

## North East Planning Committee

JP Court Room, County Buildings, Cupar

Wednesday, 15 November 2023 - 1.00 p.m.

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### AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 18 October 2023. 3 – 4
4. **22/03393/FULL - 12 SHORE STREET, CELLARDYKE, ANSTRUTHER** 5 – 15  
Erection of a dwellinghouse.
5. **22/04122/FULL - CRAIGTOUN COUNTRY PARK, CRAIGTOUN** 16 – 25  
Erection of a workshop (Class 5).
6. **23/01556/FULL - CUPAR MUIR SAWMILL, QUARRY ROAD, CUPAR MUIR** 26 – 34  
Reserved matters application for detailed roads and layout and erection of 37 dwellinghouses (Section 42 application to vary condition 19 of planning permission 07/01297/EARM relating to hours of construction).
7. **23/01782/FULL - GARDEN 1, GREYFRIARS GARDEN, ST ANDREWS** 35 – 41  
Alterations to boundary wall including erection of railings and gate.
8. **APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS.**  
  
List of applications dealt with under delegated powers for the period 2 October to 29 October 2023.  
  
Note - these lists are available to view with the committee papers on the Fife.gov.uk website.

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

Lindsay Thomson  
Head of Legal and Democratic Services  
Finance and Corporate Services

Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

8 November 2023

If telephoning, please ask for:

Diane Barnet, Committee Officer, Fife House 06 ( Main Building )

Telephone: 03451 555555, ext. 442334; email: [Diane.Barnet@fife.gov.uk](mailto:Diane.Barnet@fife.gov.uk)

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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.

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

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

**18 October 2023**

**1.00 pm – 2.00 pm**

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

**ATTENDING:** Chris Smith, Lead Officer, Development Management; Steven Paterson, Solicitor, Planning & Environment and Diane Barnet, Committee Officer, Legal & Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors John Caffrey and Margaret Kennedy.

**106. DECLARATIONS OF INTEREST**

Councillor Hayes declared an interest in 109 and 110 - '23/01476/FULL - 9 Hope Street, St Andrews' and '23/01477/LBC - 9 Hope Street, St Andrews' respectively as she knew the applicants.

**107. MINUTE**

The committee considered the minute of the North East Planning Committee of 23 August 2023.

**Decision**

The committee agreed to approve the minute.

**108. 22/04050/FULL - CRAIGTOUN COUNTRY PARK, CRAIGTOUN, FIFE**

The committee considered a report by the Head of Planning Services relating to an application for the refurbishment and change of use of an existing mixed-use building (Classes 4 and 6) to form a café with outdoor seating and educational training facility (Classes 3 and 10) (including demolition of a glasshouse and an existing extension).

**Decision**

The committee agreed to approve the application subject to the one condition and for the reason detailed in the report.

*Councillor Verner entered the meeting during consideration of the above item.*

*Prior to consideration of the following two items, Councillor Hayes, having declared an interest, left the meeting at this point.*

**109. 23/01476/FULL - 9 HOPE STREET, ST ANDREWS, FIFE**

The committee considered a report by the Head of Planning Services relating to an application for the formation of a garden gate in rear boundary wall.

**Decision**

The committee agreed to refuse the application for the reason set out in the report.

**110. 23/01477/LBC - 9 HOPE STREET, ST ANDREWS, FIFE**

The committee considered a report by the Head of Planning Services relating to an application for listed building consent for a proposed garden gate in a boundary wall.

**Decision**

The committee agreed to refuse the application for the reason set out in the report.

*Councillor Hayes rejoined the meeting following consideration of the above item.*

**111. 23/00491/FULL - 28 CITY ROAD, ST ANDREWS, FIFE**

The committee considered a report by the Head of Planning Services relating to an application for the change of use of a dwellinghouse (Class 9) to form 5 flatted dwelling units (Sui Generis) including installation of replacement windows, door and dormer extension.

**Decision**

The committee agreed to approve the application subject to the three conditions and for the reasons detailed in the report.

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

**Decision**

The committee noted the lists of applications dealt with under delegated powers for the periods - 10 July to 6 August ; 7 August to 3 September; and 4 September to 1 October 2023.

Committee Date: 15/11/2023

Agenda Item No. 4

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<b>Application for Full Planning Permission</b>	<b>Ref: 22/03393/FULL</b>
<b>Site Address:</b>	<b>12 Shore Street Cellardyke Anstruther</b>
<b>Proposal:</b>	<b>Erection of dwellinghouse.</b>
<b>Applicant:</b>	<b>Mr Peter Murray, White Gables Lady Walk</b>
<b>Date Registered:</b>	<b>11 November 2022</b>
<b>Case Officer:</b>	<b>Scott McInroy</b>
<b>Wards Affected:</b>	<b>W5R19: East Neuk And Landward</b>

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

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

#### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**

### 1.1.1 LOCATION PLAN



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**1.1.2** This application relates to an area of private open ground/gap site located to the north of Shore Street (and to the south of Dove Street) within the Cellardyke settlement boundary and Conservation Area as per the adopted FIFEplan (2017). The site is bounded by a stone boundary wall to the south and to the north and by the gable walls of adjacent dwellinghouses to the east and west. The site is currently used as private open space. No. 11 and 13 Shore Street which sit to the east and west of the application site are category C(s) listed buildings.

## 1.2 The Proposed Development

**1.2.1** The proposal is for planning permission to erect a 3-bedroom, two and a half storey dwellinghouse on site. The proposed dwellinghouse would adjoin the boundary walls of the adjacent properties and would be of a traditional design incorporating wet dash harl walls, traditional pitched roof clad with pantiles, slate dormers, traditional sash and case windows, timber window door and conservation roof lights. The rear of the property (Dove Street Elevation) would visually appear as a single storey construction which would incorporate rooflights given the difference in site heights between Dove Street and Shore Street. No private amenity ground or off-street parking is incorporated into this proposal.

## 1.3 Relevant Planning History

08/00104/EFULL - Erection of dwellinghouse - PERC - 13/11/08

## 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.

**1.4.3** A physical site visit was undertaken on 08.02.2023.

**1.4.4** At this stage a Listed Building Consent (LBC) application has not been submitted. An LBC application maybe required once detailed works are scoped out and the level of impact on the adjacent Listed Buildings is assessed. An LBC application was also not submitted alongside application 08/00104/EFULL which was approved in 2008.

## **1.5 Relevant Policies**

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

#### **Policy 1: 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 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

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

NPF4 Policy 22 Flood Risk and Water Management states proposals at risk of flooding or in a flood risk area will only be supported if for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or iv. redevelopment of previously used sites in built-up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate long-term safety and resilience can be secured in accordance with SEPA advice. The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. In such cases, it will be demonstrated by the applicant that: all risks of flooding are understood and addressed; there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; the development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate climate change effects.

Proposals will: (i) not increase the risk of surface water flooding to others, or itself be at risk; (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; (iii) seek to minimise the area of impermeable surface.

