

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 13 March 2024. 3 - 6
4. **22/02504/FULL - REEDIEHILL FARM, PITMEDDEN, AUCHTERMUCHTY** 7 - 25
Erection of 4 dwellinghouses, communal facility and associated works.
5. **23/01478/FULL - LAND TO SOUTH OF 6 BALGOVE ROAD, GAULDRY** 26 - 37
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 (Section 42 application to vary condition 4 of planning permission 20/00679/ARC to amend landscaping layout and implementation).
6. **23/02355/FULL - 2 MURRAY ROW, BALMULLO, ST. ANDREWS** 38 - 49
Erection of dwellinghouse.
7. **24/00116/FULL - 64B ARGYLE STREET, ST. ANDREWS** 52 - 58
Change of use from dog grooming (Class 1A) to flatted dwelling (Sui Generis) including installation of replacement windows and external alterations.
8. **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
North Street
Glenrothes
Fife, KY7 5LT

3 April 2024

If telephoning, please ask for:

Diane Barnet, Committee Officer, Fife House, North Street, Glenrothes

Telephone: 03451 555555, ext. 442334; email: Diane.Barnet@fife.gov.uk

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BLENDED MEETING NOTICE

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

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

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

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

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

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

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

THE FIFE COUNCIL - NORTH EAST PLANNING COMMITTEE – BLENDED MEETING

JP Court Room, County Buildings, Cupar

13 March 2024

1.00 pm - 2.00 pm

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

ATTENDING: Alastair Hamilton, Service Manager Development Management, Scott McInroy, Chartered Planner, Development Management, Planning Services; Steven Paterson, Solicitor, Planning and Environment and Michelle McDermott, Committee Officer, Legal and Democratic Services.

APOLOGIES FOR ABSENCE: Councillors John Caffrey, Stefan Hoggan-Radu and Margaret Kennedy.

142. DECLARATIONS OF INTEREST

Councillors MacDiarmid and Tepp declared an interest in Paragraph No. 146 - 23/01885/FULL - Land to South of 6 Balgove Road, Gauldry - as Councillor MacDiarmid knew the applicant well and had worked with the applicant on occasion over several years; and Councillor Tepp had discussed issues relating to the application.

Councillors Clark, Hayes and Lawson declared an interest in Paragraph No 148 - 23/02446/FULL - St. Andrews Student Union, St. Mary's Place, St. Andrews – as Councillors Clark and Hayes worked for the University; and Councillor Lawson was a member of St. Andrews University Court.

Councillor Verner declared an interest in Paragraph No. 149 - 23/03013/FULL - Land to South of Alexandra Place, Market Street, St. Andrews - as the applicant was known to her husband and herself.

As a matter of transparency and with reference to Paragraph No. 148 - 23/02446/FULL - St. Andrews Student Union, St. Mary's Place, St. Andrews - Councillor Liston declared that she was a life member of the University of St. Andrews Students' Association. However, as this was not considered a connection under the Councillors' Code of Conduct for the purposes of this report, she therefore remained and participated in the meeting.

143. MINUTE

The committee considered the minute of meeting of the North East Planning Committee of 14 February 2024.

Decision

The committee agreed to approve the minute.

144. 23/02503/FULL - 92 HEPBURN GARDENS, ST ANDREWS, FIFE

The committee considered a report by the Head of Planning Services relating to an application for the down-taking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, installation of new automated vehicular gate and alterations to existing footpath.

Decision

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

145. 23/02504/LBC - 92 HEPBURN GARDENS, ST ANDREWS, FIFE

The committee considered a report by the Head of Planning Services relating to listed building consent for down-taking and reconstruction of two existing stone gate piers to facilitate widening of existing vehicular entrance, including removal of two sections of boundary wall, and installation of new automated vehicular gate.

Decision

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

Prior to consideration of the following item, Councillors MacDiarmid and Tepp, having declared an interest, left the meeting. Councillor Liston, as Depute Convener, took the Chair.

146. 23/01885/FULL - LAND TO SOUTH OF 6 BALGOVE ROAD, GAULDRY

The committee considered a report by the Head of Planning Services relating to an application for 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).

Decision

The committee agreed to approve the application subject to the three conditions and for the reasons detailed in the report, removing condition 1(h) of planning consent ref. no. PPA-250-2272.

