

North East Planning Committee

JP Court Room, County Buildings, Cupar

Wednesday, 14 February 2024 - 1.00 p.m.



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 17 January 2024. 5 – 7
4. **23/01632/FULL - LAND TO SOUTH OF MAIN STREET, COLINSBURGH** 8 – 35

Residential Development of 50 dwellings with associated infrastructure including access, landscaping, drainage, SUDS and open space.
5. **23/02503/FULL - 92 HEPBURN GARDENS, ST ANDREWS, FIFE** 36 – 46

Downtaking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, installation of new automated vehicular gate and alterations to existing footpath.
6. **23/02504/LBC - 92 HEPBURN GARDENS, ST ANDREWS, FIFE** 47 – 56

Listed building consent for downtaking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, and installation of new automated vehicular gate.
7. **23/00547/FULL - LAND TO THE SOUTH OF PITCAIRN DRIVE, BALMULLO** 57 – 81

Erection of 39 dwellings (including affordable housing) and other supporting site infrastructure.
8. **23/01885/FULL - LAND TO SOUTH OF 6 BALGOVE ROAD, GAULDRY** 82 – 91

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

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

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

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

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

Fife House
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7 February 2024

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BLENDED MEETING NOTICE

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

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

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

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

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

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

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

THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – REMOTE MEETING

17 January 2024

1.00 pm - 2.10 pm

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

ATTENDING: Alastair Hamilton, Service Manager, Martin McGroarty, Lead Professional and Scott McInroy, Chartered Planner, Development Management; Steven Paterson, Solicitor, Planning & Environment and Diane Barnett, Committee Officer, Legal & Democratic Services.

APOLOGIES FOR ABSENCE: Councillors John Caffrey, Fiona Corps and Margaret Kennedy.

126. DECLARATIONS OF INTEREST

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

127. MINUTE

The committee considered the minute of meeting of the North East Planning Committee of 13 December 2023.

Decision

The committee agreed to approve the minute.

128. 23/01703/FULL - GOLF MUSEUM CAR PARK, BRUCE EMBANKMENT, ST ANDREWS

The committee considered a report by the Head of Planning Services relating to an application for the siting of a mobile sauna unit.

Motion

Councillor Tepp, seconded by Councillor Liston, moved to refuse the application for the reasons set out in the report.

Amendment

Councillor MacDiarmid, seconded by Councillor Hayes, moved as an amendment to approve the application against officer recommendation and to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the granting of planning permission, with appropriate conditions, in order to ensure that a decision on the application was not unduly delayed.

Roll Call Vote

For the motion – 8 votes

Councillors Clark, Dillon, Hoggan-Radu, Holt, Lawson, Liston, Lothian and Tepp.

For the amendment – 4 votes

Councillors Hayes, Kennedy-Dalby, Knox and MacDiarmid.

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

Decision

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

129. 23/01786/FULL - 87-89 SOUTH STREET, ST ANDREWS, FIFE

The committee considered a report by the Head of Planning Services relating to an application for painting of the front elevation of a shopfront.

Decision

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

130. 23/01787/LBC - 87-89 SOUTH STREET, ST ANDREWS, FIFE

The committee considered a report by the Head of Planning Services relating to an application for listed building consent for external alterations, including the display of signage and painting of the front elevation.

Decision

The committee agreed to approve the application unconditionally.

131. 23/01994/ADV - 87-89 SOUTH STREET, ST ANDREWS, FIFE

The committee considered a report by the Head of Planning Services relating to an application for advertisement consent to display two internally illuminated fascia signs and one externally illuminated projecting sign, including one internally illuminated wall mounted sign and one internally illuminated menu board.

Decision

The committee agreed to approve the application unconditionally.

132. 23/01505/FULL - ST MICHAELS QUARRY, ST MICHAELS, FIFE

The committee considered a report by the Head of Planning Services relating to an application for the extraction of sand and gravel and restoration to agriculture (Section 42 application to vary conditions 1, 5, 19 and 25 to extend duration and scale of operations, including formation of a new access, and deletion of condition 13, all relative to planning permission 01/87/0690).

Decision

The committee agreed to approve the Section 42 application subject to the 37 conditions and for the reasons detailed in the report.

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

Decision

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

Committee Date: 14/02/2024

Agenda Item No. 4

Application for Full Planning Permission

Ref: 23/01632/FULL

Site Address: Land To South of Main Street, Colinsburgh

Proposal: Residential Development of 50 dwellings with associated infrastructure including access, landscaping, drainage, SUDS and open space

Applicant: Kirkwood Homes And Balcarres Estate, 1 Kirkwood Business Park Sauchen

Date Registered: 21 June 2023

Case Officer: Scott Simpson

Wards Affected: W5R19: East Neuk and Landward

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

Summary Recommendation

The application is recommended for: Conditional approval requiring a legal agreement.

1.0 Background

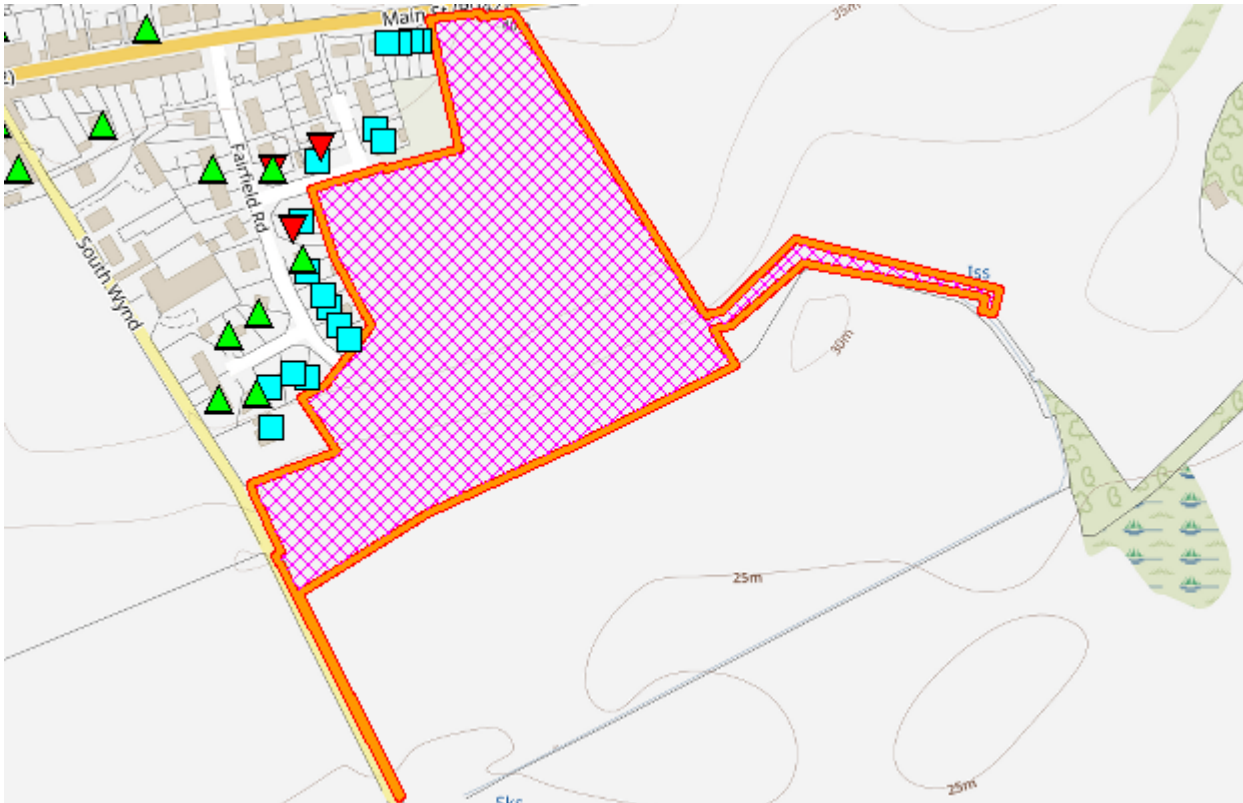
1.1 The Site

1.1.1 This application relates to a site which measures approximately 4.67 hectares, which is located within the Colinsburgh settlement boundary, and which is a housing opportunity site (COB001) as designated within the Adopted FIFEplan (2017) (LDP). This housing opportunity site has an estimated capacity for 43 houses. The site is a grassed field which slopes downwards from north to south with a fall of approximately 14 metres. The B942 distributor road (Main Street) is located to the north of the site whilst South Wynd and Fairfield Road run past the western boundary of the site. The site is surrounded by open countryside to the east and south with residential dwellings to the west.

1.1.2 The land within the application site is designated as prime agricultural land (Category 2) as per the James Hutton Institute (Formerly the Macauley Institute). A Category C Listed dwelling (Mayfield) is located on South Wynd adjacent to the western boundary of the application site, whilst the Balcarres Garden and Designed Landscape is located to the north on the opposite side of Main Street. The Colinsburgh Conservation Area is also located

approximately 120 metres to the west of the application site, and this is located beyond the houses that are situated on Fairfield Road and Mayfield Terrace.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application seeks full planning permission for a proposed residential development of 50 dwellings with associated infrastructure, access, landscaping, drainage, SUDS and open space. The principal main vehicular access would be taken from the B942 to the north with an internal 5.5-metre-wide loop road. A secondary vehicular access is proposed onto Mayfield Terrace, and this would measure approximately 3.5 metres wide for a distance of approximately 7.5 metres to the south of the proposed junction onto Mayfield Terrace. Internal footpaths, which exit onto Main Street, Fairfield Road and Mayfield Terrace would also be formed. A mixture of off-street parking and on-street visitor spaces are proposed with a shared parking area located at the centre of the site along with side parking and garages. The proposal would include ten different contemporary style housetypes (10 x 2-bedroom, 16 x 3-bedroom, 19 x 4 bedroom and 5 x 5 bedroom) with a mixture of two storey flatted dwellings, semi-detached, terraced and detached houses and 2 x single storey semi-detached bungalows. A mixture of boundary treatments are also proposed throughout the site including approximately 1.8-metre-high timber fencing to rear gardens, an approximately 0.9-metre-high fence along the rear southern boundary of plots 11 to 20 and several hedgerows along public facing boundaries. A 1.2-metre-high timber fence with a 0.6-metre-high permeable fence above and an approximately 0.9-metre-high masonry wall with a 0.9-metre-high fence atop are also proposed along the public facing rear boundaries of the plots within the central part of the site.

1.2.2 Several landscaped and open space areas are proposed with the useable public open space areas measuring approximately 14,399 square metres in total and this includes an extension to the existing playpark of approximately 571 square metres, approximately 1124 square metres of useable open space within the proposed residential area and approximately 12704 square metres to the south and to the rear of the proposed dwellings. An allotment area of approximately 1000 square metres is also proposed within the open space area to the south-west of the site. A SUDS detention basin would be located to the south-east of the site, and this

would have a depth of 1.2 metres and would provide 453.1 cubic metres of storage. The detention basin would discharge via outfall pipes to an existing watercourse to the south-east of the site. The foul drainage would be connected to an existing combined sewer in South Wynd Road to the south of the site.

1.3 Relevant Planning History

22/03242/PAN - Proposal of Application for residential development of approximately 50 dwellings – PAN agreed on 10th October 2022.

23/03056/ADV - Installation of non-illuminated free-standing sign and 7.no flagpoles signs – Withdrawn on 24th November 2023.

23/03058/FULL - Change of use of agricultural land for the siting of a temporary marketing suite, erection of fence and formation of new access and car parking – Withdrawn on 21st December 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) (NPF4) and the LDP. Under Section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

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

1.4.3 This application would constitute a major development as per Class 2 (Housing) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the area of the site exceeds 2 hectares and the proposal would be for 50 dwellings. This application is, therefore, classified as a Major development. The applicant has carried out the required pre-application consultation (ref: 22/03242/PAN) and a Pre-Application Consultation Report (Online Plan References: 62, 63, 64, 65 ad 66) outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation.

1.4.4 The proposal would fall under Class 10 (Infrastructure Projects) (b – Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as it would have a site area which is more than 0.5 hectares. The proposal could, therefore, have an impact that would necessitate the need for an Environmental Impact Assessment (EIA) Screening. A formal EIA screening of this planning application was carried out by this Planning Authority, and taking into account the characteristics of the development, the environmental sensitivity of its location, the characteristics of its potential impact and the relevant EIA screening criteria, it was determined that an EIA would not be required in this instance. It should be noted, however, that this does not negate the requirement to fully assess the potential environmental impacts of the proposal and several reports carried out by professional consultants have been submitted in support of this application. These include a noise impact assessment, an ecological report, a geo-environmental report and a flood risk assessment and drainage strategy report.

1.4.5 A physical site visit was undertaken for this application on 4th July 2023. All other necessary information has been collated digitally and drone footage was produced in August 2023 to allow the full consideration and assessment of the proposal.

1.4.6 This application was advertised in The Courier newspaper on 29th June and 7th December 2023 for neighbour notification purposes and due to its potential impact on the setting of a nearby listed building. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 21st June 2023 and neighbours were then re-notified on 27th November and 18th December 2023 with objectors/supporters also re-notified on 18th December 2023. An affecting the setting of Listed Building site notice was also placed adjacent to the site on 4th July 2023. The re-notification of neighbours/objectors and supporters was carried out due to an amended site layout being submitted which showed a secondary vehicular access onto Mayfield Terrace.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. This policy states that proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for essential infrastructure and there is a specific locational need and no other suitable site; small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; the development of production and processing facilities associated with the land produce where no other local site is suitable and/or the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration. This policy further requires that in all of the aforementioned exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

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

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 19: Heat and cooling

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks.

Policy 21: Play, Recreation and Sport

To encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 25: Community wealth building

To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.

Policy 29: Rural Development

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

Policy 31: Culture and creativity

To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

Outcomes: An increase in the availability of homes of a good quality to meet local needs. The provision of a generous supply of land for each housing market area to provide development opportunities and achieve housing supply targets across all tenures. Maintaining a continuous five-year supply of effective housing land at all times.

Policy 3: Infrastructure and Services

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

Policy 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

Policy 7: Development in the Countryside

Outcomes: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. This policy also states that the loss of Prime agricultural land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need.

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

PAN (Planning Advice Note) 1/2011

This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It also advises that Environmental Health Officers should be involved

at an early stage in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments.

Historic Environment Scotland Policy Statement (2019)

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

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Setting (2016)

This guidance sets out the general principles that should apply to developments affecting the setting of historic assets or places including listed buildings. The guidance advises that it is important to identify the historic assets that may be affected, define the setting of each asset and assess the impact any new development may have on this.

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Gardens and Designed Landscapes (2016)

This guidance note sets out the principles that apply to developments affecting Inventory gardens and designed landscapes including any impact that a development may have on the setting of garden and designed landscape.

Supplementary Guidance

Supplementary Guidance: Affordable Housing (2018)

Supplementary Planning Guidance on Affordable Housing sets out requirements for obligations towards affordable housing provision from housing development in Fife.

Supplementary Guidance: Low Carbon Fife (2019)

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

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Planning Customer Guidelines

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

This guidance sets out that unacceptable impacts on light to nearby properties should be minimised and preferably avoided.

Dormer Extensions

This guidance advises that clear glazed windows should be set 9 metres off a mutual garden boundary where there is a potential for overlooking to the garden of the neighbouring property.

Garden Ground

This guidance advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space, whilst new flats should be set in or have at least 50 square metres of private garden for each flat. This does not include space for garages, parking or manoeuvring vehicles. The guidance also advises that the recommended plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area. This guidance also advises that if there is a road or pavement between buildings then the required 18 metres privacy distance can be reduced and lesser distances may be accepted for windows opposite each other, but which are at different heights to each other.

Fife Council's Minimum Distance between Windows Guidance (2011)

This guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

Other Relevant Guidance

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

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

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Loss Of Prime Agricultural Land
- Design and Layout/Visual Impact
- Impact on Setting of adjacent Category C Listed Building and Balcarres Garden and Designed Landscape
- Residential Amenity
- Garden Ground
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land
- Air Quality
- Natural Heritage
- Low Carbon, Sustainability and Tackling the Climate and Nature Crises
- Community and Economic Benefit
- Affordable Housing
- Education
- Open Space and Play Areas
- Public Art
- Waste Management

- Archaeological Impact

2.2 Principle of Development

2.2.1 Policies 1, 16 and 29 of NPF4 and Policies 1, 2 and 7 of the LDP apply.

2.2.2 Objections to this application state that this is a small tranquil area that does not require to be expanded, whilst smaller brownfield site identified in the local plan should be developed instead of this site. They also state that the site is allocated for 43 dwellings and 50 is excessive. The letters of support state that this is an excellent application which will provide much needed housing.

2.2.3 A planning statement has been submitted by the agent in support of this application. The statement advises that the proposals have been assessed against the Development Plan in terms of design and placemaking, sustainability, residential amenity, garden ground, road safety, drainage, archaeology, infrastructure and planning obligations and it considers that the proposal would be acceptable and would be in conformity with the relevant provisions of the development and other material considerations, subject to conditions as considered appropriate.

2.2.4 The application site is allocated within the LDP as a housing opportunity site (COB001) with an estimated capacity of 43 dwellings. The allocation requirements state that primary access will be taken from the B942, whilst the Green Network Priorities for the site are:

- Establish a high-quality landscape edge along the eastern and southern boundaries to incorporate new habitat and SUDs provision and to include native planting and wildflower grassland adjacent to the farmland.
- Extend the existing Mayfield Terrace play area adjacent to the site to provide an area of kick about space and provide high quality development edges overlooking the play area.
- Provide high quality development edges to Main Street and Mayfield Terrace.