Proposals will be supported if they can connect to the public water mains. If connection is not feasible, the applicant will need to demonstrate that drinking water will be sourced from a sustainable water source resilient to periods of water scarcity.

Proposals for natural flood risk management, including blue and green infrastructure, will be supported.

## **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, and 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 12: Flooding and the Water Environment**

FIFEplan Policy 12 Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources on the site or elsewhere. To ascertain the impact on flooding, developers may be required to provide a flood risk assessment addressing potential sources of flooding and the impact on people, properties, or infrastructure at risk.

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

FIFEplan Policy 14 Built and Historic Environment states that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage listed buildings or their setting, including structures or features of special architectural or historic interest and sites recorded in the Inventory Historic Gardens and Designed Landscapes. For all historic buildings and archaeological sites, whether statutorily protected or not, support will only be given if, allowing for any possible mitigating works, there is no adverse impact on the special architectural or historic interest of the building or character or appearance of the conservation area.

## **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)

## **Low Carbon Fife (2019)**

This document provides guidance on the application of FIFEplan Policy 11: Low Carbon Fife and Policy 10: Amenity (specifically relating to Air Quality and the impacts on amenity of low carbon energy proposals).

## **Planning Customer Guidelines**

Fife Council Planning Customer Guidelines: Garden Ground (2016)

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

## **Other Relevant Guidance**

### **Cellardyke Conservation Area Appraisal and Management Plan (2015)**

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**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Residential Amenity
- Garden Ground
- Design and Layout/Visual Impact
- Transportation/Road Safety
- Flooding and Drainage
- Low Carbon
- 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 meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the settlement boundary of Cellardyke. Notwithstanding this, the overall acceptability of the proposal is subject to the development satisfying other policy criteria such as design, amenity, road safety and other matters all of which are considered in detail below.

### **2.3 Residential Amenity**

**2.3.1** The main consideration in this instance relates directly to any impact the proposed dwellinghouse would have on the adjacent residential properties in relation to overlooking, loss of privacy, overshadowing and loss of daylight. The proposed windows on the front elevation would look straight onto Cellardyke harbour, therefore these windows would not cause any impact on the residential amenity of the surrounding area. Concerns have been raised regarding the impact on the privacy of the building on the north side of Dove Street. Originally the north elevation of the proposal had a window on it, however through discussions with the

applicant, this window was removed to mitigate against any impact on the privacy of the dwellings on the north side of Dove Street. Therefore, there will be no significant impact with regards to overlooking or impact on privacy to the adjacent properties.

**2.3.2** Concerns were raised by third parties with regards the impact on daylight and sunlight that the adjacent dwellings would receive. In response to this, the applicant provided a daylight and sunlight assessment in support of this application. A 25-degree assessment was undertaken with regards the adjacent property to the north, the proposed development passed this assessment. The proposed ridge height on Dove Street would be no higher than some of the other adjacent properties and would be lower than the adjacent property to the south west and would be suitably distant and scaled to not significantly overshadow the properties on Dove Street. Therefore, there will be no significant impact with regards the loss of daylight to the adjacent property.

**2.3.3** Overall, the proposal in terms of design, scale, footprint position and relationship to neighbouring third party properties would not raise any significant privacy, overshadowing or reductions in daylight levels currently enjoyed by all. The proposal therefore complies with the necessary amenity protection policy guidance in this regard.

## **2.4 Garden Ground**

**2.4.1** Concerns have been raised regarding lack of amenity space. The proposal does not provide any private amenity ground. Provision is made for exceptions to the overall garden ground guidelines as set out within Fife Council Planning Policy Guidelines on Garden Ground, where it is considered that the proposal would reflect the historical pattern of development within the surrounding area in which properties do not generally retain any private amenity ground. In this case it is considered that the proposed design of the scheme would make a positive contribution to the immediate area and to the setting of the conservation area. On balance then the proposal is considered to be acceptable in this respect

## **2.5 Design and Layout / Visual Impact**

**2.5.1** Concerns have been raised regarding the height of the proposed development in the context of the surrounding area, however in this instance it is considered that the proposal is in keeping with the surrounding buildings in size and scale. Shore street is made up of a mixture of one and a half and two and a half storey properties which given the height difference between Shore Street and Dove Street become predominately single storey on Dove Street. The proposed dwelling would be 2 and a half storeys on the Shore Street Elevation and single storey with roof lights on the Dove Street Elevation. When assessing the scale of the proposal against the surrounding development pattern and wider built environment the proposal would not be out of context in design terms when compared to the adjacent dwellings. Therefore, the scale of the proposed dwelling would be in keeping with the surrounding area. The proposed dwellinghouse would adjoin the boundary walls of the adjacent properties and would be of a traditional design incorporating wet dash harl walls, traditional pitched roof clad with pantiles, slate dormers, traditional sash and case windows, timber window door and conservation roof lights. The proposed finishes would also respect the external finishes applied to other residential developments in the immediate area. The proposed size, scale, massing, design and external finishes of the proposed dwellinghouse can be deemed acceptable in this instance and would be appropriate in regards of the setting of the adjacent listed buildings and the Cellardyke Conservation Area.

**2.5.2** It is considered that the proposal respects the character, appearance and prevailing pattern of the area in terms of density, scale, design and external finishes and therefore complies with the relevant policies and guidelines relating to design and visual impact.

## **2.6 Transportation/Road Safety**

**2.6.1** Concerns have been raised regarding the impact on on-street parking. Fife Council Transportation Development Management have objected to this proposal as a result of the scheme providing no off-street parking in this case. The application site is close to the Anstruther Town Centre, within a short walking and cycling distance to local amenities and to different modes of sustainable transport, In this context and taking into account the pattern of development in this area where there is no off-street parking within the curtilage of the dwellings, and, given that the building would make a positive contribution to the immediate area, it is considered that the provision of no off-street parking in this case is acceptable.

**2.6.2** It is therefore concluded that whilst the proposal would not comply with the Fife Council Transportation Development Guidelines and relevant development plan policies, it is nonetheless acceptable in this case.

## **2.7 Flooding And Drainage**

**2.7.1** Fife Council's Structural Services were consulted and requested information regarding a surface water scheme. Since this initial response from Structural Services, the applicant has been in further discussions directly with Scottish water through a pre-development enquiry application which has confirmed that there is sufficient capacity in the local water treatment works and wastewater treatment works to service this development. This response from Scottish Water is valid for 12 months from date of letter (28.09.2023). SEPA Consent is not required as discharge of surface water is proposed to coastal waters in accordance with the General Binding Rules of The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). The current proposals will not increase flooding or drainage issues and therefore complies with relevant standards and technical requirements for this planning stage.

## **2.8 Low Carbon**

**2.8.1** The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a sustainability statement which states that the house would be designed to reduce energy consumption and would include high levels of insulation and air tightness. The building materials would also be sourced locally.