Councillors MacDiarmid and Tepp re-joined the meeting following consideration of the above item and Councillor Tepp took the Chair.

147. 23/03397/FULL - 22 MARKET STREET, ST ANDREWS

The committee considered a report by the Head of Planning Services relating to an application for a first-floor extension to side, single storey extension and installation of sun tunnel roof light to rear, replacement windows and doors of dwellinghouse.

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Motion

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

Amendment

Councillor Liston, seconded by Councillor Clark, moved to refuse the application on the grounds of residential amenity.

Roll Call Vote

For the motion - 9 votes

Councillors Sean Dillon, Alycia Hayes, Gary Holt, Louise Kennedy-Dalby, Allan Knox, Robin Lawson, Donald Lothian, Jonny Tepp and Ann Verner.

For the amendment - 3 votes

Councillors Al Clark, Jane Ann Liston and David MacDiarmid.

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

Decision

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

Prior to consideration of the following item, Councillors Clark, Hayes and Lawson, having declared an interest, left the meeting.

148. 23/02446/FULL - ST. ANDREWS STUDENT UNION, ST MARYS PLACE, ST. ANDREWS

The committee considered a report by the Head of Planning Services relating to an application for alterations to building to increase roof parapet height and replacement of roofing, re-positioning of ventilation including erection of temporary covering structure.

Decision

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

Councillors Clark, Hayes and Lawson re-joined the meeting following consideration of the above item. Councillor Verner, having declared an interest in the following item, left the meeting.

149. 23/03013/FULL - LAND TO SOUTH OF ALEXANDRA PLACE, MARKET STREET, ST ANDREWS

The committee considered a report by the Head of Planning Services relating to an application for erection of dwellinghouse and formation of vehicular access and parking (including retrospective demolition of garage).