2.2.5 As the proposal lies within the settlement boundary for Colinsburgh and is a housing opportunity site as defined in the LDP there is a presumption in favour of housing development on this site. The allocation within the LDP advises that the site has an estimated capacity for 43 dwellings, whereas this proposal is for 50 dwellings. This would be a 14% increase above the expected capacity of the site. An increase in residential units above the recommended capacity of an allocated site is not automatically unacceptable as the capacity numbers stated within the LDP allocation are an estimation. The acceptability of the uplift in the number of dwellings would be subject to assessment against the other relevant Development Plan policies, infrastructure constraints and other material considerations. It is considered that this increase of 7 dwellings is not a significant uplift in numbers and may, therefore, be acceptable subject to all other material planning considerations being acceptable. The proposed surface outfall and foul drainage pipes would be located outwith the allocated site boundary and outwith the settlement boundary. The proposed pipes would be installed underground over a distance of approximately 190 metres to the east and 132 metres to the south of this allocated site with the land above restored, therefore, they would have no significant impact on the surrounding area. This associated infrastructure is considered necessary and essential to allow this allocated site to be developed. It should also be noted that this associated infrastructure could also potentially be installed without the benefit of full planning permission as per Class 38 (Water Undertakings) and Class 43A (Sewerage Undertakings) of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 if a statutory undertaker were to install them. The principle of this associated infrastructure within the countryside would, therefore, be acceptable.

2.2.6 In terms of the allocation requirements, the submission shows a primary access onto the B942 and an extension to the existing Mayfield Terrace Play area along with this area being overlooked by the proposed dwellings. The proposed development also includes high quality

development edges to Main Street and Mayfield Terrace and a high-quality landscape edge along the eastern and southern boundaries with these matters fully assessed in later sections within this report. The proposal would, therefore, comply with the requirements contained within the LDP allocation. The principle of this residential development would, therefore, be acceptable. The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

2.3 Loss of Prime Agricultural Land

2.3.1 Policies 1 and 5 of NPF4 and policies 1 and 7 of the LDP apply.

2.3.2 Objections state that the proposal would result in the loss of prime agricultural land.

2.3.3 The land within the application site is designated as prime agricultural land (Category 2) (PAL) as per the Macauley Institute. The proposal would, therefore, result in the loss of an area of approximately 4.6 hectares of PAL. Policy 7 of the LDP allows for development of PAL where it is essential as a component of the settlement strategy, however, Policy 5 of NPF4 only allows for proposals on PAL under specific exceptions (see policy section above). Policy 16 of NPF4 also states that proposals for new homes on land allocated for housing in LDPs will be supported. The proposal would, not comply with the terms of Policy 5 of NPF4 as it does not meet any of the exceptions listed, however, as the site is allocated for housing within the LDP it is considered to be essential as a component of the settlement strategy and would, therefore, comply with Policy 7 of the LDP and Policy 16 of NPF4. The loss of this area of prime agricultural land to allow for the development of this allocated site would, therefore, be acceptable in this instance.

2.4 Design and Layout/Visual Impact

2.4.1 Policies 7 and 14 of NPF4, Policies 1, 10 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.4.2 Objections state that the proposal would not visually blend in with existing dwellings and would destroy the rural nature of the village. The letters of support state that the plans look brilliant, whilst the development is attractive and will be aesthetically pleasing.

2.4.3 A Design and Access Statement (DAS) has been submitted which includes contextual drawings and visualisations along with sections through the site and elevation drawings which demonstrate how the proposal would sit on the site in relation to the surrounding area and adjacent buildings. The statement advises that the proposal would create a small sustainable new neighbourhood which will help to reinforce the existing local landscape and environment; would provide useful and meaningful open space, whilst ensuring the conservation, reinforcement and ongoing maintenance of existing boundaries; would provide much needed family and affordable homes including new cycle and footpath connections to the surrounding path network and would provide for a range of housetypes to encourage a varied and diverse neighbourhood. The DAs considers that the proposal would meet the six qualities of a successful place.

2.4.4 All of the dwellings within the site would be two storeys apart from the 2 x single storey semi-detached bungalows and would include a variety of finishing materials, however, the predominant materials would be a dry dash render finish with UPVC casement windows. The site would include a mix of contemporary style properties ranging from single storey semi-detached bungalows (2 bedroom) to 2 storey detached, semi-detached and terraced dwellinghouses (2, 3, 4 and 5 bedrooms) and 2 storey cottage flats (2-bedrooms). In terms of the design and materials of the proposed houses, the housetypes are attractively designed with varied detailing which would utilise materials such as a white dry dash render, grey and red coloured concrete roof tiles, white coloured UPVC casement windows, grey coloured doors and

steel finished garage doors. These finishing materials are considered appropriate within the context of the surrounding area where neighbouring properties also utilise similar finishing materials. A condition is also recommended requiring that details of the specification and colour of all proposed external finishes (including boundary walls, fences and hardstanding) shall be submitted to and approved in writing by Fife Council as Planning Authority. This would allow this Planning Authority to ensure that an appropriate mixture of colours and materials are used to reduce any uniformity which may be created through the utilisation of the same colours throughout the site. The proposal also details active street frontages, enhanced gables onto public areas and corner properties which would incorporate dual frontages. The application would, therefore, result in a proposed scheme that would integrate well with and would respect the character and appearance of the existing and proposed neighbouring residential developments, whilst the proposed finishing materials would be visually appropriate within the context of the surrounding area. This would also help to create a place that is a pleasant, welcoming and distinctive place to live.

2.4.5 The agent has submitted sections and visualisations which demonstrate that the building heights would sit comfortably within the site and would relate well to the neighbouring two storey properties. The heights of the proposed buildings would, therefore, be appropriate at this location. The submitted sections, visualisations and site layout drawings also demonstrate that the proposal utilises the topography of the site and the differing housetype heights to ensure that the building heights are varied along streets, whilst some dwellings are pulled closer to the road than others. This variation to the layout, heights, materials and different housetypes proposed throughout the overall site, would ensure that the development provides a visually interesting and distinctive place. The proposal would be in keeping with the scale, massing and layout of the existing built form adjacent to this location and would be an appropriate form of development which would sit comfortably within the site and would respect and enhance the visual amenity of the surrounding area. A mix of off-street parking and parking courts combined with varied building lines and house types also helps to create elements of interest within the development. The proposed density of the development would also be acceptable when taken within the context of the surrounding area.

2.4.6 The proposed hard and soft landscaping would be of high quality and the proposed areas of open space and landscaped areas would help soften the visual impact of the development and would make it a welcoming place in terms of open green spaces and the density of the proposal, whilst, the proposed green areas and the incidental areas of open space, street trees, hedgerows and planting throughout the proposed residential area would provide a significant positive contribution to the distinctiveness and character of the place which would be welcoming to any visitors to the site. The proposed open space, parking areas and footpaths within the site are also overlooked by surrounding buildings and the development would include active frontages and dual frontages on corner plots providing informal surveillance and a sense of safety throughout the site which would create a safe and pleasant place to live. The proposed soft landscaping would also contribute to biodiversity and this matter is further assessed under section 2.12.4 (Biodiversity Enhancement) of this report of handling.

2.4.7 A mixture of boundary treatments are also proposed throughout the site including approximately 1.8-metre-high timber fencing to rear gardens, an approximately 0.9-metre-high fence along the rear southern boundary of plots 11 to 20 and several hedgerows along public facing boundaries. A 1.2-metre-high timber fence with a 0.6-metre-high permeable fence above and an approximately 0.9-metre-high masonry wall with a 0.9-metre-high fence atop are also proposed along the public facing rear boundaries of the plots within the central part of the site with soft boundary treatments defining street edges in the form of low-level hedgerows and shrub planting. The majority of high timber fencing would, therefore, be located to the rear and public facing boundaries would utilise hedgerows, walls or lower permeable timber fencing. The proposed boundary treatments would, therefore, be visually acceptable and in keeping with the surrounding area.

2.4.8 Two vehicular accesses to the site, pedestrian footpaths and an internal loop road are proposed which creates an integration and connection with the existing residential area to the west and north of the site. The proposal includes multiple points of pedestrian/cycle accesses to the west and north which would integrate the development into the existing urban structure and movement routes and the street widths vary throughout the site whilst there are distinctive movement junctions and edges formed by green spaces and overlooked by active building frontages which would ensure that the development is easy to move around and safe and pleasant to be in. The matters relating to connectivity and access into the site are also further assessed under section 2.8 (Road Safety) of this report of handling.

2.4.9 In conclusion, the proposal would provide an attractive, welcoming, high-quality development through a varied layout and mix of property types and the height, massing, roofline and other detailing is considered to respect the character and appearance of the surrounding built environment. The proposal overall would, therefore, result in a development which would provide a positive visual contribution to this area, and which would comply with the six qualities of a successful place as set out within the Development Plan. The proposal overall would, therefore, comply with the Development Plan in this respect and would be visually acceptable.

2.5 Impact on Setting of adjacent Category C Listed Building and Balcarres Garden and Designed Landscape

2.5.1 The Historic Environment Scotland Policy Statement, Policies 7 and 14 of NPF4, Policies 1, 10 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Gardens and Designed Landscapes and Setting apply.

2.5.2 A Category C Listed dwelling (Mayfield) is located on South Wynd adjacent to the western boundary of the application site and the nearest proposed dwelling to this listed building would be plot 21 which would be located approximately 90 metres to the east of the building. The Historic Environment Scotland listing description states that this building is an early 19th Century 2 storey dwelling with a piended slated roof. The eastern side of the building is not easily visible from the existing application site to the east as it has a number of mature trees located along its eastern boundary which screen it from views. A row of modern dwellings are also located along the northern extent of the curtilage of this listed building. The proposal would have no significant impact on the setting of this listed building as it would not significantly impact any views from public roads into this listed building and the building is also currently screened from views by the mature trees that exist along its eastern boundary. The proposed area directly to the east of the curtilage of this listed building would also include the planting of a number of trees and a grassed open space area whilst a footpath is also proposed from the internal loop road and Fairfield Road which are considered acceptable within this location.

2.5.3 The Balcarres Garden and Designed Landscape is located to the north on the opposite side of Main Street. The area directly to the north comprises of a field with a woodland area located around the northern and eastern edges of this field. The proposal would again not detrimentally impact upon any public views into this Designed Landscape and would be an acceptable form of development at this location with no detrimental impact on the setting of this Garden and Designed Landscape.

2.5.4 The proposal would, therefore, be a visually acceptable form of development which would integrate well with and would respect the character and appearance of the adjacent Category C Listed building and the adjacent Garden and Designed Landscape.

2.6 Residential Amenity including noise, daylight/sunlight, privacy levels, construction disturbance and garden ground

2.6.1 PAN (Planning Advice Note) 1/2011, Policies 14 and 23 of NPF4, Policies 1 and 10 of the LDP, Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Dormer Extensions, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply.

2.6.2 Noise

2.6.2.1 Objections state that the proposal would result in noise pollution. The letters of support state that the plans are thoughtful and would have no adverse impact on the community.

2.6.2.2 The proposal would be a wholly compatible use with the adjacent existing residential uses in terms of noise impact and would, therefore, have no significant impact on the surrounding area in terms of noise. The proposed residential uses could, however, be detrimentally impacted upon in terms of noise from the adjacent B942 distributor road. A noise impact assessment report (NIA) which assesses this noise impact has, therefore, been submitted in support of this application.

2.6.2.3 The NIA demonstrates that road traffic noise from Main Street would exceed the required external noise level (50 dB LAeq,16h) in Plot 1's rear garden by 3.5 dB LAeq,16hr, whilst the internal night-time noise level (30 dB LAeq,8h) in bedrooms would also be exceeded by 1.8 dB LAeq, 8hr. Plot 1 is located closest to the road on the north-eastern corner of the site. The NIA advises that all other plots would be within the required noise criteria levels. The exceedance of the required noise levels in plot 1 is not considered to be significant, however, the NIA does recommend mitigation measures for Plot 1 in the form of a combined 1.8 m wall and barrier along its northern garden boundary which would reduce daytime external levels to below the required 50 dB LAeq,16hr. In terms of mitigation for bedrooms during the night-time, the NIA recommends a closed windows solution with any basic glazing specification being suitable to provide an additional mitigation of 1.8 dB attenuation when closed. The NIA advises that the proposal would use standard double-glazing units of specification 4-(20)-4 mm, with a Sound Reduction Index of $R_w = 34$ which would reduce the internal night-time levels within the bedrooms of Plot 1 to below the required 30 dB LAeq, 8hr. All properties would also utilise a mechanical heat ventilation recovery system which allow windows to remain closed, with the houses still receiving adequate ventilation.

2.6.2.4 Fife Council's Environmental Health Public Protection team (PPT) advise that they agree with the methodology used and the findings of the noise report, whilst they also agree that the proposed mitigation measures would reduce any noise impact from the adjacent road to acceptable levels.

2.6.2.5 The proposed implementation of a closed window solution for Plot 1 would be acceptable if the proposal meets the 'exceptional circumstance' criteria as contained within Fife Council's Policy for Development and Noise. The proposal would meet the 'exceptional circumstance' criteria as it would allow for the development of an allocated housing opportunity site, whilst, providing a well-designed development which incorporates the principles set out in Making Fife's Places and Designing Streets. It is also considered that the exceedance of 1.8 dB during the night within bedrooms is not significant should potential occupants choose to open their windows.

2.6.2.6 The submitted NIA has demonstrated that 49 of the 50 dwellings would not be significantly impacted upon as a result of road noise, whilst there would be no detrimental noise impact on plot 1 with the proposed mitigation measures in place. A condition relating to this matter is recommended and this would also require that the recommended mitigation measures are carried out in full before the development is occupied. The proposal subject to conditions

would therefore comply with the Development Plan in this respect and would be acceptable in terms of noise impact.

2.6.3 Daylight/Sunlight

2.6.3.1 The proposed dwellinghouses would have no significant impact on the daylight/sunlight levels for other neighbouring residential properties due to the distances involved and the orientation of the proposed dwellinghouses in relation to neighbouring properties, with the sun rising in the east, setting in the west and at its highest point when due south. The proposed dwellinghouses within the application site have also been designed to ensure that no properties would significantly overshadow or block daylight/ sunlight to any other adjacent proposed properties within the site itself. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.6.4 Privacy Levels

2.6.4.1 The proposal would have no significant impact on the privacy levels of the surrounding area due to the distances involved between neighbouring residential properties and the proposed, with the minimum 18 metre window to window distance being achieved between all existing and proposed properties. The properties located along the western boundary would also be located between approximately 10.9 metres and 17.6 metres away from the rear ground boundaries of the dwellings located along Fairfield Road, therefore, the proposal would comply with the required distances contained within Fife Council Planning Customer Guidelines on Garden Ground and Dormer Extension which require a 9-metre set back from neighbouring garden boundaries. All plot layouts have also been designed to ensure that proposed dwellings would be acceptable in terms of the proposed privacy levels achieved. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.6.5 Construction Impacts

2.6.5.1 Objections state that the proposal would result in construction disturbance to the surrounding area.

2.6.5.2 It is considered that any construction disturbance caused as a result of the proposal would be temporary in nature and any developer should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that PPT can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. There would, therefore, be no significant impact on the surrounding area due to any associated construction works. A condition is, however, recommended requiring that a Construction Method Statement and Management Plan, including an Environmental Protection Plan and Scheme of Works are submitted for approval before any works commence on site. The proposal, subject to conditions, would therefore be acceptable and would comply with the Development Plan in this respect.

2.7 Garden Ground

2.7.1 Policies 14 and 20 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Planning Customer Guidelines on Garden Ground apply.

2.7.2 Forty of the proposed dwellinghouses would have garden ground areas which meet or exceed the required 100 square metres of garden ground, whilst the four flatted dwellings would have 50 or more square metres of useable garden ground area each. The ten dwellinghouse

plots which do not meet the recommended sizes are all semi-detached or terraced properties and these would have garden ground areas measuring between approximately 52 and 93 square metres. In this instance, it is considered that a reduction in the recommended garden ground area standard would be acceptable for these ten plots as these dwellings are either semi-detached or terraced properties and this would also offer a choice to those buyers who wish to have a smaller garden ground area. All of the dwellings within the site would also have access to a large useable open space area and a play area to the north of the site. The proposed layout is also in keeping with the prevailing pattern of development at this location where there are a number of dwellings with less than the recommended 100 square metres of garden ground area. The proposed garden ground area provision would, therefore, be acceptable in this instance.

2.8 Transportation/Road Safety

2.8.1 Policies 1, 13, 14 and 15 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.8.2 Objections state that additional traffic from the proposal will add to the already overloaded B942, whilst a single access for the development would be inadequate. They further state that the proposal would cause traffic congestion and that the lack of employment in the area will result in an increase in traffic volumes. The letters of support state that the development will not significantly increase traffic and plans show that additional traffic will be appropriately managed.

2.8.3 A Transport Statement (TS) has been submitted in support this application. The TS has followed the Transport Scotland "Transport Assessment Guidance". The TS considers person trips, not car trips and covers access by all modes of transport - walking, cycling, public transport, and private cars, to demonstrate how the site would be developed to encourage the use of sustainable modes of transport. The TS advises that that the full village, including all local amenities, such as the local convenience store, town hall, primary school, library and bus stops are all easily accessible from the proposed site, whilst footways will also be provided to Mayfield Terrace to the north and Fairfield Road to the west promoting a permeable layout with the wider settlement. The TS further advises that the volumes of traffic associated with the proposals can be accommodated on the surrounding road network without impacting on the operation or safety of the routes. The proposed 50 dwellings would generate some 25 two-way vehicle trips in both the AM and PM peaks with most of these trips using the vehicular access from the B942. The TS concludes that the proposal would be accessible by sustainable modes of travel and integrate effectively with the existing transport network following the introduction of additional non-car promoting measures. In addition, the site can be accessed safely from the adjacent road network by private vehicles without compromising the safety or efficiency of existing road users.

