.

1.2.3 The submission includes a Design Statement, a report on the design revisions made to address earlier objections, a Heritage Statement and a Daylight and Sunlight Study. The report on the design revisions states that all concerns have been fully and appropriately addressed. The Heritage Statement highlights that the origins of Market Street date back to as early as the end of the 14th century and acknowledges that the location of the property is both historically and archaeologically sensitive. It sets out the history of the site and the street and presents an early OS 1820 map on page 8 which shows 16, 18, 20 and 22 Market Street as a continual row of buildings aligning Market Street. A Heritage Impact Assessment statement outlines what remains of 22 Market Street's historic significance, it highlights the dwelling's role within Market Street as a family home, and sets out two objectives, one to remove those elements that are considered detrimental to the significance of the dwelling and the site, and secondly to procure an appropriate design solution which would protect the remains of the original building and which would enhance its contribution to the character and the appearance of the St. Andrews Conservation Area. The Daylight and Sunlight Study was commissioned, following previous concerns raised, to assess the impact the proposed first floor side extension would have on 21 Market Street, the Category B listed dwellinghouse which is situated directly opposite the application site to the north.

1.3 Relevant Planning History

23/00597/FULL - Alterations and extensions to dwellinghouse - Withdrawn - 31/08/23

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) (NPF4) 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 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.

1.5 Relevant Policies

National Guidance and Legislation

Historic Environment Policy Scotland (HEPS) (April 2019)

Sets out a series of policies and core principles to take into account to enable good decision making, particularly where there are conflicting needs, to enable the sustainable and successful management of the Historic Environment.

Historic Environment Scotland (HES) Managing Change Series – Setting, Roofs, Extensions, Windows

Sets out the general principles that should apply when proposing new work to historic buildings to ensure that alterations and additions are sympathetic to the character of the building and do not impact on the setting of listed buildings and other historic buildings.

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 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 10: Amenity

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

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.

Planning Policy Guidance

St Andrews Design Guidelines (2011)

The St Andrews Design Guidelines provide design principles for buildings, streets and shop fronts in St Andrews Conservation Area and on the main approaches to the town.

Planning Customer Guidelines

Home Extensions

Windows in Listed Buildings and Conservation Areas

Garden Ground

Daylight and Sunlight

These documents set out the design criteria and expectations in greater detail under specific headings which Fife Council would consider in order to ensure a high quality build which would maintain a good standard of design and which would satisfy residential amenity requirements.

Other Relevant Guidance

St Andrews Conservation Area Appraisal and Management Plan (2010)

This describes the significance of St. Andrews in terms of townscape, architecture, and history and provides a framework for conservation area management.

2.0 Assessment

2.1 Relevant Matters

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

- Design and Visual Impact on the Conservation Area and on the Setting of nearby Listed Buildings
- Residential Amenity
- Road and Pedestrian Safety
- Archaeology

2.2 Design and Visual Impact on the Conservation Area and on the Setting of nearby Listed Buildings

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

2.2.2 Historic Environment Policy Scotland (HEPS) (April 2019), Historic Environment Scotland (HES) Managing Change in the Historic Environment – Setting, Roofs, Extensions, Windows, National Planning Framework 4 (NPF4) policies 7 and 14, Annex D – Six Qualities of Successful Places, FIFEplan Local Development Plan (2017) policies 1, 10, and 14, Fife Council’s Planning Customer Guidelines on Home Extensions and Windows in Listed Buildings and Conservation Area Guidance, the St. Andrews Design Guidelines, and the St. Andrews Conservation Area Appraisal and Management Plan (2010) are relevant to this application.

2.2.3 The St. Andrews Design Guidelines, the Conservation Area Appraisal and HES guidance set out the general principles that should be considered when proposing to extend a traditional historic building located within a Conservation Area. Extensions must protect the character of the existing building, the Conservation Area, and not visually impact on the setting of nearby listed buildings. Extensions require to be sub-ordinate in scale and form, be finished in appropriate high-quality materials, be lower (usually) than an existing principal elevation, be set back (usually) from a principal elevation and should not unbalance an existing symmetrical elevation. Designs require to relate well to the original building, whether they be a restoration, a replication, a complimentary addition, a deferential contrast, or an assertive contrast. Any alterations to an existing traditional roof should re-use the existing traditional finishes where at all possible and any new replacements require to be a close match to the existing materials. Setting extends beyond a property boundary and if a proposed development is likely to affect the setting of an important historic asset the significance of that asset and the extent of impact the development would have on that asset requires to be considered as well as whether mitigation would be appropriate, sufficient, or required.

2.2.4 The setting of a historic asset covers a wide range of visual and non-visual factors such as views from and across the site, key vistas, aesthetics, a sense of place, character, historical/cultural issues etc and is very much considered on a case by case basis. How a historic asset was intended to be viewed when it was first built is also relevant as well as what views a building was intended to have when first built. With some listed buildings certain views were critical in how they were to be approached and appreciated and therefore any historic

changes to their surroundings should also be considered as this has a bearing on how the asset contributes to the sense of place of an area. Factors that are relevant when assessing the impact of change on an asset would include, whether key views towards the asset are blocked, whether a proposed development would over dominate or detract from the asset in some way which would affect our appreciation of it and whether this impact would be perceived as a temporary impact or a permanent one. Where an assessment identifies a form of impact, mitigation measures should be considered as part of the design process with a view to remove, reduce or manage that impact to a level that is acceptable.

2.2.5 The St. Andrews Conservation Area Appraisal and Management Plan (STACAMP) highlights that Market Street is one of the oldest streets in St. Andrews, was in place by the 14th century and along with North Street and South Street, is an area of great archaeological significance. The St. Andrews Design Guidelines highlight that Market Street exemplifies a historic Scottish pattern of street with the main part widening in the centre to accommodate a market (and the historic site of the old Tolbooth) and the narrowing at its east end to control entry. The narrow east end of Market Street also originally served as an access to the North and South Street riggs. By the 15th Century as stone started to be used as a building material, existing wooden buildings were replaced with stone buildings along street frontages. The use of stone also meant that additional floors could be added to these buildings (which were usually two storey with an attic) and the replacement buildings followed the building lines set by the town plan. By the 18th century the economy in St. Andrews suffered and many buildings fell into decline, became unfit for human habitation, and were later removed. Buildings 20 and 18 Market Street were demolished. All that remains of 18 Market Street is a 5.0-metre-high random rubble wall that sits hard against the pavement edge.

2.2.6 St. Andrews Design Guideline No.45 highlights the desire to retain street features, such as high boundary walls and where appropriate, design them into new developments. The guidelines also highlight that in some locations a consistent eaves height along the street is an important characteristic of a street which should be maintained in new development, and that the number of storeys and consequent height to eaves relating to new development should follow the same range of heights existing in the street façades unless there is a strong reason to deviate from this. Guideline No.12 expresses the need to protect the layout and the characteristics of the medieval town plan and use this to '*determine the development grain of the town*'. Guideline No.21 highlights the need to adopt a sustainable approach to new development proposals, whilst Guideline No.59 highlights the need to ensure that proposed materials and details match the surrounding originals in colour, texture, and quality.