Decision

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

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

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

Committee Date: 10/04/2024

Agenda Item No. 4

Application for Full Planning Permission

Ref: 22/02504/FULL

Site Address: Reediehill Farm Pitmedden Auchtermuchty

Proposal: Erection of 4 dwellinghouses, communal facility and associated works

Applicant: Ms Paula Cowie, The Cottage Monimail

Date Registered: 18 October 2022

Case Officer: Andy Taylor

Wards Affected: W5R16: Howe Of Fife And Tay Coast

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

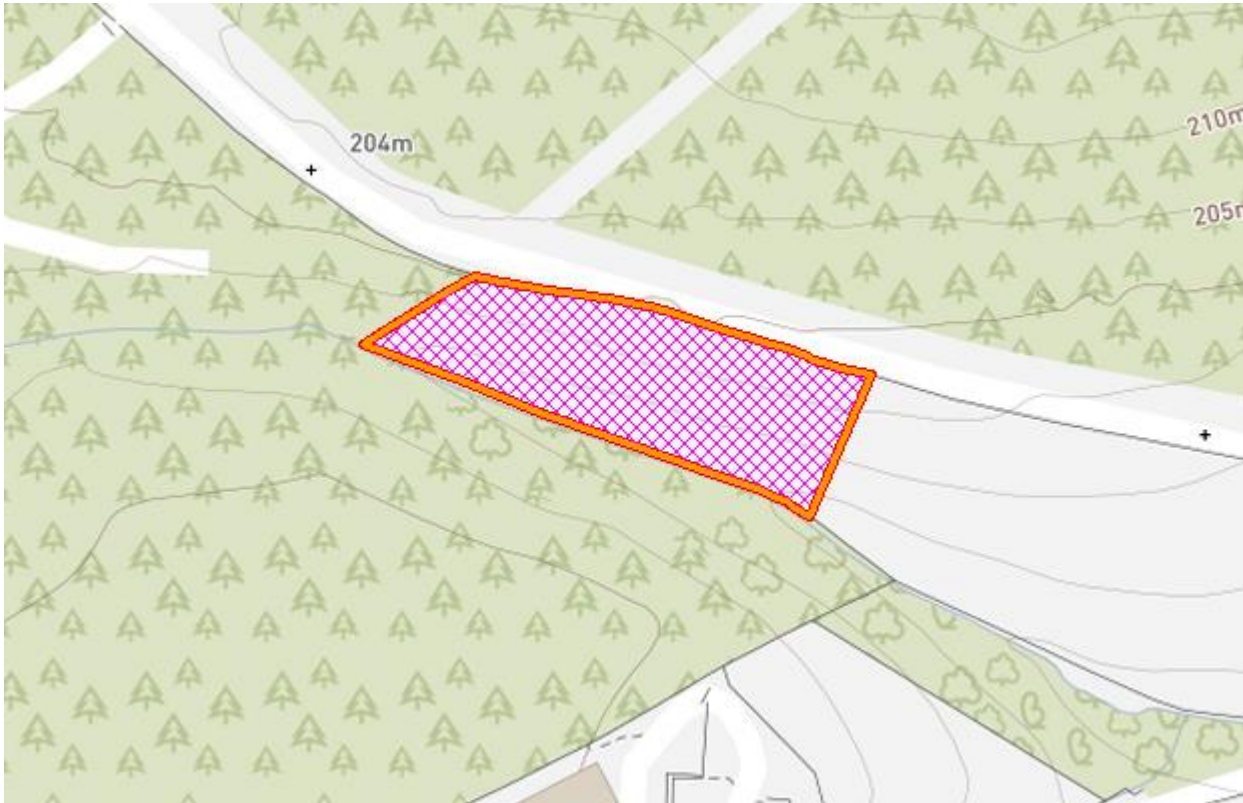
The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 This planning application relates to an area of ground covered with a mix of planted and self-sown mature trees measuring approximately 0.8 hectares located in a countryside location as defined by the Adopted FIFEplan (2017), 1.8 miles to the north-west of the nearest town Auchtermuchty. The site slopes downwards to the south-west. The site is accessed partly from a single lane (adopted Q53 public road) to a point when the adoption ends. Thereafter, for a distance of approximately 220m, the access to the site is an unadopted track.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This planning application seeks planning permission for the erection of four dwellinghouses (Tiny Houses), a communal facility and the formation of a car parking area. The applicant has described this project as "an example of affordable low impact living for families and small sustainable communities". Tiny houses are small, fully equipped living spaces that provide a more sustainable, off-grid lifestyle and tend to be between 15 and 50 square metres in size. They are made of sustainable materials and are easier and cheaper to maintain than traditionally built homes. The proposals for the "Tiny houses and Communal Building" are as follows;

1.2.2 Tiny houses

- measure a maximum of 12 metres long and 3 metres wide
- be designed and built to achieve high levels of energy efficiency
- operate with a site-specific waste management strategy where the residents will require no waste collection by Fife Council
- meet the residents need for water by harvesting rainwater
- use only electricity produced from renewable energy
- use only compost toilets and reuse the compost on site in the food growing area

The tiny houses and communal building will be constructed on site. The applicant within the Project Summary and Vision states that access to the tiny houses will be done through a selection process to ensure only residents who are committed to this type of lifestyle would be accepted.

1.2.3 Communal Building

- house a communal washing machine and clothes drying area
- be a place to process the food grown on the land
- house a communal recycling area
- provide two office spaces for residents to work from home
- provide a guest bedroom for resident's visitors
- store bulk food

1.3 Relevant Planning History

05/01625/EOPP - Outline application for house for rural business - PERS75 - 18/01/06

08/00285/EARM - Reserved matters application for erection of dwellinghouse for rural business - PERC - 30/04/08

09/00644/EARM - Erection of dwellinghouse for Rural Business - PERC - 14/05/09

21/03115/FULL - Erection of dwellinghouse - WDN - 01/07/22

22/02499/FULL - Erection of 5 dwellinghouses and associated works - APPRET -

22/02504/FULL - Erection of 4 dwellinghouses, communal facility and associated works - PDE -

1.4 Application Procedures

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

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

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

1.5 Relevant Policies

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Supplementary Guidance

Making Fife's Places Supplementary Guidance Document (2018)

Fife Council Transportation Development Guidelines

Planning Customer Guidelines

Fife Council's Low Carbon Fife Supplementary Guidance (2019)

Fife Council Planning Customer Guidelines - Garden Ground (2016)

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

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

Other Relevant Guidance

None

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact
- Local Amenity
- Road Safety/Transportation
- Low Carbon
- Drainage/Water Issues
- Trees
- Natural Heritage

2.2 Principle of Development

2.2.1 NPF4 sets out the overarching spatial strategy for Scotland to 2045. Policy 1 (Tackling the climate and nature crises) of NP4 states that when considering all development proposals significant weight will be given to the global climate and nature crises.