2.8.4 Fife Council's Transportation Development Management team (TDM) advise that the design solution results in a layout that integrates with Colinsburgh and provides permeability in accordance with Making Fife's Places Supplementary Guidance. They also note the concerns from local residents as to the impact of additional car movements onto Mayfield Terrace and the potential conflict with children using the local play park, but they consider that the secondary access has been designed to discourage its use as a primary means of access (narrow carriageway and raised table); does not provide a shorter route to the B942 for vehicle trips from new and existing dwellings and it provides a through route for refuse, postal and delivery vehicles and emergency vehicles. They further advise that the off-street parking provision and the internal street layout would be acceptable. TDM, therefore, have no objections subject to conditions relating to road safety matters such as off-street parking, visibility splays and the construction of the roads. Conditions are recommended regarding these matters.

2.8.5 The proposal includes multiple points of pedestrian/cycle access to the north, south and west which would integrate the development into the surrounding area and movement routes and the street widths vary throughout the site. The primary access is also taken from the B942 as required by the LDP allocation. The original site layout showed a pedestrian access onto Mayfield Terrace which would have resulted in the site having one point of vehicular access. The developer had been previously advised during pre-application discussions with Fife Council and during this live application that a secondary access was required to allow the proposal to better integrate with the adjacent Colinsburgh village. This is as per the advice contained within Fife Council's Making Fife's Places Supplementary Guidance which states that housing layouts should be designed with a grid type road pattern with multiple points of vehicular access with the surrounding road network, including road links to existing adjoining developments. Amended drawings were subsequently submitted which show a secondary vehicular access onto Mayfield Terrace.

2.8.6 It is considered that the secondary vehicular access would be acceptable and would cause no detrimental impact to the surrounding area in terms of road safety as it provides a narrow 3.5-metre-wide carriageway and raised tables which would ensure that traffic would have to slow down, whilst an approximately 2 metre wide footpath is proposed along the western boundary of this road which then continues around the corner onto Mayfield Terrace. A 2-metre-wide footpath is also proposed along the northern boundary of the site and to the rear of the existing and proposed playpark area which would allow pedestrians to safely negotiate this area. The majority of vehicular trips generated by the proposal would also use the primary access onto Main Street to the north as it would provide the shortest and easiest means of access and it should also be noted that drivers and pedestrians should follow the rules of the road. The proposal would, therefore, have no significant road safety impact on the surrounding area.

2.8.7 The submitted information has, therefore, demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings also demonstrate an acceptable layout in terms of access, parking and connectivity. The proposed development would be easily accessible via a range of sustainable transport modes and there is capacity to accommodate the traffic generated by the proposal on the local road network with an acceptable amount of parking on site. The proposed development subject to conditions would, therefore, provide the required on-site transport measures to minimise and manage future levels of traffic generated by the proposal and would be acceptable in this instance.

2.9 Flooding and Drainage

2.9.1 Policies 1, 2, 18, 20 and 22 of NPF4 and Policies 1 and 3 of the LDP apply.

2.9.2 A SUDS detention basin would be located to the south-east of the site, and this would have a depth of 1.2 metres and would provide 453.1 cubic metres of storage. The detention basin would discharge via outfall pipes to an existing watercourse to the south-east of the site. The foul drainage would be connected to an existing combined sewer in South Wynd Road to the south of the site. The proposal would also be connected to the public water supply network.

2.9.3 Objections state that the proposal would have a detrimental impact on drainage and sewage disposal.

2.9.4 A flood risk assessment and drainage strategy report (FRA) has been submitted in support of this application. The FRA reviews the flood risk to the site and describes both the treatment and attenuation strategies to be adopted for the surface water drainage solution, whilst it also sets out the intended strategy with regards to the foul water drainage. The FRA advises that a nominal area of the site at the south-eastern and south side is shown to be at risk of surface water flooding, however, the lowest finished floor level is circa 8.5 to 10 metres

higher than the existing area indicated to be at risk of surface water flooding. The submitted information shows that the proposed dwellings would not be located within any areas of surface water flood risk once constructed. The FRA states that the volume of storage provided (435m³) would be adequate to meet the restricted forward flow parameters, whilst flow restriction measures would be controlled via a proprietary hydro brake system. The solution originally used a 4.5l/s/ha discharge rate, however, this was based on the total site area and the calculations should have been based on the new impermeable area provided on the site. Amended drainage drawings were submitted on this basis and this shows that a discharge rate of 3.7l/s/ha is required. This results in a storage volume of 160.2 cubic metres being required, however, the proposed detention basin would provide 453.1 cubic metres of storage volume which is 35% more volume than is actually required.

2.9.5 Scottish Water have advised that there is currently sufficient capacity in the Glenfarg Water Treatment Works and the Colinsburgh Waste-Water Treatment to service the development. Fife Council Flooding, Shoreline and Harbours team have no objections to the flooding or surface water management proposals.

2.9.6 It is considered that the proposal could be connected to the existing public water supply and foul drainage network, and it should be noted that the applicant would also need to submit a formal application to Scottish Water before proceeding with the development. The relevant compliance and independent check SUDS certificates have also been submitted as required by Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements and an acceptable surface water management plan has been proposed. There would, therefore, be no significant detrimental impact on the site or the surrounding area in terms of drainage/flooding as the proposal would be served by an acceptable surface water management scheme and would connect into the existing public water and drainage system. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.10 Contaminated Land

2.10.1 Policy 9 of NPF4 and Policies 1 and 10 of the LDP.

2.10.2 A site investigation report has been submitted in support of this application. The report concludes that no contaminated land remedial measures are required.

2.10.3 Fife Council's Land and Air Quality Team (LQ Team) advise that they agree with the findings of the report and have no objections, however, they recommend a condition requiring that any unidentified contamination issues which are discovered during construction works are suitably dealt with. Conditions are recommended regarding this matter. The proposal subject to this condition would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in this respect.

2.11 Air Quality

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

2.11.2 An air quality impact screening assessment report has been submitted and this concludes that a more detailed air quality impact assessment is not required. The LQ Team advise that they agree with the findings of this assessment. The proposal would therefore have no significant detrimental impact on air quality and would comply with the Development Plan in this respect.

2.12 Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement

2.12.1 Policies 3, 4 and 6 of NPF4 and Policies 1 and 13 of the LDP apply.

2.12.2 Trees

2.12.2.1 A Preliminary Ecological Appraisal Report (PEA) has been submitted in support of this application. The report provides a baseline ecological evaluation of the site along with a desk-based search, a phase 1 habitat survey and a protected species survey of the application site. It also provides recommended mitigation measures where required. The PEA advises that there are no trees within the site, however, mature beach trees are present directly adjacent to south-west part of the site, within a residential garden. It recommends that tree protection barriers are installed between groundworks and trees located within neighbouring residential gardens.

2.12.2.2 There are no trees on the site, therefore, there would be no detrimental impact upon trees as a result of the proposal. Mature beach trees are present directly adjacent to south-west part of the site, within a residential garden and it is considered that the proposal would have no significant impact on these trees due to the distances involved, however, it is considered necessary to require the submission of tree protection measures, as a precautionary measure, in relation to these adjacent trees and as per the recommendations contained within the submitted PEA. Conditions are, therefore, recommended requiring the submission of tree protection measures for approval in writing by this Planning Authority. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12.3 Protected Species and Wildlife Habitats

2.12.3.1 Objections state that proposal would destroy the rural nature of the village and there would be a negative impact on invertebrate populations including moths due to increased light pollution.

2.12.3.2 The PEA states that the proposal could result in the fragmentation of commuting or foraging habitat for west European hedgehog, badgers, brown hare, reptiles, birds, and invertebrates via the removal of scrub and cropland and the installation of garden fencing/walls and road infrastructure. The PEA also advises that lighting and noise due to the proposal could disturb nocturnal and crepuscular species and that construction works could destroy nests and cause death or injury to birds or brown hare forms if works are carried out during the bird or hare breeding season, whilst the proposed construction activities could also cause disturbance to roosting/hibernating bats which may be found within a potential roost feature (tree) located adjacent to the site. The report sets out a series of mitigation measures to negate the impact on any protected species. This includes all vegetation clearance being scheduled outwith the bird, brown hare, and hedgehog breeding season (February to September inclusive) unless pre-work checks of vegetated habitats scoped for removal is undertaken by an ecologist within 48 hours prior to works commencing. It further states that temporary or permanent lighting should be designed to limit the impacts on protected species and that any created excavations during construction should not be left open for mammals to become trapped or injured, whilst speed limits of construction vehicles should be below 20 mph on all site roads. Holes measuring 13cm x 13cm and gaps should also be included in all perimeter fences and walls and boundary features to create a 'hedgehog highway' which would allow the movement of west European hedgehogs and other mobile species.

2.12.3.3 Fife Council's Natural Heritage officer (NHO) agrees with the findings and recommendations contained within the PEA and has no objections to the proposal subject to the proposed mitigation measures contained within the PEA being carried out in full.

2.12.3.4 The findings of the submitted PEA are accepted and it is considered that the proposal subject to the proposed mitigation measures would have no significant ecological impact on protected species, wildlife habitats or birds. Conditions are recommended requiring that the proposed mitigation measures as set out in the PEA are carried out in full. The PEA also states that the findings of the report are only valid for a period of 12 months, therefore, if works have not commenced on site within this timescale, then a survey to update the ecological baseline of the site is recommended. A condition is, therefore, recommended requiring that an updated survey, as required by the PEA, is submitted to this Planning Authority if works have not commenced before 31st March 2024. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12.4 Biodiversity Enhancement

2.12.4.1 The PEA sets out opportunities for biodiversity gain on the site. These measures include the provision of landscaping, the planting of native shrubs, trees, and wildflowers, the creation of species rich grassland, the provision of bat and bird boxes and woodcrete and reed insect blocks, whilst tunnels and small entrance holes (13x13m) should be provided on boundary features to provide habitat connectivity and provide predator free habitat areas for hedgehogs. A Landscaping Plan has also been submitted which shows that 142 trees would be planted within the site including Maple, Common Alder, Common Birch, Fastigiate Hornbeam, Purple Birch and Beech, Weeping Willow and Sessile Oak. These trees would include 110 heavy standard size (12 to 14 cm girth), whilst 32 trees would be extra heavy standard size (16 to 18 cm girth). A significant number of shrubs and hedges would also be planted around the site with a woodland mix (2510 trees) planted to the south of the site. Wildflower mixes and grassland are also proposed within the site.

2.12.4.2 Fife Council's NHO has no objections to the proposed biodiversity enhancement measures subject to these measures being carried out in full.

2.12.4.3 The submitted information demonstrates that the proposal would include significant planting of native species of trees, shrubs, hedges and wildflowers. A condition is also recommended requiring that the biodiversity enhancement measures as set out in the PEA are carried out in full before the development is occupied with details of these measures to be submitted to this Planning Authority for approval. The proposal would, therefore, bring about a significant biodiversity enhancement to the site and surrounding area when compared to the existing field. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.13 Low Carbon, Sustainability and Tackling the Climate and Nature Crises

2.13.1 Policies 1, 2 and 12 of NPF4, Policies 1 and 11 of FIFEplan and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.13.2 An Energy Statement and a Low Carbon Checklist have been submitted in support of this application and these set out how the proposal would meet the requirements of the Development Plan. The statement advises that proposal has been designed to include passive and operational energy efficiency measures to reduce heat loss and energy consumption with all houses to have enhanced thermal envelopes and build quality. The increased air tightness of the houses will also require the need for Mechanical Ventilation with Heat Recovery systems, whilst air source heat pumps are also proposed to provide the primary space heating and domestic hot water requirements. The statement also advises that homes will feature a 32amp electrical connection from the garage gable to the property fuse board allowing for a 7kW car charger (Type 01 or 02), whilst properties that have remote parking will be provided with a communal car charging bank at each block of parking bays.

2.13.3 It is considered that sufficient information has been submitted to demonstrate that the proposal could incorporate sufficient energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. The application site is located more than one kilometre from a district heating network; therefore, it is not required to investigate the feasibility of connecting to an existing or proposed district heat network. The proposal would also integrate well with and include sufficient connectivity to the existing Colinsburgh Village which would enable occupants to easily access local services from the proposed site, therefore the proposal would be located within a sustainable location. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.14 Community and Economic Benefit

2.14.1 Policy 16 and 25 of NPF apply.

2.14.2 Objections state that there is no guarantee that occupants will use services in the village. The letters of support state that it would be great for the village to have more properties and people and beneficial for the local groups and businesses too, whilst the proposal will bring economic benefit to village.

2.14.3 A statement of community benefit has been submitted in support of this application. The statement advises that the proposal would contribute to the local economy by increasing footfall within the settlement, whilst, providing both immediate and long-term benefits in terms of enhancing the school roll, local infrastructure and facilities. These benefits include the additional support that new residents would provide to existing local facilities such as the BP filling station and its associated services including the convenience store, COSTA and the laundrette, whilst the Town Hall and associated services/activities such as local group meetings; the local shop; library; schooling; local businesses and bus services would benefit. The statement further advises that existing services will, therefore, be supported and indeed may be enhanced by the increased level of demand. It further states that the additional residents created by the proposal could also provide the opportunity for new facilities and new businesses to view Colinsburgh as an attractive and sustainable business location, whilst the proposal would provide 15 affordable dwellings which would benefit those seeking affordable housing within the Colinsburgh area. An allotment, open space areas and an extension to the existing play park area are also proposed and the statement advises that the local community would benefit from access to these areas. The statement concludes that the proposal would deliver the required outcomes of Policy 16 of NPF4.

2.14.4 The submitted information has demonstrated that the proposal could provide an economic and community benefit to the existing village of Colinsburgh. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.15 Affordable Housing

2.15.1 Policies 15 and 16 of NPF4, Policies 1,2 and 4 of the LDP and Fife Council's Supplementary Guidance on Affordable Housing apply.

2.15.2 The letters of support state that affordable element will provide housing for people who cannot otherwise afford to live in Colinsburgh and that the proposal would provide much needed housing.

2.15.3 The proposal would provide 15 affordable dwellings on site including 2 x 2-bedroom bungalows, 4 x 2-bedroom flats, 4 x 2 bedroom semi-detached, 3 x 3-bedroom terraced, and 2 x 4-bedroom detached dwellings. Fife Council's Affordable Housing team have no objections to the proposal as it would provide the required 30% of the total number of homes as affordable and they consider the housing mix to be acceptable. This matter could be secured through a

Section 75 agreement. The proposal subject to this planning obligation would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.16 Education

2.16.1 Policy 18 of NPF4, Policies 1 and 4 of the LDP and Fife Council's Planning Obligations Framework Guidance apply.

2.16.2 Objections state that the proposal would have a detrimental impact on schools. The letters of support state that the area needs more housing to help maintain school levels.

2.16.3 Fife Council's Education Services (ES) advise that the development is within the catchment area of Colinsburgh Primary School, Greyfriars Roman Catholic Primary School, Waid Academy and St Andrew's Roman Catholic High School. They further advise that the proposed would cause no capacity risk at any of the aforementioned schools, whilst there would also be no capacity risk expected across the East Neuk local nursery area as a result of this development. ES, therefore, have no objections to the proposal as it would have no significant impact on any schools within the catchment area. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.17 Open Space and Play Areas

2.17.1 Policies 20 and 21 of NPF4, Policies 1 and 3 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.17.2 This development, as per the open space criteria set out in Making Fife's Places, is required to provide approximately 3000 square metres of useable open space on the site or it should make a contribution towards existing open space if the development is located within 250m walking distance of an existing open space. Several landscaped and open space areas are proposed within the site with the useable public open space areas measuring approximately 14,399 square metres in total and this includes an extension to the existing playpark of approximately 571 square metres as required by the LDP allocation, approximately 1124 square metres of useable open space within the proposed residential area and approximately 12704 square metres to the south and to the rear of the proposed dwellings. An allotment area of approximately 1000 square metres is also proposed within the open space area to the south-west of the site. The site is also located directly adjacent to an existing play park area which measures approximately 1536 square metres, and which would be extended as a result of this proposal. The proposal would, therefore, provide an acceptable amount of useable open space on site and would comply with the Development Plan in this respect.

2.18 Public Art

2.18.1 Policy 14 and 31 of NPF4, Policies 1, 4 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Fife Council's Planning Obligations Framework Guidance apply.

2.18.2 The submitted Planning Statement advises that the public art contribution in this instance would equate to £10,500 (35 open market dwellings x £300) or the development should incorporate some form of public art within its environs to help create a distinctive place. The statement further advises that this matter requires to be considered further with Fife Council to demonstrate how the matter relating to public art can be incorporated. This can be covered by condition and thereafter a fully detailed contextual analysis with regards to the public art provision can be provided

2.18.3 No details relating to public art provision have been submitted, however, it is considered that this matter can be dealt with through a condition. A condition is, therefore, recommended regarding this matter and the submitted details should demonstrate how it has incorporated

public art into the overall development with the cost of the public art equating to £300 per dwellinghouse as per the requirement contained within Making Fife's Place's. These details should also include a thorough analysis relating to how the proposed art is based on a contextual approach relating to the surrounding area. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.19 Waste Management

2.19.1 Policy 12 of NPF4 and Policies 1 and 10 of the LDP apply.

2.19.2 A waste management plan has been submitted in support of this application. It shows the proposed refuse bin collection points within the site and also sets out that the domestic waste will be separated and treated as required by Fife Council.