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

## **2.9 HMO**

**2.9.1** Policy 2 of the Adopted FIFEplan prohibits the use of new houses and flats as HMOs and seeks to control the changes in use of existing property for use as HMOs unless the development is purpose built for that use. The planning authority imposes this restriction by applying a condition to planning permissions.

**2.9.2** The proposal is not intended for HMO use at this time. Nonetheless, a condition is recommended to ensure that the property will not be used as an HMO in the future unless a further application for that use is submitted for consideration.

## 3.0 Consultation Summary

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Structural Services - Flooding, Shoreline And Harbours	Holding comment requesting further information
TDM, Planning Services	Objection
Land And Air Quality, Protective Services	No comment
Scottish Water	No objections and spare capacity for water provision and wastewater processing.

## 4.0 Representation Summary

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4.1 11 objections have been received.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Principle of Development	2.2.1
b. Residential Amenity	2.3.1
c. Garden Ground	2.4.1
d. Design/Visual Impact on the setting of the Conservation Area/Listed Buildings	2.5.1 2.6.1
e. Road Safety	

#### 4.2.2 Other Concerns Expressed

Issue	Comment
a. Land Ownership	Concerns have been raised regarding ownership. These concerns are noted; however, these are a separate civil legal matter and not a material planning consideration with regards this application.
b. Bin Storage	Concerns have been raised regarding bin storage for the adjacent dwellings. This is not a material planning consideration with regards this

application and would be for the individuals to find areas to store their own bins.

c. Houses having damp

Comments regarding houses on Dove Street and Shore Street having damp are noted, however these are not a material planning consideration in the assessment of this application.

d. Impact on house values

Concerns regarding the potential effect on house values are noted, however this is not a material planning consideration.

e. Potential future uses on site

Concerns have been raised regarding potential future uses on site. These concerns are noted; however, these concerns are not a material planning consideration with regards this application. Any uses requiring a formal planning application would require to obtain the necessary planning consent.

f. Potential road closures

Concerns regarding potential road closures are noted, however these are not a material planning consideration with regards this application and would be dealt with by the Roads Network Team.

g. Community garden

Comments regarding the community garden are noted, however, these concerns are not a material planning consideration with regards this application and as the site is in the ownership of the applicant of this application, they can ultimately decide if this use can continue or not.

## 5.0 Conclusions

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This proposal is considered to be acceptable in meeting the relevant policies of NPF4, FIFEplan (2017), other relevant national policy/guidance and Fife Council Customer Planning Guidance. The proposal is compatible with the area in terms of land use and scale. Furthermore, no significant impacts would arise in regard to existing levels of residential amenity or road safety. The application is therefore recommended for conditional approval.

## 6.0 Recommendation

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

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

#### **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 THE CONSTRUCTION OF ANY BUILDING STARTS ON SITE, details and samples of the specification and colour of the proposed external finishes shall be submitted for approval in writing by this Planning Authority.

Reason: In the interests of visual amenity and built heritage protection; to ensure that the proposed development does not detract from the setting of the adjacent "C" Listed Buildings and Cellardyke Conservation Area.

3. Houses in Multiple Occupation: The dwellinghouse proposed 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 none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

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

## 7.0 Background Papers

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

Development Plan

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

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

[Planning Guidance](#)

National Guidance -

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

Historic Environment Scotland's Historic Environment Policy for Scotland (May 2019)

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

Other Guidance -

Cellardyke Conservation Area Appraisal and Management Plan (2015)

Report prepared by Scott McInroy, Planner Development Management

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 6/11/23.

**Committee Date: 15/11/2023**

**Agenda Item No. 5**

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**Application for Full Planning Permission**

**Ref: 22/04122/FULL**

**Site Address: Craigtoun Country Park Craigtoun Fife**

**Proposal: Erection of work shop (Class 5)**

**Applicant: Mr Henry Paul, St Andrews Men's Shed Wallace Street**

**Date Registered: 21 April 2023**

**Case Officer: Scott McInroy**

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

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**



### 1.1.1 LOCATION PLAN



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**1.1.2** This planning application relates to the estates compound area existing mixed use single storey building which sits within Craigtoun Country Park. The application site is zoned as part of a development opportunity site (Hotel/Leisure/Tourism) (ref LWD021) and is within the St Andrews Greenbelt as defined in the Adopted FIFEplan (2017). The application site is also adjacent designed landscape. Public access is taken from the south west of the park while there is also access to a private car park to the west of the application site.

## 1.2 The Proposed Development

**1.2.1** This applicant seeks planning permission for the erection of workshop (Class 5). The workshop would be 4.6m in height (ridge level), 12m in width, 28m in length and have a footprint of 345m<sup>2</sup>. The workshop would be finished in corrugated cladded walls (grey), low pitched corrugated roofing (with rooflights) in a green colour, 3 roller shutter doors with a single leaf door and window on the western section of the south elevation. A single leaf door will also be located on the western elevation.

## 1.3 Relevant Planning History

06/02956/ENID - Erect and install childrens play area/facilities (including demolition of countryside centre building) - Permitted - 18/12/2006

07/01603/ELBC - Listed building consent to demolish extension and alter interior and exterior - Permitted - 18/10/2007

13/02788/SCR - Screening Opinion for erection of single wind turbine 225kW total tip height 45.5m - EIAR - 31/01/2014

15/03313/LBC - Listed building consent application for internal and external alterations to boathouse, including reharling, and repair to existing windows, replacement roof tiles and rainwater goods - Permitted - 14/12/2015

22/02960/LBC - Listed Building Consent for the removal of the greenhouse - Permitted - 28/10/2022

22/04049/LBC - Listed building consent for installation of 3 doors in Craigtoun Park Wall - Permitted - 10/02/2023

22/04050/FULL - Refurbishment and change of use of existing mixed-use building (Classes 4 and 6) to form café with outdoor seating and educational training facility (Classes 3 and 10) (including demolition of glasshouse and existing extension) – Permitted 18/10/2023

## **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).

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

**1.4.3** The application, due to the size of the site and the overall scale of proposals, constitutes a "Local" application as defined by the Hierarchy of Developments Regulations and as such did not require to be subject of a Proposal of Application Notice.

**1.4.4** Under The Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 (as per the advice contained within Circular 3/2009) that where Fife Council has an interest in an application as applicant or landowner or where the Council has a financial interest in the proposed development, the Scottish Ministers must be notified of the application before planning permission is granted but only where the development is considered to be significantly contrary to the Development Plan. Such a procedure allows Ministers to consider whether any possible conflicts of interest may have unduly influenced the planning authority, or, have made it difficult for the authority to retain an impartial view of the merits of the proposed development. The Direction also advises that planning authorities are not required to inform objectors of their intention to grant planning permission or advise them of their reasons for doing so, nor does it require an authority to invite further comment prior to notifying Ministers. In this instance the proposed development is not considered to be significantly contrary to the Development Plan and therefore, if approved, the application should not be referred to Scottish Ministers but can be determined by the Council and the decision notice issued.