2.2.2 NPF4 Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where;

- the proposal is supported by an agreed timescale for build-out; and

- the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods;

and either

- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or

- the proposal is consistent with policy on rural homes; or

- the proposal is for smaller scale opportunities within an existing settlement boundary; or

- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan

2.2.3 NPF4 Policy 17(a) applies and states that development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:

-is on a site allocated for housing within the Local Development Plan;

- reuses brownfield land where a return to a natural state has not or will not happen without intervention;

- reuses a redundant or unused building;

- is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;

- is for a single home for the retirement succession of a viable farm holding;

- is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or

- reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

2.2.4 Policy 29 (Rural Development) of NPF4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected. This policy further states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

2.2.5 Policy 1: Development Principles of the Adopted FIFEplan states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the plan. In the case of development in the countryside, such as here, development will only be supported where it is, amongst other things, for housing in line with Policy 8: Houses in the Countryside. Policy 8 states that development of housing in the countryside will only be supported where:

1. It is essential to support an existing rural business;
2. It is for a site within an established and clearly defined cluster of five houses or more;
3. It is for a new housing cluster that involves imaginative and sensitive re-use of previously used land and buildings, achieving significant visual and environmental benefits;
4. It is for the demolition and subsequent replacement of an existing house provided the following all apply:
 - a) the existing house is not listed or of architectural merit;
 - b) the existing house is not temporary and has a lawful use; or
 - c) the new house replaces one which is structurally unsound, and the replacement is a better-quality design, similar in size and scale as the existing building, and within the curtilage of the existing building;
5. It is for the rehabilitation and/or conversion of a complete or substantially complete existing building;
6. It is for small-scale affordable housing adjacent to a settlement boundary and is required to address a shortfall in local provision, all consistent with Policy 2 (Homes);
7. A shortfall in the 5-year effective housing land supply is shown to exist and the proposal meets the terms of Policy 2 (Homes);
8. It is a site for Gypsy/Travellers or Travelling Showpeople and complies with Policy 2 (Homes); or
9. It is for an eco-demonstration project proposal that meets the strict requirements of size, scale, and operation set out in Figure 8.1 of the plan.

In all cases, development must be of a scale and nature compatible with surrounding uses; well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and located and designed to protect the overall landscape and environmental quality of the area.

2.2.6 Policy 8 (Part 9. Figure 8.1), provides the requirements of eco-home proposals which lists the following;

1. Not exceed 20 dwelling units.

- The proposal is under the 20 maximum residential units.

2. Produce energy from renewable sources on-site and demonstrates a strategy for energy conservation.

- The applicant has confirmed that a feasibility study of the renewable energy options for the site has been carried out, determining solar (PV) panels as the most feasible option to meet the electricity needs for 8-9 months of the year. In addition, a backup (armoured) cable from mains power on neighbouring Reediehill Farm will be able to charge the batteries in the winter months. The applicant has confirmed that the route and all access rights for maintenance of the cable has been included in legal documents of sale. within the applicant's justification it states that the mains electricity will be supplied from a company providing 100% renewable electricity to achieve the smallest carbon footprint. Ground or air source heat pumps will also be used for heating in each of the buildings.

3. Provide an on-site water supply and sewage disposal and follow the zero waste, zero energy model, making no demands on water, sewerage, power, and waste collection infrastructure.

- The applicant has stated that water requirements will be fulfilled through the collection of rainwater, which will be harvested from the roofs of the individual houses and the communal building. Additionally, it is stated that the possibility of digging a water borehole or well on site will be further explored. The application shows that all 5 buildings will have highly functioning compost toilets, therefore will not be connected to mains sewage or have a septic tank.

4. Include a strategy for the minimisation of waste on site.

- Within the Justification statement, the applicant has confirmed that all residents will be required to live by zero waste principles, listing the different areas where this will be achieved including; buying in bulk by purchasing from Greencity Wholefoods, growing fresh food as much of the year as possible in the enhanced polytunnel, growing as many varieties of fruit as possible and practising preserving techniques to ensure fruit is available as much of the year as possible, raising a small number of animals such as goats, sheep, chickens and pigs, for the provision of eggs, milk, cheese and meat. The statement adds that non-food items will generally be bought or sourced from Freecycle, Freegle, charity shops or suppliers that use biodegradable packaging. Any waste that is generated will be stored in a waste facility in the communal building and taken to a recycling centre. This is obviously difficult to enforce, however the applicant has stated that all the residents will be "signed up" and prepared to this way of living.