2.19.3 There is sufficient space within the curtilage of the proposed site and the curtilage of each dwelling to accommodate any required bin storage facilities. The submission also advise that domestic waste will be separated and treated accordingly to the Council's domestic waste collection requirements. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.20 Archaeological Impact

2.20.1 Policy 7 of NPF4 and Policies 1 and 14 of the LDP apply.

2.20.2 An archaeological written scheme of investigation report (WSI) has been submitted in support of this application. This sets out an archaeological evaluation of the development area in order to assess the archaeological potential of the site prior to development.

2.20.3 Fife Council's Archaeological officer advises that they agree with the methodology used and the findings of the WSI and they have no objections to the proposal subject to a condition requiring that a programme of archaeological works are carried out fully in accordance with the WSI before any works commence on site. A condition is recommended regarding this matter. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

Scottish Water	No objections
Historic Environment Scotland	No objections
Community Council	No objections
NHS Fife	No response
Archaeology Team, Planning Services	No objections subject to condition relating to archaeological works.
Natural Heritage, Planning Services	No objections subject to the suggested biodiversity mitigations and enhancement being carried out.
Urban Design, Planning Services	No objections
Land And Air Quality, Protective Services	No objections subject to condition relating to contaminated land.
Education (Directorate)	No objections

Housing And Neighbourhood Services	No objections
Structural Services - Flooding, Shoreline and Harbours	No objections
Environmental Services - Operations Team	No response
Parks Development and Countryside	No objections subject to provision of allotments.
Community Council	No objections
TDM, Planning Services	No objections subject to conditions relating to road safety matters.
Urban Design, Planning Services	No objections

4.0 Representation Summary

4.1 Nineteen letters of support, thirteen letters of objection and one general comment have been received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
- Additional traffic will add to already overloaded B942.	2.8
- Single access for development would be inadequate.	2.8
- Will cause traffic congestion.	2.8
- Lack of employment in area will result in increase in traffic volumes.	2.8
- Smaller brownfield site identified in local plan should be developed.	2.2
- Site is allocated for 43 dwellings and 50 is excessive.	2.2
- Loss of prime agricultural land.	2.3
- Small tranquil area that does not require to be expanded.	2.2
- Design as proposal does not blend in with existing dwellings.	2.4
- Noise pollution	2.6.1
- Negative impact on invertebrate populations including moths due to increased light pollution.	2.12.3
- Construction disturbance	2.6.5
- Impact on drainage and sewage disposal.	2.9
- No guarantee that occupants will use services in village.	2.14
- Would destroy rural nature of village.	2.4
- Proposal would have a detrimental impact on schools.	2.16

4.2.2 Support Comments

Comment	Addressed in Paragraph
- Excellent application	2.0
- Great for the village to have more properties and people and beneficial; for the local groups and business too.	2.14
- Plans look brilliant, development is attractive and will be aesthetically pleasing.	2.4
- Area needs more housing to help maintain school levels.	2.16
- Development will not significantly increase traffic	2.8
- Plans are thoughtful and would have no adverse impact on the community.	2.6
- Will bring economic benefit to village.	2.14
- Will provide much needed housing.	2.2 and 2.15
- Affordable element will provide housing for people who cannot otherwise afford to live in Colinsburgh.	2.15
- Appropriate management is provided on plans for additional traffic.	2.8

4.2.3 Other Concerns Expressed

Issue	Comment
- Loss of View	Not a material Planning Consideration
- Impact on telecommunication network	Not a material planning consideration
- Electrical supply would not cope	Not a material planning consideration and an application would require to be made to SP Energy Networks to connect the proposal to the electricity network.
- Detrimental impact on doctors' surgeries and dentist appointments.	Not a material planning consideration in this instance

5.0 Conclusions

The proposal would be compatible with its surrounds in terms of land use and would not cause any detrimental impacts on surrounding residential properties within the proposed scheme or the surrounding area. The proposal would be considered acceptable in terms of its impact on road safety and would provide the necessary transport measures to minimise and manage future levels of traffic generated by the proposal. The proposal is also considered to be in keeping with the scale, massing, layout and height of the existing built form at this location and would, therefore, be an appropriate form of development which would have no further detrimental visual impact on the site or the surrounding area. The proposal subject to conditions, would therefore, be acceptable in meeting the terms of the Development Plan and National Guidance.

6.0 Recommendation

It is accordingly recommended that the application be approved subject to:

- A. The conclusion of a legal agreement to secure; Fifteen affordable dwellings to be provided on site for the lifetime of the development as per Fife Council's Supplementary Guidance on Affordable Housing (2018) or any subsequent revision. The type, tenure and form of delivery shall be agreed with Fife Council's Housing Services.
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement.
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and the following conditions and reasons:

PRE-COMMENCEMENT CONDITIONS:

1. **BEFORE ANY WORK COMMENCE ON SITE;** details of the specification and colour of all proposed external finishes (including boundary walls, fences, and hardstanding) shall be submitted to and approved in writing by Fife Council as Planning Authority. The development shall, thereafter, be carried out in accordance with these approved details.

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

2. **BEFORE ANY WORKS COMMENCE ON SITE;** a Construction Method Statement and Management Plan, including an Environmental Protection Plan and a Scheme of Works to mitigate the effects on sensitive premises/areas from dust, noise and vibration relating to construction activities on site, shall be submitted to and approved in writing by Fife Council as Planning Authority. All construction works shall then be carried out in full accordance with any approved details.

Reason: In the interests of safeguarding amenity.

3. **BEFORE ANY WORKS COMMENCE ON SITE;** the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees and shrubs immediately adjacent to the site during the development phase. This Planning authority shall be formally notified in writing, including photographs of these measures, of the completion of such measures and no work on site that affects identified trees 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 and development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of safeguarding the existing trees adjacent to the site.

4. Should the development not commence before 31st March 2024, then an updated preliminary ecological appraisal (PEA) including a phase 1 habitat survey and protected species survey shall be submitted to this Planning Authority and approved in writing **BEFORE ANY WORKS COMMENCE ON SITE**. All works shall be carried out in full accordance with the approved PEA (Plan Reference: 85) or any subsequent approved details and all approved biodiversity enhancement measures shall be provided **BEFORE ANY PART OF THE DEVELOPMENT IS BROUGHT INTO USE**, whilst all mitigation measures as set out in the PEA

shall be implemented in full unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: As a precautionary measure to ensure the protection of protected species.

5. BEFORE ANY WORKS COMMENCE ON SITE; full details relating to the required biodiversity enhancement measures as set out in the approved PEA (Plan Reference: 85) or any subsequent approved PEA as required by condition 4 of this planning permission shall be submitted to and approved in writing by this Planning Authority. All works shall then be carried out in full accordance with any subsequent approved details and all approved biodiversity enhancement measures shall be provided BEFORE ANY PART OF THE DEVELOPMENT IS BROUGHT INTO USE; unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of biodiversity enhancement.

6. BEFORE ANY WORKS COMMENCE ON SITE; full details relating to the provision of public art on the site shall be submitted to and approved in writing by Fife Council as Planning Authority. These details shall include a full contextual and historic analysis of the site in relation to this public art and shall provide evidence that the cost of the public art provision is equivalent to £10,500. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interests of successful placemaking.

7. BEFORE ANY WORKS COMMENCE ON SITE; the developer shall secure the implementation of the programme of archaeological works as set out within the, hereby approved, written scheme of investigation (Plan Reference: 86). A verification report shall then be submitted to and approved in writing by Fife Council as Planning Authority once all of these required archaeological works have been carried out in full and BEFORE ANY WORKS ASSOCIATED WITH THE DEVELOPMENT COMMENCE ON SITE.

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

CONDITIONS:

8. 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.

9. The noise mitigation measures as specified within the submitted noise impact assessment report (Plan Reference - 88A) shall be carried out in full BEFORE THE DWELLING WITHIN PLOT 1 IS OCCUPIED and shall be maintained for the lifetime of the development unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of safeguarding residential amenity.

10. BEFORE THE OCCUPATION OF THE FIRST DWELLING; visibility splays 2.4 metres x 40 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the access road with the B942 in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained throughout the lifetime of the development.

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

11. BEFORE THE OCCUPATION OF THE FIRST DWELLING; visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all internal junctions of roads in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained throughout the lifetime of the development.

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

12. BEFORE THE OCCUPATION OF EACH ASSOCIATED DWELLING; the off-street parking provision as shown on the, hereby approved, site layout plan (Plan Reference: 03D) shall be provided in accordance with the current Fife Council Parking Standards as contained within appendix G of the current version of Making Fife Place's Supplementary Guidance. The parking spaces shall be retained throughout the lifetime of the development.

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

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

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

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

14. The, hereby approved, landscaping scheme (Plan References 81A, 82A, 83A and 84A) shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner. All planting carried out on site shall then be maintained by the developer in accordance with good horticultural practice for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually.

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

7.0 Background Papers

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

Links to Policy Documents and Guidance

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

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

[Planning Guidance](#)

National Guidance and Legislation

Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Setting (2016)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Gardens and Designed Landscapes (2016)

PAN (Planning Advice Note) 1/2011

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Affordable Housing Supplementary Guidance (2018)

Low Carbon Supplementary Guidance (2019)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Planning Obligations Framework Guidance (2017)

Policy for Development and Noise (2021)

Planning Customer Guidelines on Daylight and Sunlight (2018)

Planning Customer Guidelines on Dormer Extensions (2016)

Planning Customer Guidelines on Garden Ground (2016)

Minimum Distance between Windows Guidance (2011)

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

Report prepared by Scott Simpson, Chartered Planner

Report reviewed and agreed by, Alastair Hamilton, Service Manager (Committee Lead)5.2.24.

Committee Date: 14/02/2024

Agenda Item No. 5

Application for Full Planning Permission

Ref: 23/02503/FULL

Site Address: 92 Hepburn Gardens St Andrews Fife

Proposal: Downtaking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, installation of new automated vehicular gate and alterations to existing footpath.

Applicant: Mr Robert Kilgour, The White House 92 Hepburn Gardens

Date Registered: 11 September 2023

Case Officer: Kirsten Morsley

Wards Affected: W5R18: St. Andrews

Reasons for Referral to Committee

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

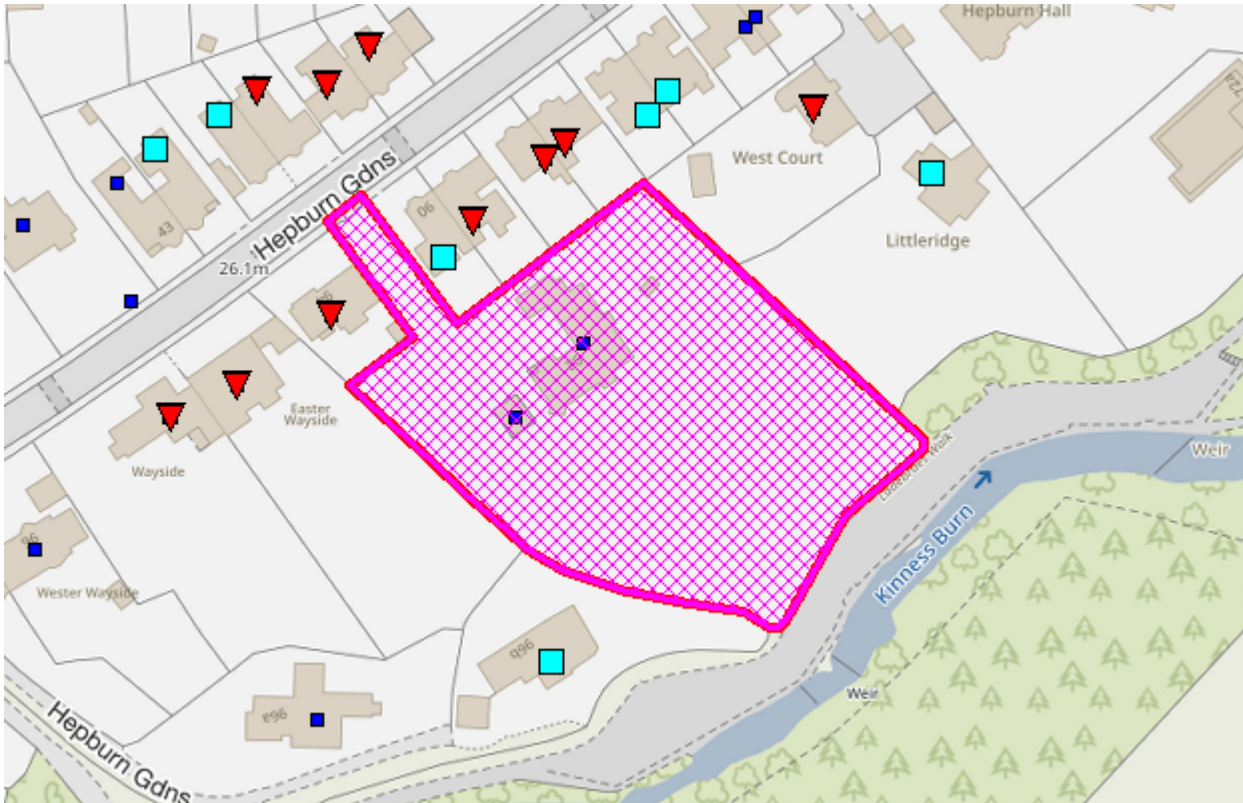
Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

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

The vehicular access is described in the listing as having *'circular gate piers topped by domed coping stones that are integrated into a sandstone rubble boundary wall with a rounded cope.'* White Lodge, a separate property situated just north-west of the White House, has a matching set of circular domed gate piers, and also forms part of this historical group of buildings. The White House was listed as it remains largely as originally built, its historic setting has largely remained intact and it retains external and internal features characteristic of the Arts and Crafts style - known for its simplicity and pared down style. The existing vehicular opening (and driveway) have a width of approximately 2.7 metres, and the existing metal vehicular gates whilst traditionally styled are modern.

1.3 Relevant Planning History

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

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

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

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

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

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

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

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

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

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

1.4 Application Procedures

Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

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

Policy 14: Design, quality and place

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 10: Amenity

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

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

HES sets out the general principles that should apply when proposing new work to ensure that a Listed Building or its setting or any features of special architectural or historic interest are

safeguarded from harm or inappropriate change. Design proposals should satisfy the principles for change as set down by HES.

Other Relevant Guidance

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

2.0 Assessment

2.1 Relevant Matters

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

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

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

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

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

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

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

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

2.2.6 The revised submission shows the width of the proposed access reduced from 6.3 metres to 4.8 metres, and the original proposed timber gates changed to a set of black coloured cast iron gates which would be set further back into the site to create a lay-in space with a secure entry which would be controlled by a touch pad sensor. This approach, it is stated, would also allow for the improved access for service, delivery, and emergency vehicles. The revised proposals also include for the replacement of the existing whin cobbles with a tarmacadam cross-over which would serve to address those concerns raised in terms of use of the path for those with impaired visibility/mobility.

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

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

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

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

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

2.2.12 Following consideration of the above and given the current width of the vehicular access the principal to enlarge the opening is considered to be justified. The case officer had advised that the enlargement should be minimal i.e. to 3.3 metres, with only the relocation of one gate pier rather than both to minimise loss of wall fabric, that the timber gate design would require to be revised to a traditional cast iron type to be in keeping with the character of the Conservation Area, and in order to address accessibility concerns with an electronic gate recommended that the gate be set into the site so its use would not impede traffic flow on Hepburn Gardens. The recommended revised gate design and its revised position have been taken on board; however the revised drawings show a larger opening of 4.8 metres and both stone pillars to be relocated. The agent's justifications for this have been outlined in paragraph 2.2.11 above.

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

accessibility problems for service and emergency vehicles, the revised submission is considered supportable.

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

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

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

2.3 Transportation/Road Safety

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

2.3.2 NPF4 policy 18 highlights that development will only be supported where it can be demonstrated that where there would be any material impact on infrastructure that this would be appropriately mitigated. Policies 1, 3 and 10 of the Adopted FIFEplan advise that development must be designed in a manner that ensures that the capacity and safety of infrastructure is not compromised. Support shall be given where development will not have a significant detrimental impact on the amenity of existing or proposed land uses in relation to traffic movements and which do not exacerbate road safety. Making Fife's Places associated transportation guidelines provide further advice in this regard.

2.3.3 Transportation Development Management provided comments on the proposals and have confirmed that they would have no objections should the access be increased to 5.5 metres as this would equate to a double width driveway. They also noted that a heel kerb would be required at the back of the widened driveway in line with the rear of the adopted footway boundary, but this would be dealt with by Roads Network Management colleagues once a S56 application to widen the vehicular crossing is submitted and considered. They also confirmed that the junction visibility would be better than currently available. It is therefore accepted that an increase to 4.8 metres would offer similar benefits.

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

3.0 Consultation Summary

TDM, Planning Services

No Objections

Built Heritage

Objection to original proposal.