**1.4.5** A site visit was undertaken on 04.09.2023.

## **1.5 Relevant Policies**

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

#### **Policy 8: Green belts**

NPF4 Policy 8 states that Development proposals within a green belt designated within the LDP will only be supported if it's an intensification of an established use.

#### **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 16: Quality Homes**

NPF4 Policy 16 Part (g) whilst predominantly for householder development proposals advises that support will generally be given where proposals - (i) do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and (ii) do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. In this instance whilst the policy criteria relate to householder developments, these requirements are also considered materially relevant to new residential units and the need to protect amenity standards for both existing as well as new occupants.

#### **Policy 29: Rural development**

NPF4 Policy 29 states development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported.

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

NPF4 Policy 22 Flood Risk and Water Management states proposals at risk of flooding or in a flood risk area will only be supported if for: i. essential infrastructure where the location is required for operational reasons; ii. water compatible uses; iii. redevelopment of an existing building or site for an equal or less vulnerable use; or iv. redevelopment of previously used sites in built-up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate long-term safety and resilience can be secured in accordance with SEPA advice. The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk. In such cases, it will be demonstrated by the applicant that: all risks of flooding are understood and addressed; there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes; the development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate climate change effects.

Proposals will: (i) not increase the risk of surface water flooding to others, or itself be at risk; (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; (iii) seek to minimise the area of impermeable surface.

Proposals will be supported if they can connect to the public water mains. If connection is not feasible, the applicant will need to demonstrate that drinking water will be sourced from a sustainable water source resilient to periods of water scarcity.

Proposals for natural flood risk management, including blue and green infrastructure, will be supported.

## **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. In the instance of development in the countryside, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 7.

### **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 7: Development in the Countryside**

FIFEplan Policy 7 Development in the Countryside states that development will only be supported in certain instances. Such circumstance includes facilities for outdoor recreation, tourism, or other development which demonstrates a proven need for a countryside location. However, it further sets out that all development must be of a scale and nature that is compatible with surrounding uses; be well-located in respect of available infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area. Moreover, in occurrences where development is proposed on prime agricultural land, Policy 7 states that development will not be supported unless it is essential.

### **Policy 9: Green Belt**

FIFEplan Policy 9 Green Belt states that proposals in green belts will only be supported where it is for housing where it is for rehabilitation and/or conversion of complete or substantially complete existing buildings. In all cases, development within green belts must be of a scale and nature compatible with surrounding uses, maintain the setting and the key views to and from the historic core of St Andrews, improve the landscape and environmental quality of the green belt, improve local infrastructure and be of a high-quality design.

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

FIFEplan Policy 12 Flooding and the Water Environment states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources on the site or elsewhere. To ascertain the impact on flooding, developers may be required to provide a flood risk assessment addressing potential sources of flooding and the impact on people, properties, or infrastructure at risk.

## Supplementary Guidance

### Making Fife 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.

### Planning Customer Guidelines

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

## 2.0 Assessment

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### 2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage

### 2.2 Principle of Development

**2.2.1** The application site is zoned as part of a development opportunity site (Hotel/Leisure/Tourism) (ref LWD021) and is within the St Andrews Greenbelt as defined in the Adopted FIFEplan (2017). The application site is also a designed landscape. The development requirements for Proposal LWD 021 states - Further explore options for the long-term sustainable management and operation of Craigtoun Country Park, both through a continuing partnership with the Friends of Craigtoun Country Park and/or complementary tourism-related projects linked to the upgrading of the park (including sensitive, small scale, commercial leisure, or hotel development).

**2.2.2** A number of supporting comments have been received supporting the principle of this development. Given that the proposal would provide a small scale community workshop area which will help diversify the offering currently existing on site by offering a flexible space will help enhance an established tourism related business, such developments are generally considered as acceptable in terms of Policy 1, 7 & 9 and Proposal LWD021, then the principle of the proposal is considered acceptable subject to a further technical assessment of specific aspects as noted below in this report.

### 2.3 Design and Layout / Visual Impact

**2.3.1** The workshop would be 4.6m in height (ridge level), 12m in width, 28m in length and have a footprint of 345m<sup>2</sup>. The workshop would be finished in corrugated cladded walls (grey), corrugated roofing (with rooflights) finished in green, 3 roller shutter doors with a single leaf door and window on the western section of the south elevation. A single leaf door will also be located on the western elevation. The site sits in a secluded part of Craigtoun Country Park that is primarily used by staff as it is currently the site compound, while the staff car park sits adjacent to the west. To the north of the application site are a number of sheds and garages which provide storage facilities. The proposed workshop would be partially hidden by the existing

boundary treatments, with a 2m wooden fence to the west and mature planting to the south. Given the secluded nature of the site and the existing boundary treatment and style of existing buildings on site, the proposed workshop would not impact on the visual amenity of the existing estates compound and the wider Craigtoun Park.

**2.3.2** The proposal therefore meets the terms of the development plan with respect to design and visual impact and would have no visual impact on the site, the local environment nor the designated greenbelt or park policies as a whole.

## **2.4 Residential Amenity**

**2.4.1** Given the nearest third-party property is some 135m to the northwest of the proposed site there will be no materially detrimental impacts on other residential property.

**2.4.2.** The application is therefore capable of meeting the requirements of national guidance, the Development Plan and supplementary guidance relating to residential amenity and its protection for all amenity sensitive parties. As the proposal relates to the formation of a Class 5 general industrial building, in discussion with the applicant it is considered appropriate to restrict the use to a personal consent in order that it is run and operated by the applicant. Should a future owner or occupant wish to operate the premises as a class 5 use this would require a new application. The proposal is only considered to be acceptable on the basis of the proposed operator and occupants.

## **2.5 Transportation/Road Safety**

**2.5.1** Concerns have been raised regarding the impact on road safety of the Lumbo to Mount Melville road to the north of the application site which is the access to the application site. The proposed workspace is to be used by a community group who meet once a week (from 7pm), with around 20 people attending this group per session. There is currently a car park located adjacent the application site that has sufficient parking space available. Given the limited number of people proposed to use this facility and the frequency of use only being once a week, it is considered that this proposal would not significantly impact the Lumbo to Mount Melville road given the number of cars that use this road daily (Craigtoun Park staff and residents of Mount Melville). Given the type of building proposed and materials to be used the proposed construction works would take a relatively small period of time, limiting the time works traffic would use the Lumbo to Mount Melville road. Therefore although, there will be an increase in works traffic using this access, it would only be for a limited time period. Fife Council's Transport Development Management team (TDMT) has assessed the application and have raised no objections to this proposal. It is therefore considered that the proposed development complies with the relevant Development Plan policies relating to transportation as well as Fife Council Transportation Development Guidelines.