5. Demonstrate low impact and resource efficient building design and construction which is fully reversible, permitting the land to be restored to its former condition after the project ceases.

- The applicant has stated within the written justification the following;

- The proposed tiny houses and communal building are not on concrete foundations; they are being built on wooden platforms which sit on earth-rammed tyre pilings.

- The buildings have wooden frames using timber from Scotland bought from a local sawmill in Newburgh.

- Insulation is being installed at appropriate thickness to achieve maximum thermal efficiency for the small volume of the building, which will be designed to meet the proposed Scottish Passivhaus equivalent standard. This reduces the heating requirement to almost nothing.

- The applicant proposes wood fibre batts insulation. Wood fibre insulation offers numerous benefits such as excellent thermal and acoustic insulation, high moisture absorption and release capacity, and being an eco-friendly and sustainable option. Sheep's wool insulation will also be used where appropriate.

- Membranes, the applicant states that it is important to use high quality, long-life vapour permeable membranes to protect the insulation and the building structure. This will be sourced from a reputable manufacturer with a published LCA.

- Wall surfaces to be wood fibre boards with lime render, instead of plasterboard.

- Earth/clay wall finishes and eco paints.

- Re-purposed timber for interior fittings.

6. Include a sustainable travel plan with a car sharing club removing the need for individual car ownership or individual car parking.

Within the statement of justification, the applicant has given details of a sustainable travel plan removing the need for individual car ownership or individual car parking. The statement highlights that the nearest bus route is 2 miles away in the village of Auchtermuchty and can easily be reached by foot or cycle, which is respectively a 30 minute or 15-minute journey, for other journeys particularly longer ones by train, cars can be left at the nearest train station which is 8 miles away at Ladybank. There is not yet a safe cycle route to this destination. The justification for any small community gatherings (see 9.iii below) people in the wider community who want to visit the site will be asked to walk or cycle up from the village and neighbouring houses. Or will be collected in the communal electric vehicle. With regards to commuting to work. the applicant has stated that already it can be seen that 2 of the 4 households have a greatly reduced carbon footprint through commuting. One of the 2 households will work at home and walk to work, and the other household works from home part-time and has a distance of 9 miles to commute to work 1 day per week. The latter household does not own a car and will therefore either travel by public transport one day per week or by an electric 2-wheeled vehicle. As per the community agreement the remaining 2 households will be expected to work from home and car share or use public transport.

7. Include the ecological management and enhancement of the site by using sustainable techniques to provide for the resident's economic livelihood and food production.

A statement from the applicant within Section 8.1 of the justification has been provided highlighting a number of relevant proposals.

8. Feature research and/or educational aspect.

A detailed statement has been provided in relation to this with the justification (Section 9).

9. Be managed by a trust, co-operative, housing association, or a similar entity in which the residents have an interest.

The applicant has confirmed at the time of submitting the updated version of the Management Plan (April 2023), 2 of the 4 houses are spoken for while the residents of the remaining 2 houses were not confirmed. The applicant has provided a vision document for residents to read and adhere to, to ensure full commitment.

10. Be accompanied by a management and business plan to show how the proposal would meet the foregoing criteria and illustrate the positive benefits of the scheme. Community engagement must be undertaken as part of the development management process.

The applicant has submitted both a justification statement and a management plan in support of the proposed development, describing it as "an example of affordable low impact living for families and small sustainable communities". The applicant proposes and describes the project within the supporting statement as proposing to "demonstrate what can be achieved to alleviate the climate crisis by living comfortably in Tiny Houses and by living in community caring for

small plots of land with the needs of the land being considered as equally important as the community's" and that "the families will be committing to nature-connected community living". Within the supporting statement the applicant has confirmed that the project manager has been managing an educational education charity since 2000. Other projects undertaken include the Earthship Fife Visitor Centre in Kinghorn.