4.0 Representation Summary

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

- a. The boundary wall includes two sets of matching gate piers which serve both the White House and White Lodge. The list entry highlights the importance of the historic grouping and unity of the House and the Lodge, and their historical and functional relationship. The gate piers and the Lodge are of the same style and design and the proposals would change this relationship, the character of the access would be undermined and this would impact upon the character of the approach to the Listed Building all of which would be contrary to Sections 59(1) and (64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- b. The scale of the opening is disproportionately wide, would result in too much of the listed wall being lost and this would be far beyond that required for the purpose of allowing access for service and fire brigade vehicles.
- c. The Hepburn Gardens Conservation Area Appraisal states that change within the Conservation Area should not be indiscriminate or damaging and the unique character of the area should be respected and not harmed.
- d. The ranch style timber gate is not sympathetic to the Arts and Crafts style. It would be visually overbearing and over-dominate being twice the size of the original gates and would not maintain or enhance the amenity of the Conservation Area where gates are in wrought iron.
- e. An entrance this size and a 5.5 metre wide driveway for a single house would set a worrying precedent if supported in the Hepburn Gardens Conservation Area. It would also suggest preparations for two-way traffic to a single dwellinghouse or for the purposes of intended construction within the grounds of this dwellinghouse.
- f. The use of whin stone cobbles on the extended cross-over would not meet the equalities legislation and would impact upon those with mobility or visual impediments.
- g. Two objectors highlight that they understand the need to widen the access to enable emergency vehicles and enhance safety for pedestrians, cyclists and other road users but do not support the extent of the widening which is considered un-necessary. The owners of 94 Hepburn Gardens highlight that they have the matching set of pillars and their entrance width is 3.15 metres which is also tight.
- h. The wall is continuous with the entrance to no. 94 and there is a similar unity with no.96 and no. 98. Hepburn Gardens. In addition the access at 102 Hepburn Gardens measures only 3.5 metres.

- i. The proposed changes would not substantially improve the existing sightlines.
- j. Parking on the street Monday to Friday is already very difficult and there are persistent problems with the flow of traffic. This is exasperated by parking on both sides of the street which lead to one way traffic. The new Madras College has also increased car numbers. Stopping to put in an access code before vehicles could enter the site via a solid electronic gate would block traffic flow. A solid gate would also not allow drivers to see pedestrians from both sides of the gate, and pedestrians could get impatient and attempt to enter onto the carriageway when it is not safe to do so.
- k. Safety issues exiting and entering site could be applied to every property on Hepburn Gardens.
- l. No personal injury accidents have been recorded in the road network here and the road has a 20 mph speed limit and horizontal traffic-calming measures.
- m. There is no justification or need for a solid gate to improve privacy. The house is not visible from Hepburn Gardens.
- n. Application description was extremely mis-leading.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a.	2.2.11, 2.2.12 and 2.2.13
b.	2.2.10, 2.2.11 and 2.2.12
c.	2.2.11, 2.2.12, 2.2.13 and 2.2.14
d.	The timber gate has been removed.
e.	2.2.14
f.	The whin stone cobbles have been removed.
g.	2.2.5, and 2.2.6
h.	2.2.14
i.	2.2.10 and 2.3.3
j.	2.2.12
k.	2.2.11, and 2.2.12
l.	2.2.9
m.	The gate design has been revised.
n.	The app. description was revised and the neighbours renotified.

4.2.2 Support Comments

Issue
a.
b. NONE
c.

4.2.3 Other Concerns Expressed

Issue	Comment
a. NONE	

5.0 Conclusions

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

6.0 Recommendation

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

CONDITIONS:

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

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

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

Thereafter the development shall be carried out in accordance with the details approved by a suitably qualified conservation professional.

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

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

Thereafter the development shall be carried out in accordance with the details approved unless changes are subsequently agreed in writing with this Planning Authority.

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

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance

Historic Environment Policy Scotland (HEPS) (April 2019)

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

Other Guidance

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

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 5.2.24

Committee Date: 14/02/2024

Agenda Item No. 6

Application for Listed Building Consent

Ref: 23/02504/LBC

Site Address: 92 Hepburn Gardens St Andrews Fife

Proposal: Listed building consent for downtaking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, and installation of new automated vehicular gate.

Applicant: Mr Robert Kilgour, The White House 92 Hepburn Gardens

Date Registered: 11 September 2023

Case Officer: Kirsten Morsley

Wards Affected: W5R18: St. Andrews

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

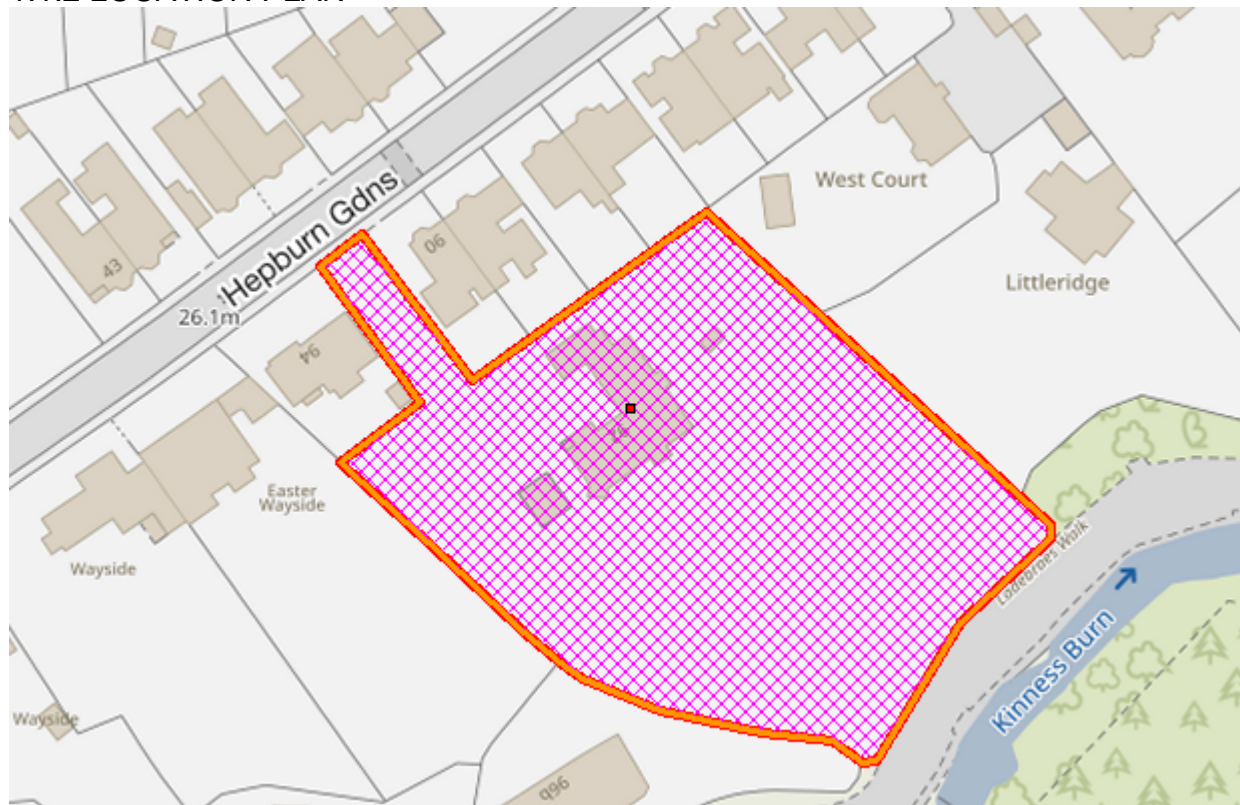
1.1 The Site

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

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

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

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

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

1.3 Relevant Planning History

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

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

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

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

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

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

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

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

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

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

1.4 Application Procedures

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

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

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

Policy 14: Design, quality and place

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 10: Amenity

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

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

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

Other Relevant Guidance

Hepburn Gardens, St Andrews Conservation Area Appraisal and Management Plan

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

2.0 Assessment

2.1 Relevant Matters

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

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

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

2.2.1 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the building, or its setting and change shall be managed to protect its special interest. All proposed alterations to a listed building should be sensitively managed to ensure that its historical and/or architectural significance is safeguarded against insensitive change or damage and that its special characteristics are protected, conserved, or enhanced.

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

2.2.3 The Hepburn Gardens Conservation Area Appraisal and Management Plan (2016) describes the White House as a notable property and highlights that the Arts and Crafts influence predominates the Hepburn Gardens Conservation Area. HES guidance on Setting and Boundaries set out the general principles that should be considered when assessing proposed changes and potential impacts on important heritage assets. The range of factors which contribute to the significance of this boundary wall and the gate piers would include, the wall's key characteristics in terms of materiality and design, its age/rarity, its aesthetic quality, and its visual prominence and relationship within the surrounding townscape. The guidance also highlights that even small changes/alterations can be detrimental and so potential impact has to be considered in relation to the scale of the alteration in relation to the scale of the historic asset, as well as whether any key characteristics would be lost. In terms of the widening of an access the guidance advises that this should be avoided if it would '*adversely affect the*

coherence and proportion of a design or relationship with another building/opening, however goes on to note that this type of alteration may be possible in circumstances where historic gates no longer exist and where there is a minimal loss of historic fabric. The guidance also states that any such proposal should be supported by a structural report, photographs, and detailed survey drawings to ensure a faithful reconstruction.

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

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

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

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

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

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

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

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

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

2.2.13 The visual impact concerns raised with the first submission related to a wider opening of 6.3 metres in combination with a large modern timber gate. This type of alteration would have resulted in a larger loss of important architectural/historic wall fabric as well as the creation of a development which would have taken visual prominence over the listed wall and the gate piers. In addition the current relationship the existing wall and the gate piers have with the matching set of circular domed gate piers at White Lodge would have been fundamentally broken. The revised proposals have reduced the opening to 4.8 metres and the timber gate has now been removed, thus reducing the visual impact of the proposals significantly. The relationship between both sets of gate pillars would, it is the view, still remain intact, given the intention to carefully dismantle by hand and faithfully re-construct the pillars with the existing stone. Whilst the gate opening would be larger, as the White House is the dominant property within this grouping of buildings this is considered acceptable, all the more so given that historic gates no longer exist within the opening and given the building's current accessibility problems for service and emergency vehicles, which the wider opening would address.

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

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

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

3.0 Consultation Summary

Built Heritage, Planning Services

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

4.0 Representation Summary

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

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

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

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a.	2.2.11, 2.2.12 and 2.2.13
b.	2.2.10, 2.2.11 and 2.2.12
c.	This is assessed within the FULL application.
d.	The timber gate has been removed.
e.	2.2.14
f.	The whin stone cobbles have been removed.
g.	2.2.5, and 2.2.6
h.	2.2.14
i.	2.2.10, this is also assessed within the FULL application.
j.	2.2.12
k.	2.2.11, and 2.2.12
l.	2.2.9
m.	The gate design has been revised.
n.	The app. description was revised and the neighbours renotified.

4.2.2 Support Comments

Issue
a.
b. NONE
c.

4.2.3 Other Concerns Expressed

Issue	Comment
a. NONE	

5.0 Conclusions

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

6.0 Recommendation

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

CONDITIONS:

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

Thereafter the development shall be carried out in accordance with the details approved by a suitably qualified conservation professional.

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

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

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

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

Thereafter the development shall be carried out in accordance with the details approved unless changes are subsequently agreed in writing with this Planning Authority.

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

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance

Historic Environment Policy Scotland (HEPS) (April 2019)

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

Other Guidance

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

Report prepared by Kirsten Morsley, Planning Assistant and Case Officer

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 5.2.24.

Committee Date: 14/02/2024

Agenda Item No. 7

Application for Full Planning Permission**Ref: 23/00547/FULL****Site Address: Land To The South Of Pitcairn Drive Pitcairn Drive Balmullo****Proposal: Erection of 39 dwellings (including affordable housing) and other supporting site infrastructure****Applicant: Kingdom Housing Association And Peacehill Farming Ltd, Pitreavie Drive Pitreavie Business Park****Date Registered: 28 April 2023****Case Officer: Jamie Penman****Wards Affected: W5R17: Tay Bridgehead**

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Conditional Approval

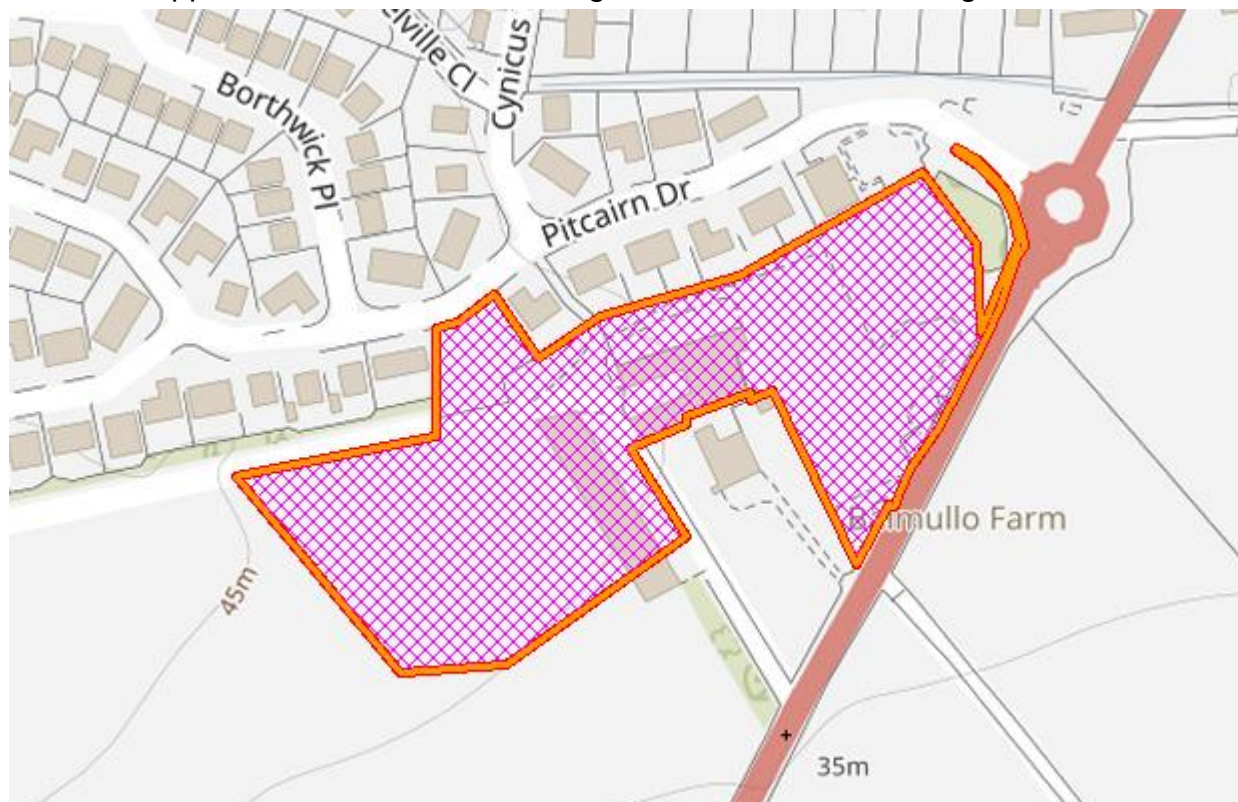
1.0 Background

1.1 The Site

1.1.1 This full planning application relates to a 1.8Ha area of land, located towards the southern edge of the settlement of Balmullo. The site lies between the southern boundary of Pitcairn Drive and the northern boundary of the A914. The eastern half of the application site is located within the settlement boundary of Balmullo, comprising FIFEplan allocated housing site BLO001, along with an area of Protected Open Space. The western side of the application site is located within the countryside. The area covered by the FIFEplan allocation is on the Vacant and Derelict Land Register and many of the buildings which once occupied the site and were delisted in 2017, have since been demolished. The area of the site which is located within the countryside is agricultural land and includes a large, elongated farm building. There is a private track (suitable for vehicles) and Right of Way (FN165) which leads through the centre of the site from the A914 to Cuplahills Farm. There is a Core Path (P128/03) which follows the private track along the northern boundary of the site, linking onto Pitcairn Drive, between no's 13 and 15 Pitcairn Drive. 12 existing dwellinghouses (mix of 1/1.5 storeys), located on the south side of

Pitcairn Drive, share a boundary with the application site to the north. The Pitcairn Medical Practice is also located towards the northeast corner of the site. An area of open space/trees is located towards the eastern boundary of the site, adjacent to the A914 roundabout. The A914, which is the main transport route through Balmullo is located to the south. There are 2 existing access points (1 disused) into the site from the A914. Balmullo Farm House (Category B Listed) is also located along the southern boundary of the site, along with a number of mature trees which are protected by a series of individual Tree Preservation Orders. The remainder of the agricultural field is located to the west of the site. The site is generally flat but falls downhill towards its southern boundary.

1.1.2 The application site and surrounding area is shown in the image below.



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1.2 The Proposed Development

1.2.1 This full planning application proposes a total of 39 dwellings. 20 open market dwellings are proposed on the eastern half of the site with 19 affordable dwellings being proposed on the western half. Proposed housetypes include a mix of single-storey bungalows (5) and two-storey houses (34). The proposed dwellings would either be in detached (12), semi-detached (10) or terraced/flats (13/4) arrangements. Proposed finishing materials consist of a mix of smooth white rendered walls with areas of facing brick and grey weatherboard. Grey roof tiles, UPVC windows and composite doors are also proposed. All dwellings would have a small front garden, with larger private gardens being provided to the rear. All dwellings would also have off-street parking which would either be provided in-curtilage or within a communal parking court. Landscaping is proposed across the site along with a mix of boundary treatments consisting of stone walls, hedging and timber fencing. Pockets of open space has also been provided throughout the site, with a new woodland path also being proposed through a new tree belt which is to be planted along the western boundary. A single point of access is proposed from Pitcairn Drive. The existing disused access from the A914 would be stopped up and the existing private track which leads to Cuplahills Farm would be gated to ensure that access to general traffic is prohibited.