**2.5.2** As noted above the use of the premises as a general Class 5 use is only acceptable on the basis of the use being undertaken by the applicant and the operator. The proposed condition ensure that any future wider use would be subject to the scrutiny of a new planning application.

## **2.6 Flooding And Drainage**

**2.6.1** The submission complies with the Council's requirements for full planning permission, with reference to the 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note'. The current proposals will not increase flooding or drainage issues and the Council's Structural Service Team have no objection to this proposal.

## 3.0 Consultation Summary

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Scottish Water	No objection
Parks Development And Countryside	No comment
TDM, Planning Services	No objections
Transportation And Environmental Services - Operations Team	No comment
Environmental Health (Public Protection)	No comment
Structural Services - Flooding, Shoreline And Harbours	No objection

## 4.0 Representation Summary

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4.1 17 objection comments, 28 supporting comments and 2 general comments received.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Impact on Road Safety	2.5.1

#### 4.2.2 Support Comments

Issue	
a. Principle of Development	2.2.1

#### 4.2.3 Other Concerns Expressed

Issue	Comment
a. Adoption of the Lumbo to Mount Melville Road	Comments regarding the adoption of the Lumbo to Mount Melville Road are noted; Transportation Development Management do not consider there would be any significant increase in impacts on this road, so adoption not considered necessary, although such considerations are separate from the planning system.
b. Impact on existing properties in Mount Melville	Comments relating to the impact on existing properties in Mount Melville by vehicles are noted, however these are

not a material planning consideration in the assessment of this planning applications.

- b. Prohibition of heavy goods vehicles at the entrance to the Mount Melville road

Comments regarding the prohibition of heavy goods vehicles at the entrance to the Mount Melville road are noted. Transportation Development Management consider that the entrance is of sufficient quality and construction that it could withstand construction vehicles of the sizes proposed (i.e., not HGVs) using the entrance. Thereafter the road route would also be of sufficient quality and standards to be able to withstand the construction/contractor/visitor vehicle types, numbers and frequencies anticipated to not necessitate a prohibition.

## 5.0 Conclusions

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The proposal is acceptable in meeting the terms of the relevant policies of NPF4, FIFEplan (2017), and other relevant national policy/guidance and Fife Council Planning Customer Guidance. The proposal is compatible with its surrounds in terms of land use and its siting, design and finish and subject to the relevant conditions will not have any adverse impact on the amenity of the surrounding area.

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

2. The use authorised by this permission shall be carried out only by Mr Henry Paul, residing at Wallace Street, St Andrews, KY16 8AN

Reason: The development is only considered to be acceptable on the basis of a personal permission.



## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Scott McInroy, Planner Development Management

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 6/11/23.

**Committee Date: 15 November 2023**

**Agenda Item No. 6**

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**Application for Full Planning Permission**

**Ref: 23/01556/FULL**

**Site Address: Cupar Muir Sawmill Quarry Road Cupar Muir**

**Proposal: Reserved matters application for detailed roads and layout and erection of 37 dwellinghouses (Section 42 application to vary condition 19 of planning permission 07/01297/EARM relating to hours of construction)**

**Applicant: Easy Living Developments Ltd, 17 Eastfield Business Park Newark Road South**

**Date Registered: 26 June 2023**

**Case Officer: Jamie Penman**

**Wards Affected: W5R20: Cupar**

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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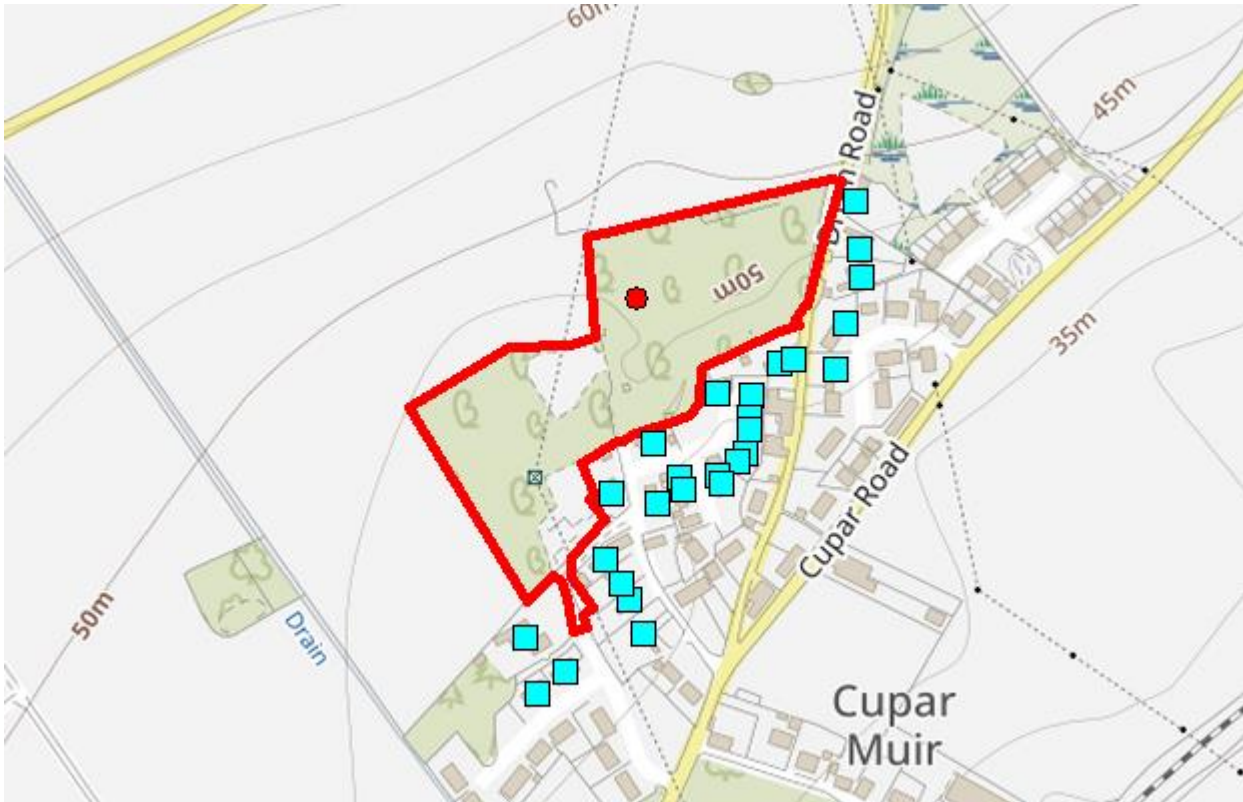
### **1.1 The Site**

**1.1.1** This application relates to a Local Development Plan (FIFEplan 2017) allocated site CPM001, which is located within the settlement boundary of Cupar Muir. The allocation details that it is a housing opportunity site with an estimated capacity of 37 units. It is also on Fife Council's Vacant and Derelict Land Register. The site slopes downhill from north to south and is located along the northern boundary of the village. Agricultural fields bound the site to the north and west, Drum Road is located to the east and neighbouring residential properties lie the south. The site is located approximately 1.5 miles to the southwest of Cupar.