2.2.7 Design proposals should satisfy the principles for change as set out above. NPF4 Policy 7 and Local Plan Policies 1 and 14 support development where it will take account of local context, will not harm important historic or architectural fabric or impact adversely upon the character and appearance of a Conservation Area or on the setting of listed buildings. NPF4 Policy 14 and Annex D - in particular the qualities 'pleasant', 'sustainable', and 'distinctive' supports built spaces which are attractive and which help to reinforce identity and support the sustainable use of existing buildings.

2.2.8 This application has received 12 objections. The objectors state that the proposal represents an overdevelopment within a street of constricted size within an historic part of St. Andrews. They consider the development to be in-consistent with the requirements of the St. Andrews Conservation Area Appraisal and Management Plan and Appendix 3, Part 1 Class 2 of its Article 4 Direction which seek to maintain and conserve the unique qualities of this part of the Conservation Area. The objectors contend that the proposals will not protect the special character, fabric and layout of the existing historic building or protect the surrounding area, which includes several listed buildings.

2.2.9 The 24 letters of support received highlight that the Heritage Statement is thorough and identifies that the property is in urgent need of repair and refurbishment. They state that the single storey garage extension with its horizontal emphasis creates a gap in the street which appears odd and incongruous and does not enhance this part of Market Street. They also

maintain that they are encouraged that the owners wish to retain the building rather than replace it with a newbuild and consider the development proposals and the use of sympathetic materials would enhance the building's historic character and that of the street and the Conservation Area.

2.2.10 The application relates to an unlisted traditional building located within the St. Andrews Conservation Area. The submission includes a Design Statement and a Heritage Statement which substantiate that the proposed works would not result in the loss of any significant architectural or historic fabric. Existing salvaged and reclaimed natural slate would be used on the building and the side extension would be a complimentary addition, sub-ordinate in height, scale and form and would be finished in appropriate high-quality materials. The side extension eaves would be no higher than the existing elevation wall of the former (demolished) 18 Market Street, and its height to ridge would be lower than most of the other buildings that align the south side of Market Street (see drawing 14 – Existing and Proposed Contextual Elevations). The issue of overdevelopment raised by the objectors would appear to relate more to residential amenity concerns regarding daylight and sunlight impacts both to Market Street and more specifically to 21 Market Street. These issues are considered in detail under Section 2.3, paragraphs 2.3.3 – 2.3.15 below.

2.2.11 The impact of setting on key listed buildings is also relevant. The closest listed buildings are situated opposite the site to the north and include the Category B listed 21 and 23 Market Street and the Category C listed 19 and 25 Market Street. Given the proposed development's position and relationship to these listed buildings, including that of 21 Market Street, it is not considered that this development would have any detrimental material impact upon their special character. The listing of 21 Market Street gives a specific date for its construction as 1836 which confirms that this property was built after the south side of Market Street had already been enclosed by a row of terraced buildings and from what can still be seen on Market Street today these buildings were all 2-storey (see 1820 John Wood Map, document 16 – Heritage Statement page 8, and the site photographs). Given the historical and contextual evidence, including the origins of Market Street which dates to a medieval town plan, 21 Market Street (and the other nearby listed buildings) were not built with any intention that key views were integral to how they should be experienced and enjoyed, but rather it is their location within this historic part of St. Andrews which is integral to how they are experienced. It is the irregular aligned narrow highly enclosed street, with its subtle build setbacks and its mix of historic buildings of various ages and styles which forms this part of the Conservation Area's strong sense of identity and sense of place. Contrary to the concerns of the objectors, it is considered that the development proposals would not impact adversely on this street's special character or over dominate or detract from these listed buildings but would enhance the street by infilling an existing odd and somewhat incongruous horizontal gap in the building line which currently gives the impression that the existing dwellinghouse is unfinished and incomplete.

2.2.12 In light of the above, and with the inclusion of an appropriately worded condition in respect of external material finishes, it is considered that the proposals would protect the special character, fabric, and layout of the existing historic building, that the works are in keeping with the character and appearance of the Conservation Area and would not impact on the setting of Market Street or on nearby listed buildings. The existing building shall be retained and refurbished in a sustainable manner using appropriate finishes and details all of which would be compliant with meeting the terms of National Guidance, NPF4 (2023), the Adopted FIFEplan Local Development Plan (2017) and all related guidance in relation to Design and Visual Impact on the Conservation Area and on the setting of nearby Listed Buildings.

2.3 Residential Amenity

2.3.1 National Planning Framework 4 (NPF4) Policy 14 and Annex D - Six Qualities of Successful Places, Adopted FIFEplan Local Development Plan (2017) Policies 1, 10, and Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018), Home Extensions (2016) and Garden Ground (2016) apply to this application.

2.3.2 NPF4 Policy 14 and Appendix D – in particular Healthy and Pleasant places highlight that development proposals should be environmentally positive, should adequately protect areas from undesirable development and not be detrimental to the amenity of surrounding areas. Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advise that a development proposal will be supported if it is set in a location where the proposed use is supported by the Local Development Plan, and proposals address their individual and cumulative impacts. 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 significantly adversely affected by factors such as, (but not limited to) noise, overlooking, potential losses of privacy, sunlight, or daylight, overshadowing etc. Fife Council's Planning Customer Guidelines expand on those policies highlighted above and outline in more detail what the design expectations should be. Should there be potential amenity issues arising from a development proposal, mitigation measures to address those amenity impacts may be required and this would be established on a site-by-site basis.

2.3.3 The objections received consider that the revised submission shall still have a major detrimental impact on the residential amenity of 21 Market Street in terms of loss of Winter Daylight and Sunlight and loss of solar gain. The objectors also state that the proposal shall impact upon the amenity of Market Street by closing off a portal of daylight/sunlight throughout the winter months. The objectors do not support the 'Mirror Image' reason for the development's justification (see application document 23 – Daylight and Sunlight Assessment, paragraphs 1.1.8 to 1.1.16). They also highlight that access to daylight and sunlight is important for health and well being and should the development go ahead that this shall greatly reduce the quality of life for the owners of 21 Market Street. The objectors are also of the view that there are other design solutions possible which would be less impactful, such as extending the existing 3-storey house at the back or setting the side extension back from the street to align with the south edge rather than the north edge of the site. Other amenity concerns raised include, impacts on privacy, that the build does not meet Fife Council's Policy Guidelines on Garden Ground, and that the proposals could exasperate drainage and sewerage infrastructure.

2.3.4 In assessing proposals, developments should safeguard daylight (diffuse skylight) to habitable rooms (i.e. living rooms, kitchens, and bedrooms) to nearby domestic buildings and sunlight in some cases. Fife Council's Planning Customer Guidelines on Daylight and Sunlight use the methodologies outlined by the Building Research Establishment 'Report on Site Layout: A Guide to Good Practice' by Paul J Littlefair (as Revised, Third Edition 2022) to assess both daylight and sunlight impacts. This guidance outlines the assessments required where a development proposal fails either or both the standard 45 degree and 25 degree assessment tests (i.e. if neighbour's windows pass the 45 and 25 degree tests then it is unlikely that a proposed development would have a substantial effect on the daylight (diffuse skylight) enjoyed by an existing building). In this case the proposed development satisfies the 45-degree tests, and it also satisfies the 25-degree tests in relation to 21 Market Street's first and second floor south facing windows, however as two ground floor windows would fail the 25 degree tests more detailed assessments are therefore necessary. Such more detailed assessments were commissioned by the applicant and include the required Vertical Sky Component (VSC) test and an Annual Probable Sunlight Hours (APSH) test. A daylight distribution test to these affected rooms was not undertaken as the internal room layouts are unknown. Measurements used in these assessments were taken using accurate point cloud laser.