2.2.7 Objections have been received that the proposals do not meet development plan policies. Concerns have also been raised regarding the impact on existing utilities in the area, i.e. electricity, water supply, sewage disposal, waste collection. In addition to the above, the Management Plan has also provided a list of other successful similar projects within the UK. Given the application site is not located within a defined settlement boundary, the general principle of development cannot be automatically accepted. However, considering the justification submitted, it is considered that the proposed small eco-housing (Tiny Houses) project is justified subject to the following criteria below.

2.3 Design and Layout/Visual Impact

2.3.1 NPF4 Policy 14 (Design, Quality and Place) supports development where it will be designed to improve the quality of an area whether in urban or rural locations regardless of scale otherwise, they will not be supported. Policy 14 and Annex D advises that development proposals shall be supported where they are consistent with, where relevant, the six qualities of successful places such as Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable. Conversely this policy (Part (c)) also states that development proposals which are poorly designed will not be supported. Policy 16 (Quality Homes) aims to encourage, promote and facilitate amongst others listed the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures and types that meet the diverse housing needs of people and communities across Scotland.

2.3.2 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community, safeguarding the character and qualities of the landscape, and complying with the relevant provisions of Policy 7: Development in the Countryside, Policy 8: Houses in the Countryside, Policy 10: Amenity and Policy 13: Natural Environment and Access. Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.3.3 Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to, amongst other things, the visual impact of development on the surrounding area. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage assets, including landscape character and views. Policies 7 and 8 state that development must be of a scale and nature compatible with surrounding uses; and achieve significant visual and environmental benefits for the site and surrounding area, including in terms of siting, design and other aspects of appearance.

2.3.4 Objections have been raised in relation to the adverse impact that the proposed development would have on this countryside setting. In relation to the rural location, it is considered that the proposal is of a scale that sits comfortably within the immediate countryside. It is designed to reflect the area in its scale and design and of a nature that can be easily reversed to a natural state.

2.3.5 Overall, it is considered that the proposal is of a simple appropriate rustic quality of architectural design for its setting. The design has been thought through with full consideration of the site, the previous structure on site and the surrounding area, to propose small buildings that are reflective of, and sits comfortably within, its setting. It is considered that this presents a form and style that is grounded in the site's context, consistent with the planning policies/guidance as referred to above. The proposal is therefore considered to comply with the relevant local development plan countryside policies in this regard.

2.4 Local Amenity

2.4.1 Policies 1 and 10 of FIFEplan (2017), Planning Advice Note (PAN) 1/2011: Planning and Noise, Fife Council Customer Guidelines on Daylight and Sunlight (2018), Minimum Distances between Window Openings (2011) and Garden Ground (2016) apply in terms of residential amenity.

2.4.2 Policy 1: Development Principles of FIFEplan states that development proposals will only be supported if they conform to relevant development plan policies. Development proposals must address their individual and cumulative impact by complying with relevant criteria and supporting policies, including protecting the amenity of the local community and complying with Policy 10: Amenity. Policy 10 states that development will only be supported if it does not have a significant impact on the amenity of existing or proposed land uses; development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity.

2.4.3 The layout and positioning has been considered with respect to the relationship between the proposed development and existing farm to the south and properties to the east and would not cause any material detrimental impact on the local amenity. The proposal therefore complies with the above provisions of policy. Fife Council Environmental Health Officers were consulted but made no comments.

2.5 Road Safety/Transportation

2.5.1 Policy 14 of NPF4 states that development proposals will be supported where they provide well connected networks that make moving around easy and reduce car dependency. Policy 15 (Local Living and 20 Minute Neighbourhoods) requires that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area. Policy 13 (Sustainable Transport) of NPF4 advises that proposals which improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. It further states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they will provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation. A Transport Assessment should also be submitted where a proposal would generate a significant increase in the number of person trips. Policy 14 also advises that development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

2.5.2 Policy 1: Development Principles of FIFEplan states that development proposals must address their development impact by complying with relevant criteria and supporting policies, where relevant, including mitigating against the loss in infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure and complying with Policy 3: Infrastructure and Services. Policy 3 states that development must be

designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner; where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services, including local transport and safe access routes. Appendix G Transportation Development Guidelines of Fife Council's Making Fife's Places Supplementary Guidance (2018) is also relevant here.

2.5.3 Fife Council Transportation Development Management team (TDM) have been consulted and have a number of concerns in relation to road safety.