**1.1.2** The site has been the subject of various planning applications in the past and these are detailed in Section 1.3 of this report. Applications 01/00621/EOPP and 07/01297/EARM are the most relevant to this application. These applications approved 37 dwellinghouses on the site. Whilst Fife Council does not hold detailed records of these application, information submitted by

the applicant suggests the work on these applications has commenced and both consents are therefore extant in perpetuity. Whilst construction did commence, it was halted at an early state with no further works being complete. Foundation works and building slabs are visible on site.

**1.1.3** The application site and neighbours who were notified of this application are shown in the image below.



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## 1.2 The Proposed Development

**1.2.1** This application proposes an amendment to condition 19 of application 07/01297/EARM. Condition 19 currently reads as follows:

No activity associated with construction of the development hereby approved which is audible at the site boundary or which will involve the arrival or departure of HGVs shall take place at the site between the hours of 8.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturday. No activities shall take place at any time on Sunday.

It is proposed to amend the condition to read as follows:

Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for construction activities within the site shall be restricted to Monday to Friday between 8.00am to 6.00pm, 8.00am to 1.00pm on a Saturday and at no time on a Sunday. No delivery vehicles associated with construction work shall enter or leave the site before 8.00am and after 6.00pm Monday to Friday; before 8.00am and after 1.00pm on a Saturday and at any time on a Sunday. Out with these hours, development at the site shall be limited to maintenance, emergency works, or construction work that is not audible from any noise sensitive property or associated garden ground located out with the site

## 1.3 Planning History

### 1.3.1 Planning history associated with this site includes:

97/02041/H - Siting of temporary canteen and toilet facilities - PERC - 26/02/97

01/00621/EOPP - Outline application for residential development (including route of new access road) - REF - 10/08/01

04/03282/EFULL - Vary Condition No 2 on Appeal Decision P/PPA/250/332 to allow a further 3 years for submission of Reserved Matters - PERC - 01/11/04

06/02877/EARM - Reserved matters application for detailed roads and layout and erection of 40 dwellings - WDN - 28/03/07

07/01297/EARM - Reserved matters application for detailed roads and layout and erection of 37 dwellinghouses - PERC - 25/10/07

19/03031/PAN - Proposal of Application Notice for major residential development - PANAC - 06/11/19

23/00891/CLE - Certificate of lawfulness (existing) to establish the commencement of development and implementation of reserved matters application 07/01297/EARM for the detailed roads and layout and erection of 37 dwellinghouses - APPRET -

23/01556/FULL - Reserved matters application for detailed roads and layout and erection of 37 dwellinghouses (Section 42 application to vary condition 19 of planning permission 07/01297/EARM relating to hours of construction) - PDE -

23/01685/PAS - Pre-Application Screening for proposed development of 49 No. residential lodges - WDN - 26/06/23

## 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** In determining an application submitted under Section 42 Town and Country Planning (Scotland) Act 1997, authorities may consider only the issue of the conditions to be attached to any resulting permission. Where it is considered that permission should be granted subject to different conditions or no conditions, a fresh permission is granted, and all conditions attached. If it is considered that planning permission should be granted subject to the same conditions as the previous permission, the section 42 application is to be refused. The planning authority is not limited to varying those conditions in respect of which non-compliance is sought. The making, granting, or refusal of a section 42 application does not alter or effect the previous permission or its conditions.

## 1.5 Planning Policies

**1.5.1** Planning policies which are relevant in the assessment of this application are noted below:

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

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

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

#### **Policy 23: Health and safety**

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

## **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.

## **National Guidance and Legislation**

Planning Circular 4/1998: the use of conditions in planning permissions

Planning Advice Note 1/2011: planning and noise

## **Supplementary Guidance**

### **Making Fife's Places (2018)**

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

### **Planning Policy Guidance**

Fife Council's Environmental Health Noise and Planning Guidance: Noise Guidance for New Developments.

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Section 42 Procedure
- Residential Amenity
- Remaining Conditions

### **2.2 Section 42 Procedure**

**2.2.1** A Section 42 application does not revisit the principle of development on a site but only considers the appropriateness of the conditions attached to the previous consent. In assessing whether any condition is still relevant, there will be a requirement to consider certain detailed aspects of the development. In this instance, the applicant has indicated that Condition 19 should be reworded to ensure that it is more precise. The applicant advised that due to the age of the consent, the wording of Condition 19 does not align with more recent versions of the condition, which is frequently added to newer consents. The applicant raises concerns that the wording may be open to interpretation which could cause difficulties, particularly in terms of enforcement. The applicant has therefore suggested an alternative wording which they feel is more precise and would avoid any confusion.

**2.2.2** This application proposes an amendment to condition 19 of application 07/01297/EARM. Condition 19 currently reads as follows:

*No activity associated with construction of the development hereby approved which is audible at the site boundary or which will involve the arrival or departure of HGVs shall take place at the*

*site between the hours of 8.00am and 6.00pm Monday to Friday and 8.00am to 1.00pm on Saturday. No activities shall take place at any time on Sunday.*

It is proposed to amend the condition to read as follows:

*Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for construction activities within the site shall be restricted to Monday to Friday between 8.00am to 6.00pm, 8.00am to 1.00pm on a Saturday and at no time on a Sunday. No delivery vehicles associated with construction work shall enter or leave the site before 8.00am and after 6.00pm Monday to Friday; before 8.00am and after 1.00pm on a Saturday and at any time on a Sunday. Out with these hours, development at the site shall be limited to maintenance, emergency works, or construction work that is not audible from any noise sensitive property or associated garden ground located out with the site.*

**2.2.3** The suggested change to the wording of Condition 19 does not increase the number of days or hours where construction work is allowed to be undertaken on site. The original reason for the condition therefore remains unchanged. The revised wording does however make the condition more precise and enforceable, in compliance with Planning Circular 4/1998. The suggested change is therefore acceptable.

## **2.3 Residential Amenity**

**2.3.1** As detailed above, the suggested change to the wording of Condition 19 does not increase the number of days or hours where construction work is allowed to be undertaken on site. As such, there would be no significant additional impact on neighbouring properties which are located along the boundary of the site. Notwithstanding, if residential amenity is impacted and nuisance is established, Fife Council's Environmental Health Team can investigate and take action if appropriate.

**2.3.2** A submitted objection details that no works should be undertaken on a Saturday. It is noted however that Saturday working between 8am and 1pm is a recommended working period, as detailed by Fife Council's Environmental Health Team. It would therefore be considered unreasonable to amend the condition to restrict Saturday working.

**2.3.3** No significant concerns are therefore raised with regard to residential amenity impacts and the proposal therefore complies with NPF4 and FIFEplan Policies.