2.3.5 The VSC test measures daylight impact on a window and measures the full arc in all directions in terms of light received rather than just from one direction. The BRE guidance states that if a VSC result is both less than 27% and less than 0.8 times its former value, occupants would notice the drop in the amount of daylight received and this would be a material loss of daylight to that window.

2.3.6 Buildings which include windows which serve habitable rooms and face within 90 degrees south also have a requirement for sunlight. The Annual Probable Sunlight Hours (APSH) measures the amount of sunlight a given window may expect to receive over a year period. In housing sunlight is considered important to living rooms and conservatories and is noted as

being good for health and well-being but is considered less important for bedrooms and kitchens. The BRE guidance states that a window should receive at least 25 % of annual probable sunlight hours and at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March. If a window receives less than 0.8 times its former sunlight hours during either of these periods and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours following a development, then the window would receive a material loss of sunlight.

2.3.7 The BRE Guidance notes that the numerable values given for daylight and sunlight are purely advisory and advises that daylight and sunlight are not the only issues to consider when assessing a development proposal. This is particularly relevant in cases where nearby dwellings are themselves not good neighbours i.e., where buildings are not set-back a reasonable distance from their own site boundaries, or in cases where different criteria thresholds are considered justified for a particular area. For example, sometimes it may be considered on balance (depending on the type and degree of impact) more important to match the height and proportions of the existing buildings. In situations such as these data acquired needs to be interpreted flexibly and be considered on a site-by-site basis. Appendix F of the BRE guidance includes alternative target values for daylight and sunlight using a 'Mirror Image' concept. This concept is considered in more detail in paragraph 2.3.12 below.

2.3.8 The tests commissioned by the applicant to assess the impact of the proposed development on the daylight and sunlight received by 21 Market Street were based on the numerical tests as recommended in the aforementioned BRE guide and considered and analysed all of No.21 Market Street's south facing windows using the VSC and the APSH tests.

2.3.9 The Vertical Sky Component (VSC) study results concluded that whilst the proposed development would noticeably reduce the available amount of daylight to ground floor windows 1 and 3 only the daylight reductions to window 1 would be both less than 27% and less than 0.8 times its former value, therefore only window 1 would not comply with the VSC BRE guidance threshold on daylight.

2.3.10 The Annual Probable Sunlight Hours (APSH) test concluded that following development all the south facing windows of 21 Market Street would pass this test. However, it established that whilst all windows on the first and second floors of 21 Market Street would pass the thresholds for winter sunlight, ground floor windows 1 and 3 would not. Both these windows would not receive at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March and would also receive less than 0.8 times of their former sunlight hours during this period.

2.3.11 To summarise, following development Window 1 (which serves a family room) would not comply with the VSC BRE guidance threshold on daylight and Windows 1 and 3 (with Window 3 serving a kitchen) would not comply with the APSH BRE guidance threshold in terms of winter sunlight. Or, put another way, following the development all the existing south facing windows to No.21 Market Street apart from window 1 would comply with VSC BRE daylight guidance, and all the existing south facing windows apart from ground floor windows 1 and 3 would comply with the APSH BRE sunlight guidance both in terms of year round sunlight and winter sunlight.

2.3.12 The Daylight and Sunlight Study makes reference to BRE's alternative target values for daylight and sunlight. These target values can include using values generated from the layout and the dimensions of existing buildings within a street. The guidance highlights that the 'mirror image' approach needs to be applied sensibly and flexibly, particularly in cases where a property could lose all or nearly all their light. In addition, such an approach could infringe upon a property owner's legal right to light, however it is noted claimed rights to light lie out with planning legislation.

2.3.13 The Daylight and Sunlight Study includes VSC and APSH target values for a mirror image building replicating the height of No.21 Market Street. The report contends that this methodology is an appropriate approach for a historic town such as St. Andrews. The results show that the development proposal would satisfy these alternative target values and the report

concludes that on this basis there are no daylight or sunlight reasons which would justify a refusal on such grounds.

2.3.14 The standard results from the Daylight and Sunlight Study confirm the objectors' concerns. However, it is equally noted that this application is a third design revision which has both reduced the height and the massing of the proposed side extension and a proposed 4th bedroom has been removed. A manual desk top assessment to establish whether setting the proposed extension back by 2.5 metres from the pavement edge would make a material difference to the daylight received by Window 1 was also carried out by the case officer. The gains in daylight received by window 1 by doing this however would be limited, being at most about 3%. In addition, setting the proposed extension back from the established building line, as suggested by the objectors, would substantially reduce the already small rear garden courtyard – an area of outdoor space important for the applicants' health and well-being. A setback of the extension to this degree, or indeed reducing the roof height further, would also not be in keeping with the historic character of this medieval street which is characterised by its narrow width, its two and three storey pitched roof buildings set hard against the pavement edge and with subtle setbacks of the building line which all contribute to the street's strong sense of historic identity. Furthermore, the suggestion that the proposed first floor extension be restricted to the rear of the existing 3 storey part of the building would both restrict greatly the footprint possible and create daylight, sunlight and overshadowing impacts to 24 Market Street.

2.3.15 In light of the above, it is considered that should further limitations be placed on how the application property could be modestly extended, this would be considered an unreasonable burden on the applicant given the limited options available and given the temporary nature of the daylight and sunlight impacts to both No.21 Market Street and the street generally. Furthermore, the proposed build would be no higher and no larger than the existing buildings which already align the east end of Market Street to the south side and have opposing properties that co-exist successfully also.

2.3.16 Other amenity concerns raised by the objectors regarding privacy, garden ground and drainage have been adequately addressed. In terms of privacy, the submission proposes to replace one existing bedroom with a shower room and to add frosted glass to the first floor multi-pane bedroom window facing Market Street. These interventions would address any overlooking concerns towards 21 Market Street and could be appropriately conditioned. The development proposals would largely maintain, reconfigure, and enhance the existing rear courtyard garden with replacement paving and additional planters, all of which is considered in compliance with current guidance. The area of the existing rear courtyard garden would be little changed, would have increased planting and would not, it is the view, create further flooding concerns. The number of bedrooms within the property and hence the occupancy would not change following development. The addition of one bathroom would also not, it is considered, place a strain on the sewerage infrastructure.

2.3.17 In light of the above, and with the inclusion of an appropriately worded condition in respect of privacy glazing, the proposed works, having considered all competing issues, are considered to be acceptable and would be compliant with meeting the requirements of NPF4 (2023), the Adopted FIFEplan Local Development Plan (2017) and all related guidance in relation to Residential Amenity.

2.4 Road and Pedestrian Safety

2.4.1 National Planning Framework 4 (NPF4) Policies 18 and Annex D - Six Qualities of Successful Places, Policies 1, 3 and 10 of the Adopted Fifeplan (2017) and Making Fife's Places - Supplementary Guidance (2018) - Appendix G: Fife Council Transportation Development Guidelines apply to this application.