1.3 Relevant Planning History

06/01643/EFULL Removal of play area and erection of detached dwelling – Application Approved April 2006

08/00147/FULL Conversion of steading building to 4 dwellings and erection of 19 dwellings – Application Withdrawn October 2012

08/00149/ELBC Listed building consent for conversion of steading building to 4 dwellings – Application Refused July 2008

1.4 Application Procedures

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

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises.

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 5: Soils

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

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

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

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

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20 minute neighbourhoods

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 2: Homes

Outcomes: An increase in the availability of homes of a good quality to meet local needs. The provision of a generous supply of land for each housing market area to provide development opportunities and achieve housing supply targets across all tenures. Maintaining a continuous five-year supply of effective housing land at all times.

Policy 3: Infrastructure and Services

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

Policy 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

Policy 7: Development in the Countryside

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

Policy 8: Houses in the Countryside

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

PAN 01/2011 – Planning and Noise

PAN 33 – Development of Contaminated Land

Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

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

Supplementary Guidance: Affordable Housing (2018)

Supplementary Planning Guidance on Affordable Housing sets out requirements for obligations towards affordable housing provision from housing development in Fife.

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications

demonstrating compliance with CO2 emissions reduction targets and district heating requirements;

requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Planning Customer Guidelines

Air Source Heat Pumps

Developing Brownfield Sites

Daylight and Sunlight

Garden Ground

Trees and Development

Minimum Distances between Window Openings

Other Relevant Guidance

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

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design/Visual Impact on Surrounding Area and the Historic Environment
- Residential Amenity
- Road Safety and Sustainable Travel
- Flooding and Drainage
- Land Contamination
- Natural Heritage/Trees
- Planning Obligations
- Archaeology
- Sustainable Development
- Loss of Prime Agricultural Land

2.2 Principle of Development

2.2.1 NPF4 Policies 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), 16 (Quality Homes) and FIFEplan Policies 1 (Development Principles) and 2 (Homes) support development on brownfield, allocated sites which are located within settlement boundaries.

2.2.2 The application proposal can be split into two distinct halves for assessment purposes. This includes the eastern half, which contains 20 open market dwellings and the western half, which includes 19 affordable dwellings. The eastern half of the application site is located within FIFEplan allocated site BLO001 and within the settlement boundary of Balmullo. The allocation table for BLO001 advises that the site has an estimated capacity of 23 units but includes no specific design criteria. The allocation does note, however, that the site includes a Category B listed building and that a Flood Risk Assessment is required. The noted listed building has since been demolished after being delisted in 2017 and a Flood Risk Assessment has been submitted. The development proposed on the eastern half of the application site is therefore in compliance with allocation BLO001 and is therefore acceptable in principle.

2.2.3 Concerns have been raised in submitted representations that there is no need for any more affordable housing in this area and that there are alternative sites within the existing settlement boundary. Comments raise concerns regarding development in the countryside and regarding the development of protected open space. Conversely, some comments note support for more housing in this area.

2.2.4 The western half of the application site is neither located within an allocated site or within the settlement boundary of Balmullo and as such, is located within the countryside. NPF4 Policy 16 (Quality Homes) and FIFEplan Policies 1 (Development Principles), 2 (Homes) 7 (Development in the Countryside) and 8 (Houses in the Countryside) apply. These policies lend support to affordable housing developments proposed in the countryside, where there is no other alternative site available within the settlement boundary, where they are part of the Local Authority's affordable housing plan, where there is an established local need for more affordable housing, where they are adjacent to an existing settlement boundary and where they are of an acceptable scale in relation to the adjacent settlement.

2.2.5 A supporting statement has been submitted with this application which considers what alternative sites are available within the settlement boundary. The statement notes the presence

of one other allocated site within Balmullo (BLO002). This is located to the north of Clay Road, approximately 350m to the northeast of the application site, on the opposite side of the A914. However, the applicant's supporting statement details that this site has been discounted as it is unlikely to be viable to develop for 100% affordable housing purposes. The supporting statement details that given it is allocated, it is likely to come forward as open market housing and as such, its sale price will reflect this. Furthermore, it is also understood that the site is no longer available for sale and that an alternative developer is currently progressing an open market housing proposal for it. As such, it is accepted that whilst BLO002 may be large enough to accommodate the affordable element of this proposal, the applicant has advised that it would not be financially viable to do so. Furthermore, the site is not available for development for this proposal and that there is no other brownfield site within the Balmullo settlement boundary, large enough to accommodate the development.

2.2.6 Fife Council's Affordable Housing Team has been consulted on this application and has advised that the western half of the application site is part of the Fife Council's Strategic Housing Investment Plan (SHIP) and the current Strategic Local Programme Agreement (SLPA). The Affordable Housing Team has also confirmed that there is an established high need for more affordable housing within the settlement of Balmullo and this is demonstrated through the 80 applicants who are on the Fife Housing Register who have specified Balmullo as an area of choice. Need is further demonstrated by the fact that there are only 29 existing social rented properties within Balmullo, with only 2 of those properties being relet in the previous year. Lastly, in terms of scale in relation to the adjacent settlement size, Balmullo has between 200 and 1,000 households and in line with FIFEplan Policy 2, an affordable housing development of up to 30 dwellings is acceptable. As such, given there is no other alternative sites available within the settlement boundary, the application site is adjacent to an existing settlement boundary, it is part of Fife Council's affordable housing plan, there is an established high need and it is of an acceptable scale, the proposed affordable housing development within the countryside is acceptable, in principle.

2.2.7 NPF4 Policy 20 (Blue and Green Infrastructure) and FIFEplan Policy 3 (Infrastructure and Services) aim to protect existing areas of open space, unless an alternative provision is proposed which is convenient for users and/or where it is accepted that there is a local over provision. These policies apply given that the proposed access road into the development would be located on an existing area of protected open space, as defined by FIFEplan. This area of protected open space which is located on the southern side of Pitcairn Drive once hosted play equipment, however, the equipment has since been removed with the area now wholly consisting of closely mown grass. The area of protected open space measures approximately 875m². The proposed access and parking layby would develop approximately 240m² of this area, resulting in an approximate 27% reduction. It is worthy to note that the most recent Fife Greenspace Audit (2010) considers Balmullo as having an overall poor provision of greenspace, with approximately 71% of the Fife average. Whilst the area of protected open space is being partially developed, access to the majority of the area will be maintained. Furthermore, usable open space is being provided within the development site itself, with a new woodland walk/pathway also being provided along the western and southern boundary of the site. This would be located approximately 70m away from the existing area, ensuring that it is still a convenient area to use by those who reside on Pitcairn Drive. It is also relevant to note the approval of planning application 06/01643/EFULL which approved a detached dwelling on this area of open space, however, this would likely have been before the site was identified as an area of protected open space. Whilst this application was approved, it has subsequently lapsed with no development having commenced. It is understood that there is essential Scottish Water infrastructure below the area and it is not suitable for significant built development. Whilst it is accepted that the proposed access route into the site would develop an existing area of protected open space, it is duly considered that the majority of the space would still be usable, and an acceptable level of alternative open space is being provided in a convenient location to compensate for the loss. Furthermore, the benefit of partially developing the area of protected

open space to provide a suitable access into an allocated housing site, which would see the area of Vacant and Derelict Land successfully developed, should not be understated.

2.2.8 Whilst this is a slightly unusual application, in that two distinctly separate proposals (in policy terms) have been presented in one single submission, it has been demonstrated that the proposal as a whole is acceptable in principle, in accordance with NPF4 and FIFEplan policies. The ultimate acceptability of the proposal will be fully considered in the following sections of this report.

2.3 Design/Visual Impact on Surrounding Area and the Historic Environment

2.3.1 NPF4 Policies 7 (Historic Assets and Places), 14 (Design, Quality and Place) and FIFEplan Policies 10 (Amenity) and 14 (Built and Historic Environment) support development proposals which have a positive visual impact on their surroundings and either preserve or enhance the setting of adjacent listed buildings.

2.3.2 Submitted representations raise concerns regarding the visual impact of the development. Specifically, regarding impact on the wider countryside, the character of the entrance into the village, the overall character of the village and that the proposed property types are not complementary to those that already existing in the surrounding area. Many comments raise concerns with regard to the use of two-storey properties opposite existing single storey houses. Concerns have also been raised in terms of the developments impact on the setting of the adjacent listed building.

2.3.3 The application site comprises part brownfield land, located within the settlement boundary of Balmullo and part brown/greenfield land which is located within the countryside. The site occupies a prominent position upon entering the village from the south. The western boundary of the wider site is also visible from further afield within the wider countryside. The eastern, allocated part of the site is also on Fife Council's Vacant and Derelict Land Register and has been semi-derelict for a number of years. Listed buildings which once occupied this part of the site have been delisted and demolished, with no further development occurring within the site since. Several, unlisted farm buildings still remain within the site but are proposed to be demolished. Whilst the site has begun the process of renaturalising, with areas of self-seeded vegetation being visible, it is still considered to be in a derelict state. There is a large, elongated farm building (70m x 15m) on the western half of the application site which would be demolished to make way for the development, and as such, that part of the site located out with the settlement boundary is brownfield land. The remainder of the western part of the site is a worked agricultural field and as such, is greenfield land. There are 12 existing dwellinghouses located on Pitcairn Drive, which share the northern boundary of the site. These properties are a mix of single and 1.5 storeys. There is a Category B Listed farmhouse located along the southern boundary of the site.

2.3.4 This full planning application proposes a total of 39 dwellinghouses. 20 market dwellings are proposed on the eastern half of the site with 19 affordable dwellings being proposed on the western half. Proposed housetypes include a mix of single-storey bungalows (5) and two-storey houses (34). The proposed dwellings would either be in detached (12), semi-detached (10) or terraced/flats (13/4) arrangements. Proposed finishing materials consist of a mix of smooth white rendered walls with areas of facing brick and grey weatherboard. Grey roof tiles, UPVC windows and composite doors are also proposed. All dwellings would have a small front garden, with larger private gardens being provided to the rear. All dwellings would also have off-street parking which would either be provided in-curtilage or within a communal parking court. Landscaping is proposed across the site along with a mix of boundary treatments consisting of stone walls, hedging and timber fencing. Pockets of open space has also been provided

throughout the site, with a new woodland path also being proposed through a new tree belt which is to be planted along the western boundary. A single point of access is proposed from Pitcairn Drive.

2.3.5 Whilst the 20 market dwellings and 19 affordable dwellings have been grouped into separate parts of the site, finishing materials have been kept consistent across both tenures and the site will have a generally open feel, with ease of movement between the two sites being maintained. Furthermore, whilst different housetypes/arrangements have been proposed, the affordable housing would generally be indistinguishable from the market housing in terms of appearance and as such, no significant concerns would be raised in this regard. Whilst in larger sites it may be possible to distribute affordable housing across a larger area, it is generally accepted that grouping is required for the Housing Association to efficiently manage the properties. Properties located within Pitcairn Drive have a relatively modern appearance and as such, no significant concerns would be raised with the proposed properties conflicting with the existing character of the area.

2.3.6 Whilst only one vehicular access is proposed into the site from Pitcairn Drive, multiple points of pedestrian access have been proposed to ensure good levels of permeability to the wider area provided. When originally submitted, this application proposed a single point of vehicular access into the site directly from the A914. It was considered however that by doing so, would result in a cul-de-sac which was visibly detached from the existing settlement. As there was an opportunity to do so, it was requested that the access point into the site was provided from Pitcairn Drive, through the existing area of open space, with the original access point being completely removed. It is considered that this was a significantly positive factor in creating a development which can be viewed as part of Balmullo and integrate it within its place. Whilst there will be a visual impact on the area of open space given that it currently contains no development, it is considered that the road with 2 parking bays and a footway on its eastern side and open space/landscaping on both sides would create a welcoming environment into the site whilst also maintaining the openness the area currently provides.

2.3.7 The internal site layout represents an attractive, modern development which would not only partly involve the development of an allocated housing site, but also revitalise a brownfield site which is on the Vacant and Derelict Land register. Whilst most of the proposed housing faces into the site itself, 5 dwellings front onto the A914, which will provide a welcoming approach into Balmullo. A low stone wall has also been proposed in this location. Given the western part of the site is located within the countryside where limited development currently exists, this part of the proposal will have some degree of visual impact on the countryside. The development edge has, however, been softened with tree planting and rear boundary treatments are to include post and wire fencing with hedging, to ensure a natural finish. Given the site's position adjacent to the existing settlement boundary, the site would have no significant visual impact on the wider countryside setting and would read as a natural extension to the Balmullo settlement. No significant concerns would be raised with regard to the site layout/plot density, which generally reflects what can be found within the wider area.

2.3.8 Within the development site, the stone walls which surround Balmullo Farmhouse (Category B Listed) would be retained with new walling and/or landscaping provided along the northern boundary where required. A finalised boundary treatment plan shall be secured through condition. This would ensure a high-quality traditional boundary treatment is provided to separate the site from the listed building. Dwellings within the site are also well separated from the listed building itself with a minimum separation distance of 24m being provided. It is duly considered that given the separation distances proposed, the development would not compete with the listed building and as such, its setting would be preserved.

2.3.9 It is noted that there are a mix of existing property types along Pitcairn Drive, which border the application site to the north. Out of the 12 dwellings which share this boundary, 7 are single storey with an approximate maximum finishing height of 6m and 5 are 1.5 storeys, with an approximate maximum finishing height of 7.5m. Out of the 13 proposed dwellings that share a boundary with the existing dwellings on Pitcairn Drive, 4 are single storey with a maximum finishing height of 5m, with the remaining 9 dwellings to be two-storey with a maximum finishing height of 8m. A minimum separation distance of approximately 19m between existing and proposed properties along this boundary has been maintained and minimum garden lengths of at least 9m have also been provided. Whilst there will no doubt be an impact through the introduction of two-storey dwellings to the rear of the existing single storey dwellings, given the separation distances which have been maintained and the garden lengths which have been provided, the impact would not be deemed overbearing or significantly detrimental in this instance and is therefore acceptable. It is noted that No's 3 and 9 Pitcairn Drive contain conservatories. A bungalow is proposed to the southern boundary of No. 3 and as such, no visual impact concerns would be raised in this regard. Whilst a two-storey property is towards the southern boundary of No. 9, a minimum separation distance of approximately 19m has been maintained.

2.3.10 Plots 8 and 9 are positioned directly south of the existing doctor's surgery on Pitcairn Drive. A minimum separation distance of only 11m has been provided, however, given no windows exist on the south elevation of the doctor's surgery, no significant visual impact concerns would be raised with regard to the development being overbearing on this building.

2.3.11 The proposal complies with relevant NPF4 and FIFEplan policies, along with Making Fife's Places Supplementary Planning Guidance.

2.4 Residential Amenity Impact

2.4.1 NPF4 Policies 16 (Quality Homes), 23 (Health and Safety) and FIFEplan Policy 10 (Amenity) support development proposals that have no significant detrimental impact on existing levels of residential amenity. These policies specifically relate to privacy, overshadowing, noise and odour impacts. Where potential impacts are identified, the proposal should be supported by appropriate studies.

2.4.2 Submitted representations raise concerns with regard to privacy and overshadowing impacts, largely in relation to the use of two-storey property types along the northern boundary where single storey properties currently exist opposite. Concerns also note potential for increased noise levels due to the uplift in traffic using Pitcairn Drive and from construction works. The proximity of the recently approved digestate lagoon to the site has also been raised as a concern.

2.4.3 Within the site, proposed dwellings have been positioned to avoid any significant privacy impacts. Rear garden lengths of 9m have been provided along with minimum distances of 18m between windows which serve habitable rooms. Furthermore, proposed dwellings have been positioned to avoid any significant overshadowing impacts. Garden ground areas generally comply with Fife Council guidance of 100sqm per dwellinghouse and 50sqm per flat. It is noted that some of the terraced properties fall short of this 100sqm, however, it is recognised that it is often difficult to comply with the 100sqm guidelines, without have gardens that are unnecessarily long.

2.4.4 In terms of the development's relationship to existing dwellings located outwith the site, given no significant development currently exists within the application site, the proposed development will have an impact on existing levels of amenity currently enjoyed by existing

residents of Pitcairn Drive and Balmullo Farmhouse. A distance of at least 23m separates the closest proposed dwelling from Balmullo Farmhouse. This will ensure no significant privacy or overshadowing impacts would arise. With regard to existing properties located along the northern boundary of the site on Pitcairn Drive, it is accepted that two-storey dwellings are proposed opposite existing single storey dwellings. The development has been designed, however, to ensure a minimum distance of at least 18m has been provided between these proposed dwellings and those existing properties along Pitcairn Drive. Minimum garden lengths of at least 9m have also been provided. This will ensure that no significant detrimental residential amenity impacts will occur with regard to privacy or overshadowing. Both distances are also in compliance with Fife Council Planning Customer Guidelines. No significant impacts on the conservatories attached to No's 3 and 9 Pitcairn Drive are anticipated given that a single storey property is proposed opposite No. 3 and a 19m separate distance has been provided in respect of No. 9. The applicant has undertaken an overshadowing study which demonstrates that the proposed development would have no significant impact on sunlight levels currently enjoyed in the rear garden grounds of properties located along Pitcairn Drive.