## **2.4 Remaining Conditions**

**2.4.1** The Section 42 procedure allows the Planning Authority to review any other conditions which are attached to the consent and either amend or remove these where appropriate. A full review of the conditions has been undertaken with only Condition 1 being removed, due to it being unnecessary (i.e. related to the need to comply with approved plans) in that that is now a standard requirement on any decision notice so not necessary to be duplicated as a condition. With the original Condition 1 having been removed the remaining conditions have therefore been renumbered and Condition 19, is now Condition 18.

## 3.0 Consultation Summary

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None

## 4.0 Representation Summary

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6 objections have been received. Most concerns raised relate to the principle of development and impacts associated with the construction of the 37 dwellings which were approved through applications 01/00621/EOPP and 07/01297/EARM. However, as detailed in this report, the principle of development cannot be revisited and given that construction has commenced, both permissions remain live and construction can recommence at any time. The only issues which can be considered through this application is the proposed change to the wording of Condition 19.

### 4.1 Material Planning Considerations

#### 4.1.1 Objection Comments:

Issue	Addressed in Paragraph
a. There should be no construction on a Saturday	2.3.2
b. Construction times should not be extended	2.2 & 2.3
c. Impact on residential amenity of surrounding neighbours	2.3

## 5.0 Conclusions

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The application proposal to amend the wording of Condition 19 (now Condition 18) results in a condition which is more precise and enforceable but does not allow the applicant to undertake construction works on site, out with the working hours which were agreed through the original consent. The application would raise no significant procedural concerns or any further significant concerns with regard to residential amenity impacts on surrounding residential properties. The application is therefore acceptable, subject to conditions.

## 6.0 Recommendation

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

### **CONDITIONS:**

1. The existing walls/hedges/boundary enclosures shall be fully retained to the satisfaction of this Planning Authority and no works affecting their height, width or stability shall be undertaken without agreement in writing with this Planning Authority.

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

2. BEFORE ANY WORKS START ON SITE, the following details shall be submitted for approval in writing by the Planning Authority:

All external finishing material and proposals for all new screen fencing and boundary enclosures. 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: To reserve the rights of the Planning Authority with respect to these details.

3. BEFORE ANY WORKS START ON SITE, the developer shall establish a fixed datum point and shall submit to this Planning Authority a plan indicating the exact location and value of this datum point. The finished floor level(s) of the development relative to the fixed datum shall also be indicated on this plan. This agreed datum point shall be used for future reference as the development proceeds. The developer shall notify this Planning Authority at the stages listed below in order to obtain their written approval that works are proceeding in accordance with details approved as part of their planning permission:-

- (a) Immediately prior to the completion of the ground floor, finished floor level.
- (b) When the roof trusses have been erected but before roof covering takes place.

Reason: To enable this Planning Authority to establish that the development is commencing from the correct level based on an agreed fixed datum point; and

- (a) In order to ensure that site works are progressing in accordance with the stamped approved plan.
- (b) In order to ensure that the floor levels conform to the stamped approved plan illustrating floor levels.
- (c) In order to ensure that the height of the roof conforms to the stamped approved plan.

To ensure that the development as implemented does not result in any changes in levels to those as approved which may be unacceptable in relation to either site circumstances or the relationship with surrounding sites.

4. BEFORE WORKS COMMENCE ON SITE, a scheme designed to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and highway) of dust, noise and vibration from the construction of the proposed development shall be submitted to the Planning Authority for approval. Upon approval all matters detailed in the scheme shall be carried out in accordance with the scheme unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of safeguarding the amenity of adjoining and nearby residents.

5. The only vehicular access to the site shall be taken at the Point marked A on the stamped approved plan.

Reason: In the interests of road safety. To ensure an acceptable access location in relation to the existing road system.

6. Access to the site for construction traffic shall be taken from the point(s) marked B on the stamped approved plan.

Reason: In the interests of road safety. To ensure an acceptable access location in relation to the existing road system.

7. BEFORE ANY WORKS (INCLUDING CONSTRUCTION) START ON SITE, full details of adequate wheel cleaning facilities to be provided at the entrance/exit to the site to ensure that no mud, debris or other deleterious material is carried by vehicles onto the public roads shall be submitted for approval in writing by the Planning Authority. The approved facilities shall be provided, retained and maintained for the duration of operations on the site.

Reason: In the interests of road safety; to eliminate the deposit of deleterious material on public roads.

8. All access driveways being constructed to the satisfaction of the Area Planning Manager at a gradient not exceeding 1 in 10 (10%) and shall have appropriate vertical curves to ensure adequate ground clearance for vehicles prior to house occupation



Reason: To ensure the provision of adequate construction in the interests of highway safety.

9. All garages to have minimum internal dimensions of 5.5metres x 3 metres

Reason: To ensure adequate parking provision

10. Prior to the occupation of each property sufficient operational street lighting and footways shall be installed to provide a safe route to the public highway, together with Grit bins to be provided and filled regularly, all to the satisfaction of the Area Transportation Manager

Reason: To ensure the provision of adequate road safety

11. All landscaping works and open space provision shall be completed in accordance with the details as required by the terms of this planning permission PRIOR TO THE START of construction of the (last) house in the approved development.

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

12. All trees existing on the site at the date of this decision shall be retained and no trees shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with Fife Council as Planning Authority

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

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

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

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

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

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

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

16. Prior to the commencement of site works details of the proposed means of closure of the existing vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The access shall be permanently closed in accordance with the details approved prior to the commencement of site works, and shall remain so at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity. To ensure details are acceptable to the Local Planning Authority and to safeguard the amenity of adjacent residential occupiers.

17. Prior to the commencement of site works a site compound for the storage of equipment and machinery associated with construction, together with a formal vehicle parking area for workers and visitors to the site shall have been provided in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority. The agreed facility shall remain available for use and free of permanent obstruction, throughout the course of construction of the housing development hereby approved. Following completion of the housing development the compound and parking area shall be removed and planted out in accordance with the submitted landscape proposals hereby approved.

Reason: In the interests of amenity; to ensure the provision of appropriate off street vehicle parking and storage facilities during the course of construction of the development to prevent nuisance to adjacent residential occupiers and to avoid obstruction of the public highway.

18. Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for construction activities within the site shall be restricted to Monday to Friday between 8.00am to 6.00pm, 8.00am to 1.00pm on a Saturday and at no time on a Sunday. No delivery vehicles associated with construction work shall enter or leave the site before 8.00am and after 6.00pm Monday to Friday; before 8.00am and after 1.00pm on a Saturday and at any time on a Sunday. Out with these hours, development at the site shall be limited to maintenance, emergency works, or construction work that is not audible from any noise sensitive property or associated garden ground located out with the site.

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

## **7.0 Background Papers**

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

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

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

[Planning Guidance](#)

Report prepared by Jamie Penman, Chartered Planner

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 6/11/23.