2.4.2 NPF4 Policy 18 highlights that development will only be supported where it can be demonstrated that where there would be any material impact on infrastructure that this would be appropriately mitigated. Policies 1, 3 and 10 of the Adopted FIFEplan advise that development must be designed in a manner that ensures that the capacity and safety of infrastructure is not compromised. Support shall be given where development will 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. Making Fife's Places associated transportation guidelines provide further advice in this regard.

2.4.3 Objectors have highlighted that the works represent an intensification of use which would increase the amount of vehicular traffic on this narrow single carriageway street. The objectors also state that the parking provision within the curtilage does not meet the policy guidelines for a domestic building of this size and the proposed development would exacerbate the parking situation on Market Street.

2.4.4 The development proposals are not increasing the number of bedrooms. The number of bedrooms shall remain at 3 and the property is to be retained as a single family home. Given this, there is no planning requirement to provide for additional parking as there would be no intensification of use. Unlike most properties on Market Street, the dwellinghouse already has one in-curtilage parking space which is shown to be retained, and this parking space could be secured for the lifetime of the development by condition.

2.4.5 In light of the above, and subject to the inclusion of a suitably worded condition in relation to securing the existing parking space as shown on approved drawing 08, the proposals are considered compliant with the requirements of NPF4 (2023), the Adopted FIFEplan Local Development Plan (2017) and all related guidance in respect of Road and Pedestrian Safety.

2.5 Archaeology

2.5.1 Policy 7 of NPF4 and Policies 1 and 14 of the Adopted FIFEplan Local Development Plan apply. The site lies within the Conservation Area and is situated within an area zoned as an Archaeological Area of Regional Importance as defined within the Adopted FIFEplan Local Development Plan (2017).

2.5.2 Fife Council's archivist has confirmed that the site is deeply archaeologically sensitive and the ground to be developed is highly likely to contain buried archaeological deposits of medieval date. The archivist has advised that as the proposed development will involve sub-surface disturbance to the rear of the property and Policy 14 states that '*The archaeological investigation of all buried sites and standing historic buildings within an Archaeological Area of Regional Importance will be required in advance of development unless good reason for an exemption can be shown*', he sees no good reason for an exemption from Policy 14 and advises that development on this site should be accompanied by an archaeological mitigation strategy, in order to assess the archaeological potential of the site prior to development. This requirement can be addressed by condition, so to comply with the Development Plan policies in this respect.

3.0 Consultation Summary

Archaeology Team, Planning Services

The development should be accompanied by an archaeological mitigation strategy.

Community Council

No Comment

4.0 Representation Summary

4.1 This submission has received 12 letters of objection and 24 support letters highlighting the following,

Objection Comments	Addressed in paragraph (s)
a. Development proposals which have a potentially significant impact on historic assets should be supported by an assessment which understands the cultural significance of the place and where likely visual or physical impacts are identified, their management is to be informed by national policy and Historic Environment Scotland guidance.	1.2.3, 2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.7, and 2.5.2
b. The proposed build is an in-appropriate overdevelopment within this historic part of St. Andrews within a street of a constricted size which comprises of houses of great antiquity, including a number of listed buildings. The character of this area is increasingly under threat and the proposal is in-consistent with the requirements of the St. Andrews Conservation Area Appraisal and Management plan which seeks to maintain and conserve the unique qualities of this part of Market Street and the heritage of the St. Andrews Conservation Area.	2.2.10, 2.2.11, 2.3.14 and 2.3.15
c. The lowering of the extension roof and the side extension does not meet the requirements of Appendix 3, Part 1 Class 2, of the St. Andrews Article 4 Direction. The St. Andrews Article 4 Direction removes permitted development rights for the enlargement of a dwelling by way of an alteration of its roof in order to protect the special character, fabric and layout of a historic building and the surrounding area as well as to prevent uncontrolled site coverage.	2.2.10 and 2.2.11
d. Little has changed from the original submission and the proposals shall have a major detrimental impact on the residential amenity of 21 Market Street in terms of loss of Winter Daylight and Sunlight.	2.3.14
e. The 'Mirror Image' argument made to justify the proposed development is not supported and fails to appreciate that 21 Market Street is an unique building.	2.2.11, 2.3.7, 2.3.14 and 2.3.15
f. Access to daylight and sunlight for health and wellbeing is well documented in design guidelines e.g. Edinburgh's Guidance for Householders (2017), page 12 and should the proposed development go ahead the quality of life of the owners of 21 Market Street shall be greatly reduced.	2.3.14 and 2.3.15
g. 21 Market Street will also be disadvantaged by the loss of solar gain whereby 22 Market Street shall benefit from the available winter sunlight.	2.3.15
h. There are other creative solutions possible for 22 Market Street and there is disappointment that this opportunity has been missed. The lowering of the roof will have little effect on the loss of winter sunlight. Other options suggested include extending the existing 3 storey house to the south or the extension is set further back from the street to the south edge rather than on the north edge.	2.3.14

Objection Comments	Addressed in paragraph (s)
i. There shall be serious negative consequences to the narrow Market Street. The development shall degrade the amenity of the neighbourhood by closing off the last remaining portal of sunlight and deprive the street of natural light at its midpoint throughout the winter months which would create a corridor of darkness.	2.3.11 and 2.3.14
j. The distance between 21 and 22 Market Street is only 6.0 metres and the development will impact on privacy and would not meet Fife Council's policy guidelines which give minimum distance of opposite windows to be 18 metres.	2.3.16
k. The submission does not meet Fife Council's policy guidelines on Garden Ground which states that the ratio of buildings to garden ground must be at least 1:3. This should be a standalone reason for refusal.	2.3.16
l. There could be a drainage problem with the number of bathrooms and a strain on the sewerage infrastructure.	2.3.16
m. Natural drainage lost within the rear garden.	2.3.16
n. The works shall represent an intensification of use with increased vehicular traffic dropping off passengers and goods on the narrow, single carriageway street. The function of the build is unclear as to whether the increased occupancy is for a permanent residence or whether it shall operate as a short term let, but in either case the parking provision within the curtilage does not meet the policy guidelines for a domestic building of this size and would exacerbate the parking situation.	2.4.4
o. Transient occupiers within St. Andrews is a serious problem and the proposed development will further reduce the sustainability of the town as a place where permanent residents can make their home.	2.4.4
p. Greater burden on infrastructure making it increasingly difficult for families and local people to live in the old part of the town.	2.4.4
Support Comments	Addressed in paragraph (s)
a. The Heritage Statement is thorough and identifies the need for this property to be repaired and developed to make it suitable for 21 st century living.	1.2.3
b. The appearance of 22 Market Street does not enhance the streetscape and the property urgently requires upgrading. The proposed development, including its use of appropriate sympathetic materials, would retain the building's historic character which would be an enhancement to the property and the Conservation Area.	2.2.10 and 2.2.11 2.2.11
c. The streetscape in this part of Market Street has long appeared odd, disjointed, and oppressive. The proposals are an improvement to the existing gap in the streetscape with the incongruous single storey extension which has a horizontal emphasis. The proposals would create a much more aesthetically pleasing face to the property.	2.2.12 2.2.12

Objection Comments

d. Given the limited heritage value to the property it is encouraging that the owners did not choose to demolish the property to build a more modern family home.

e. The improved courtyard garden shall reveal more of the original wall following the removal of the ugly prefab structure which is a pleasant addition.