2.4.5 Given the proximity of the site and particularly plots 1-5 to the A914, a Noise Impact Assessment (NIA) was undertaken to ascertain what impact road traffic noise would have on properties within the site. It is worthy to note that the current speed limit of the road is 60mph, which reduces to 30mph upon entering Balmullo. If this application is approved, it is likely that the 30mph speed limit sign would be relocated further south, to ensure that vehicle speeds reduce sufficiently, before passing the new development. As such, the NIA is likely to present a worst-case scenario in terms of noise, as a result of high vehicle speeds. The Noise Impact Assessment details that in terms of external amenity areas, Fife Council noise limits have been met in most rear gardens, besides minor exceedances of 1db in the rear garden grounds of Plots 1 and 5. The NIA details that this is likely to have a negligible/slight impact on levels of amenity, however, are unlikely to be of important in the decision making process. With regard to internal noise levels, the NIA details that all plots within the site, with the exception of plots 1-5, 6, 7, 8, 9, 11, can meet target internal daytime and night-time noise levels when measured with windows open for ventilation purposes. The NIA advises that plots 1-5, 6, 7, 8, 9, 11 can meet internal noise level targets, but only with standard double glazing when measured with windows closed. As such, alternative means of ventilation will be required for these properties. Whilst it is always preferable that internal noise level targets are achieved with windows open, a closed window solution can be accepted on allocated/brownfield sites. It is worthy to note that attenuation in the form of a noise barrier, could have been provided along the site boundaries to achieve target noise levels, however, this would not have been acceptable in visual impact terms.

2.4.6 Given the low levels of traffic generated by this development and the low speeds in which vehicles will be travelling on Pitcairn Drive (20mph), no significant concerns would be raised in terms of noise impacts from increased traffic levels, on existing properties within Pitcairn Drive.

2.4.7 Submitted representations note the proximity of a recently approved (21/01091/FULL) and constructed digestate lagoon, which is located approximately 200m south of the southern boundary of the application site. Concerns are raised regarding potential odour impacts this may have on the development. Fife Council's Environmental Health Team has been consulted on this application and has raised no issues in this regard. It is also worthy to note that in the Odour Management Plan submitted in support of 21/01091/FULL and agreed by Environmental Health, advises that the digestate is unlikely to be a source of malodour. Furthermore, a condition was added to that consent requiring a floating cover to be installed, to mitigate further any potential odour impacts. No significant concerns are therefore raised in this regard.

2.4.8 Whilst some temporary disruption is always likely during the construction period, a condition has been added requiring the submission of a Construction and Environmental

Management Plan. Subject to the final detail being agreed, this should reduce the likelihood of significant impacts occurring.

2.5 Road Safety and Sustainable Travel

2.5.1 NPF4 Policies 13 (Sustainable Transport), 15 (Local Living and 20 Minute Neighbourhoods) and FIFEplan Policy 3 (Infrastructure and Services) apply and support development that have no significant road safety impacts. Furthermore, these policies require developments to provide adequate infrastructure to mitigate their impact in terms of traffic movements and for developments to encourage sustainable modes of travel.

2.5.2 Submitted representations raise concerns with the access arrangements into the site from Pitcairn Drive. Concerns note the potential for increased traffic levels on an already busy road and that the arrangement is unsuitable for agricultural vehicles. Concerns are also raised regarding pedestrian/equestrian safety. The possibility of on-street parking on the A914 has also been noted.

2.5.3 The application site currently has two existing vehicular access points onto the A914. The northernmost access is disused, whilst the southernmost access is used to access Balmullo Farmhouse and Cuplahills Farm via a private track. Upon first submission, it was proposed that the disused access would be reopened and form the main access point into the site. It was also proposed that an agricultural field gate was to be installed over the private track, to ensure that general traffic would not use this track/access. Through discussions with the applicant, it was agreed that the main access point into the site would be moved to the area of protected open space located on Pitcairn Drive, with the disused access to be stopped up. This would result in all vehicles traveling to or through the site, having to use Pitcairn Drive. It was considered that an access point coming off Pitcairn Drive was not only safer in road safety terms, but also from a design point of view, in that it better integrated the application site into the Balmullo settlement.

2.5.4 Fife Council's Transportation Development Management Team (TDM) was consulted on this application and has raised no significant concerns with the proposal. Their response notes that parking levels are acceptable and whilst they have raised some concerns with plots 1-5 fronting on to the A914, due to the possible increase of on-street parking in that location, a low wall had been proposed along the road verge, to discourage future residents from doing so.

2.5.5 To address the concerns raised, through discussions with local residents and adjacent landowners, the applicants have agreed to construct a new, more direct access and private track from the A914 to Cuplahills Farm. This is proposed approximately 400m south of the existing access point. This access would ensure large agricultural vehicles (and others) have an alternative access to Cuplahills Farm meaning that they would not have to use Pitcairn Drive. This new access and track (first 25m) will require the benefit of full planning consent and an application for this has been submitted. The remainder of the private track can be constructed through agricultural permitted development rights.

2.5.6 A Transport Statement (TS) has been submitted with this application which details that the site would be expected to generate 44 two-way person trips during the AM peak and 29 two-way person trips during the PM peak. This would equate to 21 and 17 vehicle trips respectively. Whilst this will lead to an increase in traffic routing through Pitcairn Drive, it is suggested that the estimated traffic flows would be insignificant in relation to surrounding traffic flows.

2.5.7 The TS also evaluates public transport options that are available in the surround area and advised that the nearest bus stops are located on Cynicus Place, less than 100m from the site entrance. There are also stops on Pitcairn Drive, approximately 180m from the site entrance. Hourly services operate between Kirkcaldy, Glenrothes, St Andrews and Dundee. The nearest Railway Station is Leuchars, approximately 1.5 miles to the east of the site. There are good footpath links in the surrounding area, which includes a safe route to Balmullo Primary School, located approximately 450m to the north of the site entrance. The closest National Cycle Route (NCR1) is located approximately 1.7m to the east of the site and connects Cupar with the Tay Bridge. Balmullo contains amenities to facilitate local living, including a doctor's surgery, convenience store and primary school.

2.5.8 The applicant proposes to reroute Core Path (P128/03) which runs east/west along the private track from Cuplahills Farm and links onto Pitcairn Drive between numbers 13 and 15. The existing path (approximately 3m wide/unlit/gravel surface) between these two properties would be closed off, with the new route to follow the new access point into the site from Pitcairn Drive. The route would be on an adopted footway (lit/paved). Fife Council's Access Officer has been consulted on this proposal and has advised that they have no concerns, however, the applicant will have to formally apply to divert the route in accordance with Section 208 of The Town and Country Planning (Scotland) Act 1997. A condition will be required to ensure the applicant follows this procedure and that the existing path is stopped up at both its northern and southern ends.

2.6 Flooding and Drainage

2.6.1 NPF4 Policies 22 (Flood Risk and Water Management) and FIFEplan policies 3 (Infrastructure and Services) and 12 (flooding and the Water Environment) support development proposals which will not be impacted by flooding, nor increase flooding elsewhere outwith the site. Furthermore, these policies support development which sustainably deals with surface water run-off.

2.6.2 Submitted representations raise concerns regarding existing flooding which occurs in the local area and how this might impact the site. Some comments also note that there is no need for the below ground attenuation feature to deal with surface water run-off.

2.6.3 FIFEplan allocated site BLO001 indicated that a Flood Risk Assessment (FRA) is to be submitted for this site. However, the SEPA flood maps do not show any indication that the site is prone to any type of flooding. Nonetheless, an FRA along with full drainage details have been submitted by the applicant. The submitted FRA concludes by noting that the site is at little to no risk of all types of flooding. The submitted drainage details advise that surface water run-off would be collected and routed to a below ground attenuation feature located towards the eastern boundary of the site. From here, stored water would be treated and discharged at a restricted rate, to a nearby watercourse. Foul water would discharge to existing Scottish Water Infrastructure.

2.6.4 Fife Council's Structural Services Team has been consulted and after some initial queries, which were responded to with further information from the applicant, advised that they had no objections on flooding or surface water drainage grounds.

2.6.5 Scottish Water has been consulted on this application and has advised that they have no objection with regard to the development's impact on capacities at the local water treatment (Lomond Hills) and wastewater treatment works. (Guardbridge)

2.7 Land Contamination

2.7.1 NPF4 Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and FIFEplan Policy 10 (Amenity) support development which remediates contaminated land, making it safe for future land uses.

2.7.2 A Phase 1 Desk Study has been submitted with this application which assesses the contaminated land risk for this site. The study concludes that an intrusive site survey is required to fully investigate the nature of existing ground conditions at the site. Fife Council's Land and Air Quality Team has been consulted on this proposal and has recommended that conditions be attached to any future consent that require intrusive investigation to be undertaken along with a remedial action statement and verification report where required.

2.8 Natural Heritage/Trees

2.8.1 NPF4 Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 4 (Natural Places), 6 (Forestry, Woodland and Trees) and FIFEplan Policy 13 apply and support development which protects and enhances protected species/biodiversity in and around the site whilst also safeguarding protected trees and also non-protected trees which have amenity value.

2.8.2 Submitted representations raise concerns that no ecology assessment has been undertaken and that the impact on local wildlife has not been fully considered. Concerns are also raised regarding the removal of trees subject to a Tree Preservation Order.

2.8.3 The site consists of agricultural, semi-renaturalised land and derelict buildings, all which could potentially host protected species. An Ecological Impact Assessment (EIA) report has been submitted with this application which details that the site was assessed in terms of its habitat/vegetation potential for bats, badgers birds, pine martens, red squirrels, otters, beavers, water voles, amphibians and reptiles. The survey noted negligible potential for badger, pine marten, otter or water vole. Furthermore, it notes negligible to low potential that trees/buildings would host bat roosts and whilst moderate levels of bat activity was noted within and around the site, no bat roosts were identified within the site. The survey also noted that whilst there was potential habitat for red squirrels within the site, no dreys were found. In terms of birds, the survey notes a low likelihood of Schedule 1 birds, however, species of conservation concern were recorded and that there is a high likelihood of breeding birds to be found in trees, shrubs and hedgerows within the site. As such, it is recommended that any clearance work is undertaken outwith the bird breeding seasons. Alternatively, if this work is to be undertaken during bird breeding season, it survey should be undertaken 48 hours prior to work commencing in order to establish appropriate buffer zones and any active nests. Should any active nests be found, works should stop until chicks have fledged. The survey ultimately concludes that the development will have a low impact on existing wildlife but does note that there are opportunities to enhance the local habitat and incorporate biodiversity enhancement measures for the longer-term, such as installing bat/bird boxes, creating wildflower-rich areas and through planting of native trees, shrubs and hedges. A condition has been added to ensure a details biodiversity enhancement plan with associated mapping and product details is submitted before any works start on site.

2.8.4 Trees exist within and around the boundary of the application site, with some along the southern boundary adjacent to the A914 being protected by a Tree Preservation Order (TPO). A Tree Survey has therefore been undertaken. The survey indicates the presences of 3 category B trees within the site with the remainder falling within category C and U, noting that most of these trees are generally young/early mature, are in poor to reasonable condition and are

mostly self-seeded. It is proposed that all category C and U trees, along with 1 category B tree are removed to facilitate the development. The removal of category C and U trees are not normally seen as a barrier to development given their low quality and the removal of one category B tree does not raise any significant concerns, particularly given that a compensatory planting scheme has been proposed, indicating that a total of 111 trees will be replanted. It is also worthy to note the removal of one tree which is currently covered by a TPO (F0047-T55). The submitted tree survey advises that this tree (Horse Chestnut) falls within category U, has a number of defects and is at risk of falling onto the A914. The survey therefore recommends that this tree is removed. A Tree Protection Plan has also been submitted with the application which details how trees to be retained will be protected during the development. Fife Council's Tree Officer has been consulted on this application and has raised no objections.

2.8.5 A detailed landscaping plan has been submitted with this application which shows tree and hedging planting throughout the site. Hedges have been used as front garden boundary treatments, which is welcomed.

2.9 Planning Obligations

2.9.1 NPF4 Policy 18 (Infrastructure First) and FIFEplan Policy 4 (Planning Obligations) support development where an infrastructure first approach has been applied. These policies advise that all development should mitigate their impact on infrastructure capacity and developer contributions will be sought where required.

2.9.2 Submitted representations raise concerns regarding the impact that this development would have on local school capacities.

2.9.3 Given that 100% affordable housing is proposed on half of the site, with the remaining half being previously developed land, which is on the Vacant and Derelict Land Register, the whole application site is exempt from all planning obligations, except where a critical capacity issue has been identified within schools in the local catchment area. Fife Council's Education Team were consulted on this application and has advised that the application site falls within the catchment areas for Balmullo Primary, St Columba's Roman Catholic Primary School, Bell Baxter High School, St Andrew's Roman Catholic High School and the Tay Bridgehead Local Nursery Area. The consultation response advises that no capacity risks are expected at any of the schools within the catchment as a result of the development. There is however a capacity risk expected within the local nursery area, however, the Education Team has advised that due to the low number of units within this development, there may be some additional capacities in other areas, therefore planning obligations have not been requested in this instance.

2.9.4 Making Fife's Places advised that sites are expected to provide 60sqm of open space per dwelling within the site, unless there are existing areas of open space within 250m in the wider area which can be utilised. It is noted that at least 2,400sqm of usable open space would be provided within the site which exceeds the 60sqm requirement.

2.10 Archaeology

2.10.1 NPF4 Policy 7 (Historic Assets and Places) and FIFEplan Policy 14 (Built and Historic Environment) aim to protect historic assets and where there is potential for buried archaeological deposits to exist, an archaeological evaluation shall be undertaken at an early stage so that potential impacts can be assessed.

2.10.2 Fife Council's Archaeology Officer has been consulted on this application and has advised that given development is proposed at the top of a mound and archaeological deposits are known to exist in the wider area, as such, an archaeology investigation should take place before any development begins on site. This can be secured by condition.

2.11 Sustainable Development

2.11.1 NPF4 Policies 1 (Tackling the Climate and Nature Crisis), 2 (Climate Mitigation and Adaptation), 12 (Zero Waste), 13 (Sustainable Transport) and FIFEplan Policy 11 (Low Carbon) support development that is compliant with sustainable development principles and take account of the climate and nature crises.

2.11.2 A Low Carbon Checklist (LCC) has been submitted with this application which advises that all dwellings within the site will achieve silver and bronze active standards and a fabric first approach will be undertaken to reduce Co2 emissions. The LCC advises that a renewable energy strategy for the development will be implemented which will include a combination of solar panels and/or air source heat pumps. Furthermore, the properties will be constructed from local and/or sustainable sources. Surface water will be dealt with sustainably and has been covered earlier in this report. Provision will also be made for kerbside recycling within each plot. The sustainable travel opportunities have been covered earlier in this report.

2.12 Loss of Prime Agricultural Land

2.12.1 NPF4 Policy 5 (Soils) and FIFEplan Policy 7 (Development in the Countryside) advise that development on prime agricultural land will only be supported where it is for essential infrastructure where there is no other site available or where it is necessary to meet an established need.

2.12.2 Whilst affordable housing does not wholly meet the definition of essential infrastructure as noted in NPF4, it has been established that there is no alternative site within the adjacent settlement boundary and that there is an established need for more affordable housing, in compliance with FIFEplan. Furthermore, the area of Prime Agricultural Land to be developed has been limited to an area of 0.7Ha, which would not be deemed significant in relation to the overall supply of Prime Agricultural Land within Fife. The proposal is therefore acceptable on balance.

3.0 Consultation Summary

Scottish Water	No objections.
Built Heritage, Planning Services	No response.
Land And Air Quality, Protective Services	Conditions recommended.
Education (Directorate)	No critical capacity education issues.
Housing And Neighbourhood Services	High need for affordable housing and proposal meets affordable housing plan.

Structural Services - Flooding, Shoreline and Harbours	No objections.
Parks Development and Countryside - Rights of Way/Access	No objections.
Environmental Health (Public Protection)	Noise Impact Assessment Required.
Trees, Planning Services	No objections.
TDM, Planning Services	No objections subject to conditions.
Urban Design, Planning Services	Comments received.
Ministry Of Defence (Statutory)	No safeguarding concerns. Development may be impacted by noise from military aircraft.
Archaeology Team, Planning Services	Conditions recommended.
Natural Heritage, Planning Services	No objections.