Committee Date: 15/11/2023

Agenda Item No. 7

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**Application for Full Planning Permission**

**Ref: 23/01782/FULL**

**Site Address: Garden 1 Greyfriars Garden St Andrews**

**Proposal: Alterations to boundary wall including erection of railings and gate**

**Applicant: FT REPSF, St. Mary's The Parade**

**Date Registered: 13 July 2023**

**Case Officer: Scott McInroy**

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

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

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

### **Summary Recommendation**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**

### 1.1.1 LOCATION PLAN



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**1.1.2** The application relates to a private garden area located on a prominent site on the corner of Greyfriars Garden and St Mary's Place situated within St Andrews Conservation Area. The garden ground was previously associated with the original dwellinghouse located on the opposite side of Greyfriars Garden which is now in separate ownership. The properties on the opposite side of the road on Greyfriars Garden are B Listed. The application site which is currently overgrown measures 326 square metres and is bounded along the front [east] by a 1-metre-high natural stone block wall. The side [south] boundary comprises a 1-metre-high natural stone block wall rising to a height of 2 metres towards the rear of the site. The wall has been lowered to a height of 500mm with 500mm high railings on top of the corner section. There is mature planting (including a number of trees within the site) as well as trees around the boundary of the site. None of the trees on site are covered by a Tree Preservation Order. Pedestrian access to the site is taken via Greyfriars Garden.

### 1.2 The Proposed Development

**1.2.1** Planning permission is sought for alterations to the boundary wall including erection of railings and gate. The proposed gate and railings would be cast iron and coloured black. The proposed gate would consist of 9 vertical rails with 7 decorative railheads. The proposed gate (which would be located in the existing gap in the wall on Greyfriars Garden) would be made 1.8m in height at its highest point and 1m wide. The proposed railings (also topped with decorative railheads) would be located on top of the existing wall on Greyfriars Garden and the low section of the wall on St Marys Place. The fence body section would rise to a height of 0.5m above the existing wall, with the end railing extending 0.65m in height above the existing wall. No trees would be affected or removed.

### 1.3 Relevant Planning History

10/00444/FULL - Erection of fence and railings at garden ground - Refused - 16/06/10.

11/05183/FULL - Formation of public garden including installation of information board, seating, statue and paved area and lowering of existing stone wall - Permitted - 09/12/11.

14/04244/FULL - Formation of public garden including installation of information board, seating, statue and paved area and lowering of existing stone wall (renewal of Planning Permission 11/05183/FULL) - Permitted - 09/02/15.

17/04088/FULL - Formation of public garden including installation of information board, seating, statue and paved area and lowering of existing stone wall (renewal of Planning Permission 14/04244/FULL) - Permitted - 12/04/18.

21/01087/FULL - Formation of public garden including installation of information board, seating, statue and paved area and lowering of existing stone wall (renewal of Planning Permission 17/04088/FULL) - Permitted - 27/05/21.

22/00332/FULL - Change of use from private garden to outdoor seating area including siting of 2no. food shacks - Refused - 16/12/22.

## **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 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 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.

### **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 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 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.

## **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

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### 2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact

### 2.2 Principle of Development

**2.2.1** Concerns have been raised regarding the principle of this development, whilst a general comment has also been received regarding the proposal. In simple land use terms, the principle of development clearly meets the requirements of the Development Plan and national guidance by virtue of the site being situated within a defined settlement; within the settlement boundary of St Andrews all as defined in the Adopted FIFEplan (2017). Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as design, which is considered in detail below.

### 2.3 Design/Visual Impact/Impact on Conservation Area

**2.3.1** Concerns have been raised regarding the impact on the character of the conservation area. The proposed gate and railings would be finished in cast iron and coloured black and would consist of plain rails and decorative railhead detailing. The proposed gate (which would be located in the existing gap in the wall on Greyfriars Garden) would be made 1.8m in height at its highest point and 1m wide. The proposed railings would be located on the existing wall on Greyfriars Garden and the low section of the wall on St Marys Place. The fence body section would sit 0.5m on top of the existing stone wall, with the end railing siting 0.65m above the existing wall. On Greyfriars Garden, the proposed railings would be the same height as the neighbouring properties fence. The proposed gate and railings are in keeping with those that can be found in the surrounding area. The installation of the gate and railings are of an appropriate sympathetic design, colour, material and quality. These proposed changes would provide a visual enhancement to an area of St Andrews conservation area that has become unkempt.

**2.3.2** The proposal therefore meets the terms of the development plan with respect to design and visual impact and would enhance and not detrimentally affect the structure, its setting nor the wider Conservation Area.

## 3.0 Consultation Summary

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None

## 4.0 Representation Summary

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**4.1** 13 objections and 1 general comment received.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Visual impact	2.3.1

## 4.2.2 Other Concerns Expressed

### Issue

- a. No design statement submitted.

### Comment

Given the scale of the application (minor wall alteration, installation of railings and a gate) a detailed access and design statement was not required. If the application was deemed to be a 'Local' scale development, as defined in the Hierarchy of Development Regulations, then there would have been a requirement for a more detailed A&D Statement. No such statement was deemed necessary for validation nor assessment purposes. The applicant did however have regard to the local design styles as outlined in the application form.

- b. Plans proposed should be adhered to.

Comments noted. Proposal has to be developed in line with approved plans.

- c. Other planning consents on site

An application (11/05183/FULL) was approved on 09/12/2011 for the Formation of public garden including installation of information board, seating, statue and paved area and lowering of existing stone wall. This application was first approved 11 years ago and has had 3 further renewals (14/04244/FULL, 17/04088/FULL & 21/01087/FULL) and has not been implemented in this time. An existing consent on a site does not preclude other applications for the same site coming forward.

- d. Unsociable behaviour

Comments noted. This application is solely to do with the boundary of the site not the use of the site itself. Anti-social behaviour is a matter which would be dealt with under separate legislation or by separate authorities, out-with the control of the planning system.

- e. Site is an eye sore

Comments noted. As this application is solely to do with the boundary wall these comments are not a material planning consideration in the assessment of this application.



- |   |  |
|---|--|
| f. Potential future uses/restoration of the site. | Comments noted. The potential future uses of this site are not a material planning consideration in the assessment of this application. Where required any future uses or physical development would be subject to the relevant planning and/or listed building application. |
| g. Wording of application                         | Comments noted. No new openings are proposed to the existing wall.   |

## 5.0 Conclusions

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This proposal is considered to be acceptable in meeting the relevant policies of NPF4, FIFEplan (2017), other relevant national policy/guidance and Fife Council Customer Planning Guidance. The proposed alterations would result in a visual enhancement to an area of the St Andrews Conservation area that has become unkempt and are appropriate alterations to the wall structure. In light of the above, the proposal would be deemed to preserve and enhance the character of the adjacent listed buildings and the surrounding St Andrews Conservation Area, and as such, comply with FIFEplan 2017 policies and other related guidance. The application is therefore recommended for conditional approval.

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Scott McInroy, Planner Development Management

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 6/11/23.