Other Issues Raised

a. Significant building works shall impact on pedestrian traffic especially the disabled and also tourists who use the street to access the Cathedral and Castle.

Building works would only be temporary and is not a reason to refuse the application. The agent has highlighted whilst some disruption would be inevitable every effort would be made to keep this down to a minimum.

b. The number of objections received highlights the real concerns of local residents who have a genuine regard for the historic environment in which they live and help to maintain.

This has been noted and all material concerns have been considered and addressed within the main body of the report.

c. Lack of concern. The neighbours offered to discuss and find a mutually agreed solution but this offer was not taken up.

The applicant disputes this. Nevertheless, this is not a reason to refuse the application.

d. The cobbled street is already damaged and the proposed works would cause further deterioration.

The cobbled street is a public road and can be accessed by a wide range of vehicles that are/would not necessarily be connected with the site and is not a reason to refuse the application.

e. Historic Environment Policies 5 and 6 state that decisions affecting the historic environment should contribute to the sustainability of communities and places and take into account potential consequences a development can have on people and communities. The number of objections received highlights the real concerns of local residents who have a genuine regard for the historic environment in which they live and help to maintain and these concerns should be listened to.

All material concerns have been considered and addressed within the main body of the report.

f. 21 Market Street was previously owned by Annabel Kidston, a renowned local artist who played a pivotal role in the foundation of the St. Andrews Preservation Trust and the protection of this listed building as a family home is an important part of her legacy.

All material concerns have been considered and addressed within the main body of the report.

5.0 Conclusions

The proposals are considered acceptable in meeting the terms set out in National Guidance, NPF4, the Adopted FIFEplan Local Development Plan (2017), and all other relevant guidance in relation to Design and Visual Impact on the Conservation Area and the Setting of Listed Buildings, Residential Amenity, Road and Pedestrian Safety and Archaeology and are recommended for approval.

6.0 Recommendation

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. BEFORE ANY WORKS START ON SITE, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.
Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of archaeological importance.
3. BEFORE WORKS COMMENCE ON SITE, a sample panel of the natural stone walling proposed for the north front elevation of the side extension hereby approved, as shown coloured beige on approved drawing 11A and specified on drawing 12A, shall be made available for inspection on site for the approval in writing by this Planning Authority.
Thereafter the development shall be carried out in accordance with the details approved unless changes are subsequently agreed in writing with this Planning Authority.
Reason: In the interests of visual amenity; to ensure that the external finishing materials and details do not detract from the character and appearance of the St. Andrews Conservation Area, within which the site is located.
4. FOR THE AVOIDANCE OF DOUBT, the existing parking space shown on approved drawing 08 shall be maintained and kept available as such for the lifetime of the development hereby approved.
Reason: To ensure adequate provision of off-street car parking is maintained.
5. FOR THE AVOIDANCE OF DOUBT, the first floor north facing bedroom window shown on approved drawing 11A shall be detailed using obscure / frosted glass upon installation and shall thereafter be permanently maintained.
Reason: In the interests of safeguarding residential amenity of neighbouring property.

7.0 Background Papers

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 Guidance and Legislation

Historic Environment Policy Scotland (HEPS) (April 2019)

Historic Environment Scotland (HES) Managing Change Series – Setting, Roofs, Extensions, Windows

Planning Policy Guidance

St Andrews Design Guidelines (2011)

Planning Customer Guidelines

Planning Customer Guidelines on Home Extensions (2016)

Planning Customer Guidelines on Windows in Listed Buildings and Conservation Areas (2018)

Planning Customer Guidelines on Garden Ground (216)

Planning Customer Guidelines on Daylight and Sunlight (2018)

Other Relevant Guidance

St Andrews Conservation Area Appraisal and Management Plan (2010)

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer.

Report reviewed and agreed by Alastair Hamilton, Service Manager(Committee Lead) 4.3.24

Committee Date: 13/03/2024

Agenda Item No. 8

Application for Full Planning Permission

Ref: 23/02446/FULL

Site Address: St Andrews Student Union St Marys Place St Andrews

Proposal: Alterations to building including replacement roof, increase in parapet height and re-positioning of existing ventilation infrastructure.

Applicant: University of St Andrews

Date Registered: 28 November 2023

Case Officer: Jamie Penman

Wards Affected: W5R18: St. Andrews

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 which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 This application relates to part of the St Andrews Student Union building roof, towards the northern end of the building. The application site is located towards the western edge of St Andrews town centre, on the north side of St Mary's Place. To the west and north of the site lie terraced residential properties and to the east partly by residential properties and partly by a former local authority office and associated car parking. A number of mature trees are located within the curtilage of the union building.

1.1.2 The site is located within the historic core of St Andrews. The area is within an archaeological area of regional importance and there are a number of listed buildings proximate to, but not affected by, the development site including 1 - 14 Hope Street and 2 - 10 Greyfriars Gardens (both B listed) as well as the Category C listed former infant school/former local authority office building. This historic medieval core is designated as a Conservation Area.

1.1.3 The application site is within the settlement boundary of St Andrews. The site is not allocated for any specific land use or proposal.

1.2 Location Plan



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1.3 The Proposed Development

1.3.1 This application is for full planning permission for a replacement flat roof. It is understood that there are structural concerns with the existing roof as it is constructed from reinforced autoclaved concrete (RAAC). The proposed replacement roof would result in an approximate 14cm increase in height when compared to the existing finishing height (increasing from 7.365m to 7.495m). The change to the roof would also involve minimal relocation of existing plant and ducting. The most substantial change would be the relocation of ductwork on the north east corner of the building by approximately 90cm. New aluminium rainwater goods are also proposed.

1.3.2 To enable the works, a large, tented structure is also proposed over the building. This would have a maximum finishing height of approximately 15m. The tent is required for a temporary period in order to facilitate the development and as such, does not require full planning permission in its own right, subject to works being progressed and the structure removed in a timely manner.

1.4 Relevant Planning History

01/00173/EOPP - Outline planning permission to alter/extend Student Union (including function hall and bar) (Renewal of 01/96/0581P) - Conditional Approval - 22/11/01

04/02455/EFULL - New access ramp, steps and handrails – Conditional Approval - 31/08/04

08/03295/EFULL - Alterations to entrance doors – Conditional Approval - 09/01/09

12/01376/FULL - Refurbishment of student association building – Conditional Approval - 03/09/12

97/02017/H - Infilling of loading bay doors – Conditional Approval - 20/02/97

16/00676/FULL - Installation of roof plant and screening (partly in retrospect) - Refused - 01/09/16

17/03036/FULL - Installation of replacement ductwork covered with vinyl 'camouflage' wrap to roof – Conditional Approval - 08/02/18

20/01822/COVR - Relaxation agreement to provide outside seating area – Conditional Approval - 18/09/20

Other applications relating to advertisement consent; the union ATM; nearby bus stop and other minor infrastructure and services matters were also recorded for this site as a whole.

1.5 Application Procedures

1.5.1 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.

1.6 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 10: Amenity

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

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.