4.0 Representation Summary

4.1 26 objections, 6 support comments and 1 general comment have been received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Section
Proposed properties along northern boundary will impact on existing privacy levels. These should be limited to single storey.	2.4
Access (as originally proposed) into the site is in a dangerous location.	2.5
Development is too close to recently approved digestate lagoon.	2.4
Housetypes not appropriate for surrounding area.	
It would be dangerous for agricultural traffic to route through the site and use Pitcairn Drive.	2.5
Additional traffic from holiday lodges would route through the site.	2.5
Proposal would have negative impact on listed buildings and other buildings of historic value.	2.3
No details of the bat survey provided.	2.8
No ecological assessment has been undertaken.	2.8
Protected trees will be removed.	2.8
Affordable dwellings would be segregated from open market dwellings.	2.3
New properties will cause overshadowing to those on Pitcairn Drive	2.4
The area where the suds is to be located currently floods.	2.6
No further housing is required.	2.2
Development will have negative impact on capacity of local services.	2.9
There is no second means of access to the site.	2.5
There are other sites available within the settlement boundary.	2.2

Development will take place at the top of the slope and have negative visual impact on the surrounding landscape.	2.3
Development should not be accepted within the countryside.	2.2
Existing road safety issues on Pitcairn Drive will be worsened.	2.5
Increased traffic will impact pedestrian safety.	2.5
Below ground water tank should not be provided.	2.6
Scale, density and layout of development is not acceptable.	2.3
Junction design is not in compliance with design standards.	2.5
30mph speed limit zone on A914 should be relocated.	2.5
New road layout not wide enough to accommodate agricultural vehicles.	2.5
Existing Core Path would be stopped up.	2.5
Listed buildings have been demolished.	2.3
Existing building on the site is currently being considered for listed status.	No evidence of this.
Increase traffic will cause unacceptable noise impacts.	2.4
Loss of protected open space.	2.2
New access location onto Pitcairn Drive will lead to increase traffic on already busy road.	2.5
Amenity impacts during construction period.	2.4
Parking laybys should not be in open space.	2.2
Site will be impacted by flooding	2.6
Pedestrian and equestrian needs have not been considered.	2.5
Houses fronting the A914 will lead to increase in on-street parking and have a negative impact on road safety.	2.5

4.2.2 Support Comments

Issue	Addressed in Section
Development would tidy up a derelict site.	2.3
Development would provide additional housing.	2.2

4.2.3 Other Concerns Expressed

Issue	Addressed in Section
New Houses should contribute to factor fee.	Non-material.
Additional landscaping would create maintenance burden.	Non-material.
Development should incorporate dropped kerbs to allow for better disabled access.	Addressed through RCC.
Approval would result in loss of property value.	Non-material.
Affordable housing will increase crime in local area.	Non-material.
Additional homes will put doctor's surgery under pressure.	Non-material.
Open space on Pitcairn Drive should not be included in application site as it is not within applicant's ownership.	Non-material.
Unhindered access to Cuplahills Farm would be prevented.	Non-material.
A house was to be built on the area of open space.	Consent lapsed.
The site should facilitate local enterprise.	Non-material.

Potential future development will increase traffic issues in the surrounding area.	Will be assessed at that stage.
Agreement that if are of open space was sold, proceeds would be given to residents to help with factors fees.	Non-material.
Land should have been given to doctor's surgery to enlarge car park.	Non-material.
Development would provide no planning gain.	Non-material.

5.0 Conclusions

The application proposal constitutes an attractive, modern development, which would not only develop an allocated housing site but also remedy an area of land which is on the Vacant and Derelict Land Register. Furthermore, whilst located within the countryside, the application proposal also provides affordable housing, in an area with an established need, whilst having a limited visual impact on the surrounding countryside. The development as a whole, would read as a natural extension to the existing Balmullo settlement boundary. Whilst two-storey properties are proposed along the northern boundary of the site, where single storey properties currently exist, the proposal would raise no significant detrimental impacts in terms of existing levels of residential amenity. Furthermore, no significant concerns have been raised with regard to road safety, sustainable travel, flooding and drainage, contaminated land, ecology, trees or archaeology. The proposal is therefore recommended for approval, subject to conditions.

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

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

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

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

2. Before any works start on site, detailed archaeological investigations shall be undertaken on-site, in accordance with a Written Scheme of Investigation, which shall be submitted to and agreed by Fife Council as Planning Authority. Once agreed, the recommendations made within the agreed WSI shall be complied with in full.

Reason: To ensure that any below ground archaeological deposits are fully investigated and protected where required.

3. Before any works start on site, a Construction and Environmental Management Plan (CEMP) shall be submitted to Fife Council as Planning Authority, for prior written approval. The approved measures shall then be followed in full on site during the construction period. For the avoidance of doubt, the CEMP shall full consider all potential impacts on surrounding residential properties and potential impacts on local ecology and how these impacts shall be mitigated.

Reason: In the interest of protecting residential amenity and ecology; to ensure adequate measures are put in place during the construction period to avoid any significant impacts.

4. Before any development begins on site, the tree protection measures as detailed in the agreed Tree Protection and Compensatory Planting Plan (Document 47 - BNTW SCOTLAND 24/12/21) shall be installed on site in full and be retained in a sound, upright condition for the duration of the construction period.

Reason: To ensure that trees to be retained are protected during construction works.

5. Before any development commences on site, a Traffic Management Plan relating to the construction phase of the development shall be submitted for the prior written approval of Fife Council as Planning Authority. The Traffic Management Plan shall include details of construction timescales, the location of any site compound, parking for labour and construction traffic and details of any impacts on the road network in terms of road closures etc. to ensure that the impact of the construction phase of the development creates minimal disruption to the normal operation of the surrounding road network. The Traffic Management Plan shall include the type and size of construction vehicles to be used and shall detail how these will access the site. The development shall proceed in accordance with the terms of the approved Traffic Management Plan.

Reason: In the interest of road safety; to ensure that the transportation effect of the construction of the development is planned.

CONDITIONS:

6. 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. All units hereby approved on Plots 21 to 39 (inclusive), shall be provided as affordable housing as defined by Fife Council's Supplementary Planning Guidance on Affordable Housing (2018), or any future superseding version of this guidance, and shall be held as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

Reason: In order to define the terms of the consent.

8. No development which shall impact access to Core Path P128/03 and/or Right of Way FN165 shall commence, until written proof has been provided to Fife Council as Planning Authority, which details that permission has been granted to formally divert the Core Path and either temporary restrict access to either path, or an alternative temporary route has been agreed.

Reason: To ensure countryside access is maintained.

9. Following agreement that Core Path P128/03 can be re-routed via the new access point into the site from Pitcairn Drive, the existing pathway between No's 13 and 15 Pitcairn Drive shall be stopped up at the point where the existing path meets the rear of the adopted footway. Access to this path shall be prevented by planting hedging or a fence no greater than 1m in height.

Reason: To ensure the previous route of the Core Path is stopped up.

10. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 5. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

Reason: To provide satisfactory verification that remedial action has been completed to the planning authority's satisfaction.

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

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

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

12. No tree works or scrub clearance shall occur on site from 1st March through to 31st August each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. In the event that clearance is proposed between 1st March to 31st August, a suitable bird survey shall be carried out by a suitably qualified ecologist covering the proposed clearance area and shall be submitted to and approved in writing by this Planning Authority before those clearance works commence. Once written approval has been given the works themselves should be carried out within a specified and agreed timescale.

Reason: To ensure breeding birds are protected.

13. Before they are installed on site, full details of the ecological enhancement measures as detailed in the submitted Ecology Impact Assessment, along with any associated maps and product details, shall be submitted to Fife Council as Planning Authority for prior written approval. The approved ecological enhancement measures shall be installed on site prior to it being fully occupied.

Reason: To ensure the site contributes to biodiversity enhancement.

14. Prior to occupation of the first dwelling, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

15. The total noise from all air source heat pumps shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any relevant noise sensitive property, with windows open for ventilation.

For the avoidance of doubt, daytime shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: In the interest of residential amenity; to ensure noise levels generated by air source heat pumps causes no significant impact.

16. The agreed landscaping plan (38A - HARD AND SOFT LANDSCAPE PROPOSAL - GENERAL ARRANGEMENT PLAN) shall be fully implemented on site during the first planting season following the completion of the development.

Reason: To ensure landscaping and biodiversity enhancement is fully provided.

17. Before any unit is occupied, a detailed boundary treatment plan shall be submitted to Fife Council as Planning Authority for prior written approval. The agreed boundary treatments shall be installed prior to each unit being occupied.

Reason: In the interest of visual amenity; to ensure the full details of all boundary treatments are agreed.

18. The wall to the front of Plots 1-5 along the A914 verge shall be fully installed prior to any of these plots being occupied.

Reason: In the interest of road safety; to reduce the likelihood of on-street parking on the A914.

19. The noise mitigation measures for plots 1-5, 6, 7, 8, 9 and 11 as detailed in the approved Noise Impact Assessment (New Acoustics 19/10/2023) shall be fully implemented before any of these units are occupied. For avoidance of doubt, the noise mitigation measures include standard double glazing (6mm/12mm/6mm) with an alternative means of ventilation.

Reason: In the interest of residential amenity; to ensure noise from vehicular traffic using the A914 has no significant impact on the amenity of future residents.

20. Prior to the occupation of any dwelling on Plots 1-5, the existing 30mph countdown, speed limit, and 'Welcome' signs, shall be relocated approximately 150m further south of their respective locations (or otherwise agreed).

Reason: In the interest of road safety; to ensure vehicle speeds decrease to 30mph prior to passing the frontage of the development.

21. Before the footpath to the north of Plot 1 is brought into use, a short barrier shall be installed adjacent to the A914, to ensure that direct easterly access onto the A914 is restricted.

Reason: In the interest of pedestrian safety; to ensure that a barrier is in place at the end of the footway to avoid pedestrians walking onto the A914.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance and Legislation

Historic Environment Scotland Policy Statement (2019)

Historic Environment Scotland's Managing Change in the Historic Environment's Guidance Note on Setting (2016)

PAN (Planning Advice Note) 1/2011

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Affordable Housing Supplementary Guidance (2018)

Low Carbon Supplementary Guidance (2019)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Planning Obligations Framework Guidance (2017)

Policy for Development and Noise (2021)

Planning Customer Guidelines on Daylight and Sunlight (2018)

Planning Customer Guidelines on Garden Ground (2016)

Minimum Distance between Windows Guidance (2011)

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

Report prepared by Jamie Penman – Chartered Planner

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 6.2.24

Committee Date: 14/02/2024

Agenda Item No. 8

Application for Full Planning Permission

Ref: 23/01885/FULL

Site Address: Land To South Of 6 Balgove Road Galdry

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

Applicant: Mr Scott Wallace, Milldeans Sawmill Milldeans

Date Registered: 13 July 2023

Case Officer: Scott McInroy

Wards Affected: W5R17: Tay Bridgehead

Reasons for Referral to Committee

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

Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.2 LOCATION PLAN



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1.1 BACKGROUND

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

1.2 The Proposed Development

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

Condition 1 states:

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

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

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

- Boundary hedging and tree planting with native species;

- Enhanced informal footpath along the eastern edge of site connecting to the existing core path network; and

- A long term management and maintenance plan for the buffer area.

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

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

1.2.2 The informal path that condition1 (h) refers to would be a new path, connecting the SUDs access track to the existing Core Path.

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

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

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

1.3 Relevant Planning History

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

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

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

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

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

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

1.4 Application Procedures

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

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

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

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

1.4.5 A physical site visit was undertaken on 04.09.2023.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

2.0 Assessment

2.1 Relevant Matters

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

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

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

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

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and: if they decide that planning permission should be granted subject to conditions differing from those subject to which the

previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly however if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous planning permission was granted, they shall refuse the application.'

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

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

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

2.3.1 As part of application 16/02368/PPP the applicant submitted a layout and design statement which incorporated a proposed new path from the end of the SuDs access track to Core Path P123/01 as part of the design of the site. This application attracted a number of objections with some objecting to the proposed path on safety grounds. This application was subsequently appealed by the applicant for non-determination. As part of this process the Local Authority had to write a report of handling with the application being a deemed refusal. Through the appeal process the reporter asked the Local Authority to provide a list of conditions which could be added to any decision made by the DPEA. In making their decision on this application the reporter modified the wording of conditions put forward from the council which resulted in the conditions attached to this consent including the wording of the condition 1(h) which this application refers to.

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

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

- o Safety - the footpath passes a SuDS detention pond which is potentially hazardous when filled with water. Furthermore, the adjacent wastewater treatment tank requires to be emptied on a regular basis which is done by a large tanker.
- o Security of the house on plot 6 - The users of the path will have to cross their private driveway of this dwelling (which is to the front of the dwelling) to reach the path.
- o Amenity and Privacy - the amenity and privacy of both House 6 and The Croft will be compromised for the same reasons as cited above. Were the public to access Core Path P123

by crossing the development site at Lomond View, then they will walk directly in front of House 6.

o Footpath Alignment - before the site was taken out of use as an agricultural field, members of the public using the track leading from Balgove Road to the Croft turned left at the Croft and went that way to reach Core Path P123. This route is formally recognised as footpath reference number FN938. The footpath originally shown on the planning drawings for Lomond View made that route slightly shorter. However, this shorter route is not a recognised public footpath and is not as safe. Both paths (footpath FN938 and the shorter path previously proposed through the development site) start at the same point and finish at the same point. As such, there is no need for the shorter path to be formed, particularly as it is less safe for users, less secure for the occupants of House 6 and compromises the privacy of the occupants of House 6 and the Croft.

2.3.4 As stated in paragraph 1.2.2 and 2.3.1, the proposed footpath would be a new footpath. The proposed footpath itself would be approximately 40 metres in length and would be located from the end of the access track to serve the SUDS basin and would join this track to Core Path (P123/01) which is located to the south east of the application site. Before the application site was developed there was a claimed footpath (FN938) which linked Balgove Road to the north to Core Path (P123/01) in the south east via the north of the Croft. This claimed footpath still follows the same route but part of the route from Balgove Road to the Croft is now the access road to the completed development (Lomond Road). The remaining part of the claimed footpath, which is not part of the access road, still follows the same route to the north of The Croft to Core Path (P123/01), and the distance from the access road to the Core Path following the claimed footpath route is approximately 65 metres long. The distance to reach the Core Path from Balgove Road and all the houses of the development apart from Plot 6 (the plot adjacent the SUDS basin) is less when using the existing claimed footpath than the proposed footpath. Comments have been submitted in support of this application in that there is no need for a duplicate path in this location. Therefore, given that there is already an existing footpath available to access the Core Path from the development and it of similar length and condition and level of accessibility as well as ground level, it is considered that the requirement for a new footpath as part of this development is not required in order to still achieve suitable access links and thus permeability for users wishing to access existing recorded and claimed routes locally.

2.3.5 Comments have been submitted in support of this application relating to the alleged impact on the privacy of neighbouring properties. As the proposed footpath would be accessed via the driveway and front garden area of plot 6, this could impact on the privacy of this dwelling. Vehicles and personnel who will maintain the suds basin and water management treatment tank will have to use the driveway of plot 6 to access this area, however these visits will be infrequent and would not impact on the residential amenity of plot 6. The provision of a footpath that would be accessed via a private driveway would impact the residential amenity of this dwelling, therefore it is considered that the requirement for this proposed new footpath be removed.

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

2.3.7 It is therefore considered given the above that in this instance that the s.42 planning application request to amend condition 1(h) as outlined in section 1.2.3 of this report is considered acceptable on the basis of preserving and enhancing the amenity of the residents in

plot 6 and the provision of existing acceptable alternative paths. If Members agree with this recommendation, then suitable access arrangements for all would still be achieved and within reasonable distance and appropriate access arrangements/path conditions etc. The application is therefore acceptable and meets the requirements of national planning guidance and the Development Plan and other applicable policies and guidance in this regard.

3.0 Consultation Summary

TDM, Planning Services

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

Parks Development And Countryside

No response

4.0 Representation Summary

4.1

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

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Applicants justification – safety	2.3.5

4.2.2 Support Comments

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

4.2.3 Other Concerns Expressed

Issue	Comment
a. Planning Process with regards condition compliance	Comments regarding the planning process and condition compliance are noted and, in such instances, applicants have the legal right under Section 42 of The Act to apply to amend/vary/delete.
b. Neighbour notification	Comments regarding the neighbour notifications are noted. In this instance all neighbours who fell within the neighbour notification area (i.e., the 20 metres site notification buffer) were notified. The application was also advertised in The Courier newspaper on the 20th of July 2023. previously approved condition(s).

Issue**Comment**

c. Consented development

Comments regarding the consented development are noted, however this is not a material planning consideration in the assessment of this application as only matters pertinent to Condition 1 (h) are applicable in this assessment instance.

d. Liability

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

5.0 Conclusions

The proposal is considered acceptable in meeting the terms of the Development Plan and National Guidance. The proposal is considered to be compatible with its surrounds in terms of land use; would not cause any detrimental impacts on surrounding residential properties or road safety nor would it undermine the access arrangements and permeability aspirations of developments and communities to achieve countryside access and therefore it is considered acceptable in terms of its environmental impact on the surrounding area.

6.0 Recommendation

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

CONDITIONS:

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

Specified matters:

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

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

- (c) Detailed plans, sections and elevations of the six dwellings, as approved, to be erected on the site together with details of the colour and type of materials to be used externally on walls and roofs;
- (d) Details of the proposed method of drainage including details of a Sustainable Urban Drainage system (SUDs) for the site's surface water;
- (e) Detailed plans showing at least 100 square metres of useable garden ground per house with front gardens being at least 4.5 metres deep and back gardens being at least 9 metres deep;
- (f) A detailed plan to a scale of not less than 1:500 showing the design and specification of the proposed turning area. The turning area as approved shall be constructed to adoptable standards within the curtilage of the site in order that vehicles can enter and leave in a forward gear before the development is occupied;
- (g) The detailed plans shall clearly illustrate, in cross-section form, the existing ground level, the extent of any underbuilding, the finalised floor level of the proposed development in relation to the levels of adjacent land and buildings (including windows of buildings within 18 metres) and any intervening existing or proposed screening (walls or fences). The floor levels shall clearly relate to a Fixed Datum Point on or nearby the site such as a road or pavement, which shall be identified on the submitted plans. The design of the dwellings shall ensure that the first floor accommodation is to be substantially within the roof form of each dwelling;
- (h) Details of a scheme of hard and soft landscaping works for the full site which shall include the buffer area between the garden grounds and the adjacent field. The submitted scheme shall include:
- o Boundary hedging and tree planting with native species; and
 - o A long term management and maintenance plan for the buffer area.

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

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

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

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

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

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

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan - Fife Local Development Plan (2017)

Other Guidance

Making Fife's Places Supplementary Guidance (2018)

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

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 5.2.24.