Other Relevant Guidance

St Andrews Conservation Area Appraisal and Management Plan (2010)

St Andrews Design Guidelines (2007)

2.0 Assessment

2.1 Relevant Matters

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

- Design, Layout and Visual Impact on the Historic Environment
- Residential Amenity

2.2 Design, Layout and Visual Impact on the Historic Environment

2.2.1 NPF4 Policy 7 and FIFEplan Policy 14 relate to proposals which impact on the historic built environment and aim to preserve or enhance the setting of designated areas and buildings. NPF 4 Policy 14 and FIFEplan Policy 10 relate more generally to design and aim to promote high quality design which minimises visual impacts. The St Andrews Design Guide provides further guidance and advice to protect the towns built heritage assets.

2.2.2 Whilst the application property is visible from the public aspect of the St Andrews Conservation Area, the area of roof which is to be replaced is not. It is however visible from surrounding residential properties. Given a similar flat roof is proposed, along with minimal increase in height of 14cm, it is considered that there would be no discernible visual difference in the appearance of the application property from with the conservation area or from surrounding residential properties. The relocation of plant/ducting and installation of new aluminium rainwater goods is also considered to be minor in nature and would raise no significant concerns visually. It is therefore considered that the proposal would therefore preserve the appearance of the immediate surrounding area and the wider St Andrews Conservation Area.

2.3 Residential Amenity

2.3.1 NPF4 Policy 14 and FIFEplan Policy 10 aim to reduce residential amenity impacts from a development on surrounding uses. Such impacts amongst those listed may include in this instance; overshadowing and privacy.

2.3.2 Given the minimal 14cm increase in height of the building after works have been completed, it is considered that there would be no discernible increase in overshadowing to surrounding residential properties over and above what already may exist. An overshadowing study has been submitted by the applicant which confirms that this is the case. Furthermore, given no new windows have been introduced on the building, no privacy concerns would be raised.

2.3.3 In terms of plant noise or ducting issues, given no new additional plant or ducting is proposed through this application, no significant noise concerns would be raised, over and above what already may exist on site.

3.0 Consultation Summary

Land And Air Quality, Protective Services	No objections.
TDM, Planning Services	No objections.

4.0 Representation Summary

4.1 7 objections have been received. Concerns raised include:

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. The new roof will cause overshadowing to adjacent gardens.	2.4.2
b. The new roof will impact on privacy levels of existing properties.	2.4.2
c. Development will have negative visual impact on surrounding area.	2.3.2

4.2.2 Other Concerns Expressed

Issue
a. Works have already started.
b. Loss of view.
c. Existing noise issues from student union is already an issue.
d. The temporary tent structure will cause overshadowing to adjacent gardens.

5.0 Conclusions

The proposed replacement roof is required in order to address structural concerns relating to the existing roof. The minimal increase in height of 14cm would have no discernible visual or residential amenity impact on the surrounding area. The proposal is therefore acceptable subject to condition.

6.0 Recommendation

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

CONDITION:

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.

7.0 Background Papers

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 Jamie Penman – Chartered Planner

Report reviewed and agreed by Alastair Hamilton, Service Manager(Committee Lead) 4.3.24.

Committee Date: 13/03/2024

Agenda Item No. 9

Application for Full Planning Permission

Ref: 23/03013/FULL

Site Address: Land To South of Alexandra Place Market Street St Andrews

Proposal: Erection of dwellinghouse and formation of vehicular access and parking (including retrospective demolition of garage)

Applicant: CBAC Developments Ltd, 2 West Acres, St. Andrews

Date Registered: 10 November 2023

Case Officer: Scott McInroy

Wards Affected: W5R18: St. Andrews

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 which are contrary to the officer's recommendation.

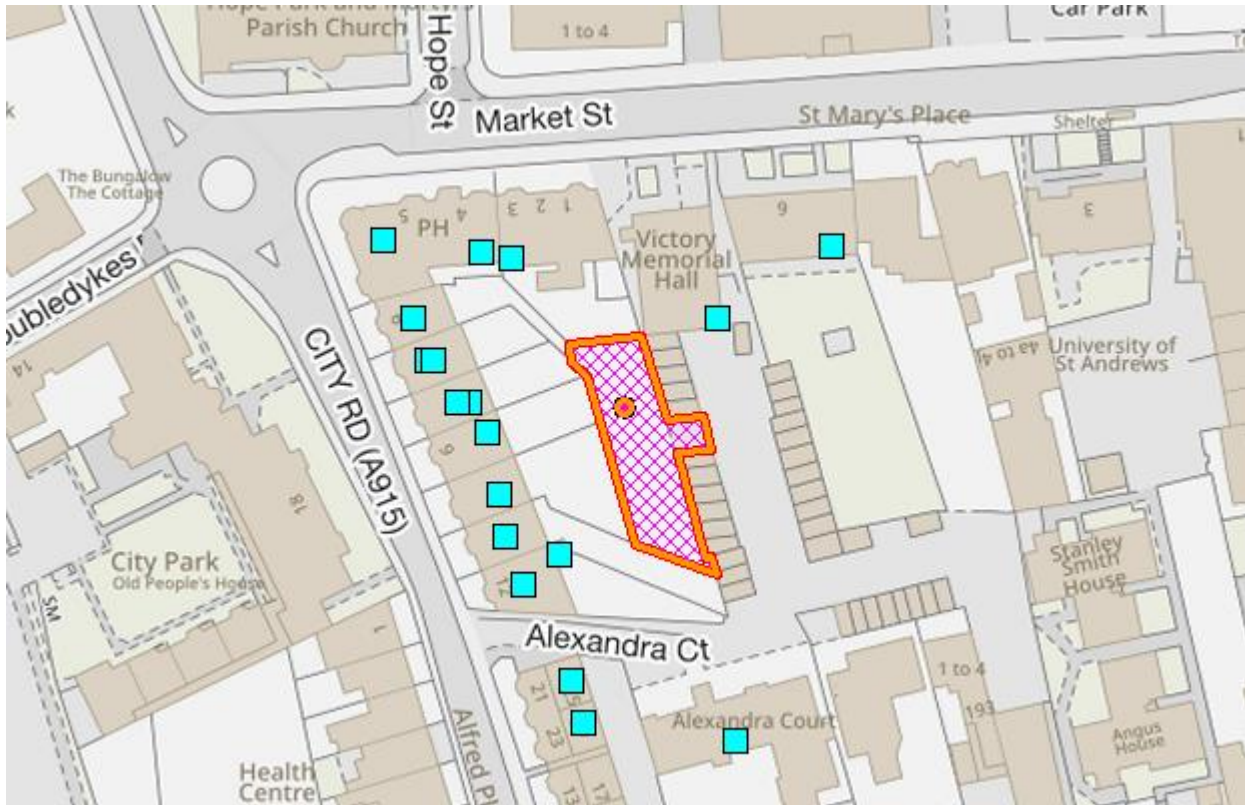
Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 LOCATION PLAN



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1.1.2 This application site relates to an area of garden ground (approximately 460 square metres in size) located to the rear of City Road/St Marys Place. The site is located within the St Andrews Conservation Area; however, it is not highly visible from public vantage points. The site would be accessed via an area of land where garages have been demolished to provide access to consented application 19/02173/FULL. The site is mostly level and is presently an unkempt linear rigg style garden bound by stone walls. There are no residential properties associated with the application site. A non-traditional brick wall has been erected within the site to subdivide the linear rigg garden. There are no trees within the application site, however, there are two semi-mature trees located immediately adjacent to the north and west of the site. The surrounding area is predominately residential in character, with four storey terraced flatted dwellings located immediately to the west, with a further four storey terrace building to the north featuring restaurants and pubs at ground floor level and flatted dwellings above. Alexandra Court/Place itself is a quiet residential cul-de-sac, with a single vehicular entrance from City Road. The site lies within the St Andrews Archaeological Area of Regional Importance.

1.2 The Proposed Development

1.2.1 This application is for alterations to a previously approved application (19/02173/FULL), that was approved by Members of the North East Planning Committee at their 11th December 2019 meeting and the decision notice was duly issued on the 30th January 2020. Following its approval, relevant conditions have since been discharged and works commenced on site on 19th January 2023. Subsequently some alterations to the design have been proposed. The original application was for planning permission for the erection of a two storey, flat roof, 3-bedroom contemporary style dwellinghouse and the formation of a vehicular access and parking area. Finishing materials approved consisted of brick, anthra zinc cladding, aluminium (anthracite grey frame) windows, rooflights and sliding doors, steel (anthracite grey) stairs and frameless glass balcony balustrade. The development featured a contemporary 'two tone' design, with brick cladding on the ground floor and brick (east and north elevations) or zinc (west elevation) cladding on the first floor. The south elevation would contain mostly large,

glazed feature sliding doors at both ground and first floor levels. Vehicular access was via the demolished garage opening to the east, which itself is located within a row of third party garages primarily accessed from City Road.

1.2.2 In this instance the proposed alterations to the design include an amendment to the site boundary and others include altering details that were deemed material and as a such a new planning application was deemed necessary. The essence and primary design of the approved application would remain the same - a 2 storey, energy efficient dwelling on wasteland site with a high-quality design and finish. The features of the previous design (building footprint, window location and size, layout, energy aspirations, garden ground, etc) remain as per the previous approved application. One of the main changes though relates to the access to the site. A second lock-up garage has been purchased and demolished to provide greater access to the site. One garage was removed as per the previous approval, and retrospective permission is being sought for the removal of the second garage. The inclusion of the footprint of this second garage changes the overall site boundary so a new application is required. The footprint left from the demolition of the two garages would allow for 2 off-street parking spaces, with additional space for a third vehicle or improved manoeuvring for vehicles. With extra outdoor parking space being provided the need for an integral garage from the approved application is now proposed to be deleted and in turn a home office proposed in its place. As the integral garage is no longer proposed, the associated car turn table feature is no longer required to provide the turning requirements necessary and is also proposed to be deleted from the overall proposal. Internally some changes are proposed however all windows and doors remain as previously approved, with the addition of 2 skylights in the flat roof, one over the stair and one in the new WC. Externally the ground floor brick is proposed to be a darker shade whilst the first floor cladding is to be a lighter shade. The zinc cladding on some walls and roof and rainwater goods remain the same as the approved application.

1.3 Relevant Planning History

- 19/02173/FULL - Erection of dwellinghouse and formation of new vehicular access and parking - approved by North East Planning Committee on 14.11.2019. This application was implemented on 19.01.2023.

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 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.

1.5 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 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

NPF4 Policy 7 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 and mitigation.

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 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. NPF 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 minute neighbourhoods

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 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

FIFEplan Policy 1 Development Principles states that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. The principle of development will be supported if the site 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.

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 3: Infrastructure and Services

FIFEplan 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: Amenity

Policy 10: Amenity

FIFEplan Policy 10 Amenity states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to air quality, contaminated and unstable land, noise/light/odour pollution, traffic movements, privacy, loss of sunlight/daylight, visual appeal of surrounding area or the operation of existing or proposed businesses. Policy 10 also states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

Policy 11: Low Carbon Fife

FIFEplan Policy 11 Low Carbon Fife states that planning permission will only be granted for new development where it has been demonstrated that the proposal meets the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards), and that low and zero carbon generating technologies will contribute at least 20% of these savings from 2020. It states that construction materials should come from local or sustainable sources, water conservation measures should be put in place, SUDS should be utilised, was recycling facilities should be provided. Policy 11 advises that all development should encourage and facilitate the

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

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

FIFEplan Policy 14: Built and Historic Environment advises that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported.

National Guidance and Legislation

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

Historic Environment Scotland Policy Statement (June 2016)

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

Supplementary Guidance

Making Fife's Places Supplementary Planning Guidance (2018)

This document sets out Fife Council's expectations for the design of development in Fife. It explains the role of good design in creating successful places where people will want to live work and play through an integrated approach to buildings, spaces and movement.

Supplementary Guidance: Low Carbon Fife (2019)

Planning Policy Guidance

St Andrews Design Guidelines (2011)

This sets out a number of principles to ensure appropriate design and materials are incorporated into new development. The guidance advises that buildings should respect the historic townscape but ensure the continued economic vibrancy of the town centre and embrace the opportunities for high quality design solutions, including contemporary design where appropriate.

Planning Customer Guidelines

Fife Council Planning Customer Guidelines: Garden Ground (2016)

Fife Council Planning Customer Guidelines: Daylight/Sunlight (2022)

Other Relevant Guidance

Fife Council's St Andrews Conservation Area Appraisal and Management Plan (2010)

This 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 the HES Historic Environment Policy for Scotland (May 2019).

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design/Visual Impact on Historic Environment
- Residential Amenity
- Garden Ground
- Transportation/Road Safety
- Archaeology
- Trees
- House in Multiple Occupation (HMO)

2.2 Principle of Development

2.2.1 Concerns have been raised regarding the principle of development. In simple land use terms, the principle of the residential development clearly meets the requirements of the Development Plan and national guidance by virtue of the site being situated within a defined settlement; within an established residential area of St Andrews all as defined in the Adopted FIFEplan - Fife Local Development Plan (2017) and through the consenting and implementation of application 19/02173/FULL. Notwithstanding this, the overall acceptability of the changes proposed within this application are 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.

2.3 Design/Visual Impact on Historic Environment

2.3.1 Concerns have been raised regarding the impact of the proposal on the conservation area. The essence and primary design of the approved application would remain the same - a 2 storey, energy efficient dwelling on wasteland site with a high-quality design and finish. The features of the previous design (building footprint, window location and size, layout, energy aspirations, garden ground, etc) remain as per the previous approved application. Through the approval of the application 19/02173/FULL, it was accepted that that the design of the dwelling would avoid any detrimental visual impact on the conservation area. Through this application some minor changes to the dwelling are proposed externally. All windows and doors remain as previously approved, with the addition of 2 skylights in the flat roof, one over the stair and one in the new WC. Externally the ground floor brick is proposed to be a darker shade whilst the first floor cladding is to be a lighter shade. The zinc cladding on some walls and roof and rainwater goods remain the same as the approved application.

2.3.2 Whilst the proposed palette of materials is considered to be acceptable, given the historic setting, a condition is recommended for a sample of the finishing materials to be submitted to the Planning Authority for its prior approval as was the case with the last permission.

2.3.3 In conclusion, the proposed changes to external finishes are of an acceptable design within the context of the historic environment. The changes proposed to the development by virtue of this application would be minimal and have no detrimental impact on the conservation area. It is therefore deemed that the proposal accords with the aforementioned legislation, FIFEplan Policies and local and national guidance pertaining to design/visual impact in the historic environment.

2.4 Residential Amenity

2.4.1 Concerns have been raised with regards the impact on the residential amenity of the surrounding area. Through the consenting of application 19/02173/FULL, it was considered that the proposal would not create any significant impact on the residential amenity of the surrounding area subject to conditions regarding balcony screening and scheme of works. Given that the only changes to this application compared to the previous consented application are to do with finishing materials and site boundary it is considered that this application would not create any residential amenity impacts. The amenity related planning conditions attached to the approved consent are still considered applicable and as such have been carried forward to this application subject to committee approval.

2.4.2 In conclusion, the proposed development is still considered to protect the residential amenity locally and would continue to comply with the above mentioned NPF4 and FIFEplan policies, national approved standards as well as the relevant planning customer guidance.

2.5 Garden Ground

2.5.1 The submitted design statement sets out that the proposed development would feature more than 100 square metres of private useable garden ground. The current proposal has no impact on the garden ground previously approved, other than the previously approved car turntable has been removed.

2.6 Transportation/Road Safety

2.6.1 Concerns have been raised regarding the impact on road safety. The application is for the erection of a single dwellinghouse, and the formation of a vehicular access facilitated by the demolition of two of the existing garages. The removal of these garages shall create an access to the development site and accommodate the off street parking requirement. Transportation Development Management (TDM) officers responded to a previous planning application for this site and offered no objections subject to road safety conditions on off street parking and turning. The applicant has submitted drawings showing a three-bedroom dwellinghouse which would require 2 No. off street parking spaces. These parking spaces have now been accommodated with the removal of a second garage. There is no further requirement therefore, for a turning area within the site. TDM have no objections to this application subject to a condition regarding off street parking.

2.6.2 In conclusion, the proposed development would continue to comply with current Transportation Development Guidelines. The proposed development is not considered to give rise to any road or pedestrian safety concerns, subject to compliance with the recommended

conditions. The proposed development is therefore deemed to comply with the above noted policies and guidance with regard to road and pedestrian safety.

2.7 Archaeology

2.7.1 The site lies within the St Andrews Archaeological Area of Regional Importance. A Fife Council Archaeology Officer was consulted on the application to assess the impact the proposed development would have on any archaeological or heritage issues within the application site. Following an assessment of the proposals, the consultation response highlighted that previous development works in the surrounding area have shown that an abundance of archaeological deposits exist in the town's historic core. As such, it is deemed that the works proposed could have the potential to disturb in situ medieval archaeological deposits, therefore, it is recommended archaeological works be secured through condition, with the findings presented to the Planning Authority.

2.7.2 Upon review, it is deemed that archaeological works should be undertaken prior to the commencement of development in line with Policy 14 of FIFEplan. A condition is recommended to ensure such works are undertaken.

2.8 Trees

2.8.1 Given that the only changes to this application compared to the previous consented application are to do with finishing materials and site boundary it is considered that this application would not create any further impacts on surrounding trees. The tree related planning conditions attached to the approved consent are still considered applicable and as such have been carried forward to this application subject to committee approval.

2.8.2 In conclusion, the proposed development is considered to be acceptable with regard to its impact on protected trees and would continue to comply with the aforementioned local policies and national guidance. Whilst some tree works would be undertaken, it is determined that this would not have a negative impact on the health of any protected trees.

2.9 Low Carbon

2.9.1 Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a low carbon checklist which states that the design of the house would adopt a 'fabric first' philosophy, where the building fabric is designed to reduce energy consumption to a minimum. The building is also designed to benefit from passive solar gain, by maximising areas of glazing to the south.

2.9.2 As such, it is considered that the proposed development accords with the above provisions of policy and guidance in relation to low carbon.

2.10 Houses in Multiple Occupation

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

3.0 Consultation Summary

Scottish Water	No objection
Archaeology Team, Planning Services	No Objection subject to condition
Trees, Planning Services	No objection subject to condition
TDM, Planning Services	No objection subject to condition
Transportation And Environmental Services - Operations Team	No comment
Structural Services - Flooding, Shoreline And Harbours	No comment

4.0 Representation Summary

4.1 8 objections received, including one from Community Council.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Principle of development	2.2
b. Design/Visual Impact on Historic Environment	2.3
c. Residential Amenity	2.4
d. Garden Ground	2.5
e. Transportation	2.7

4.2.2 Other Concerns Expressed

Issue	Comment
a. Ownership	Comments regarding ownership are noted, however this is not a material planning consideration in the assessment of this application as such matters are private/civil matters separate from the planning system.
b. Third party views	Comments regarding impact on third party views are noted, however this is not a material planning consideration in

Issue**Comment**

the assessment of this application as the protection of a view is not secured through planning legislation. There are no changes proposed which would alter the residential amenity aspect of the approved development.

5.0 Conclusions

This full planning application for the erection of a dwellinghouse albeit with minor design changes is still deemed acceptable in terms of both scale and design. Furthermore, the design of the dwellinghouse would be in keeping with the surrounding buildings and would respect its historic setting as well as the important rig garden configuration. Additionally, there would be no significant impact on existing levels of residential amenity. In light of the above, the proposal would be deemed to preserve the character of the adjacent listed buildings and the surrounding St Andrews Conservation Area, and as such, comply with NPF4 and FIFEplan 2017 policies and other related guidance. The application is therefore recommended for conditional approval.

6.0 Recommendation

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

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

3. Prior to the occupation of the proposed dwellinghouse, there shall be 2 No. off street parking spaces provided for that dwellinghouse within the curtilage of the site in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places. The parking spaces shall be retained throughout the lifetime of the development for the purposes of off street parking.

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

4. A Scheme of Arboricultural Supervision, as detailed within the Tree Survey Report, produced by Adam Riedi, Blebo Tree Surgery (dated 26th August 2019) (Planning Authority reference 16 - BLEBO TREE SURGERY - TREE SURVEY), shall be implemented in full for the duration of the development hereby approved.

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

5. BEFORE ANY WORKS START ON SITE, details (including samples) of the specification and colour of all proposed external finishes shall be submitted for approval in writing by the Planning Authority.

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

6. BEFORE ANY WORKS START ON SITE, the applicant shall submit, for approval in writing by the Planning Authority, a Scheme of Works designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and roads) of dust, noise and vibration from the proposed development. The Scheme of Works shall be in compliance with British Standard BS 5228: Part 1:2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities".

Reason: In the interests of protecting the amenity of adjacent and nearby residents during construction works.

7. BEFORE THE HEREBY APPROVED BALCONY COMES INTO USE, the privacy wall along the western perimeter shall be fully erected and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of residential amenity; to ensure the privacy enjoyed within neighbouring amenity spaces is maintained.

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

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

7.0 Background Papers

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 Guidance:

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

Historic Environment Scotland Policy Statement (June 2016)

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

PAN 1/2011: Planning and Noise

Development Plan:

National Planning Framework 4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance:

Fife Council Planning Customer Guidelines - Garden Ground (2016)

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

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

St Andrews Conservation Area and Management Plan (2013)

St Andrews Design Guidelines (2007)

Report prepared by Scott McInroy, Planner Development Management

Report reviewed and agreed by Alastair Hamilton, Service Manager(Committee Lead) 4.3.24