2.5.4 Objections have been received in relation to road safety and the increase in traffic in the area. Transportation Development Management (TDM) have a policy against the formation of new access roads or intensification of existing accesses and junctions on unrestricted roads that are out with established urban areas. From a transportation point of view a built-up area is defined as the area within a 30 or 40mph speed limit. TDM have stated that the proposed development is to erect permanent residential accommodation where more sustainable modes of transport are not readily and safely available to allow people to access local facilities, amenities, shops, schools etc. by trips on public transport or by short walking trips and/or cycling trips. Consequently, the development does not provide for non-car modes of transport and in reality, the development would be car dominant. Although the road is adopted, TDM state that the single lane Q53 public road is unsuitable for further intensification of vehicular traffic due to its narrow nature and lack of opportunities for vehicles to pass safely. There are no footways or lighting along this stretch of road. Any intensification of vehicular traffic would be detrimental to the safety and convenience of pedestrians and road users.

2.5.5 The proposed development is not considered to be an orthodox proposal and seeks to vastly reduce the need for conventional car ownership and use. As stated in Section 2.2.6 and within the statement of justification, the applicant has given details of a sustainable travel plan removing the need for individual car ownership or individual car parking. The statement highlights that the nearest bus route is 2 miles away in the village of Auchtermuchty and can easily be reached by foot or cycle, which is respectively a 30 minute or 15-minute journey, for other journeys particularly longer ones by train, cars can be left at the nearest train station which is 8 miles away at Ladybank. It should be noted however there is currently not a safe cycle route to this destination as of yet. The justification for any small community gatherings and people in the wider community who want to visit the site will be asked to walk or cycle up from the village and neighbouring houses or can be collected in the communal electric vehicle. With regards to commuting to work, the applicant has stated that already it can be seen that 2 of the 4 households have a greatly reduced carbon footprint through commuting. One of the 2 households will work at home and walk to work, and the other household works from home part-time and has a distance of distance 9 miles to commute 1 day per week. The latter household does not own a car and will therefore either travel by public transport one day per week or by an electric 2-wheeled vehicle. As per the community agreement the remaining 2 households will be expected to work from home and car share or use public transport. As this is a non-orthodox small-scale Tiny House, Eco-development, it is considered that the concerns outlined by TDM can be set aside in this instance.

2.7 Low Carbon

2.7.1 Policy 1: Development Principles and Policy 11: Low Carbon Fife of FIFEplan state that planning permission will only be granted for new development where it has been demonstrated, amongst other things, that: low and zero carbon generating technologies will contribute to meeting the current carbon dioxide emissions reduction target (as set out by Scottish Building

Standards); construction materials come from local or sustainable sources; and water conservation measures are in place.

2.7.2 The Council's Low Carbon Fife Supplementary Guidance (2019) notes that small and local applications will be expected to provide information on the energy efficiency measures and energy generating technologies which will be incorporated into their proposal. Applicants are expected to submit a Low Carbon Sustainability Checklist in support.

2.7.3 The whole ethos of this proposed development is to provide a way of life for residents to reduce carbon levels, the applicant has provided justification and complies with the Council's Policy 8 (Part 9, Figure 8.1), for eco-home proposals.

2.8 Drainage/Water Supply Issues

2.8.1 Policy 22 (Flooding) of NPF4 requires that development proposals will not increase the risk of surface water flooding to others, or itself be at risk, manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should also presume no surface water connection to the combined sewer and development should seek to minimise the area of impermeable surface.

2.8.2 Policy 20 (Blue and Green Infrastructure) of NPF4 states that proposals for or incorporating new or enhanced blue infrastructure will be supported and where appropriate, this will be an integral element of the design that responds to local circumstances. This policy further states that proposals that include new or enhanced blue infrastructure will provide effective management and maintenance plans covering the funding arrangements for their long-term delivery and upkeep, and the party or parties responsible for these.

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

2.8.4 Policy 8 (Part 9) of the FIFEplan (2017) related to proposals which are for eco-demonstration project proposals that meet the strict requirements of size, scale, and operation set out in Figure 8.1 shown above. Eco-demonstration projects should make no demands on water or sewerage and provide an on-site water supply and sewage disposal.

2.8.5 Objections have been raised in relation to water issues in the area. Fife Council Structural Services, Flooding, Shoreline and Harbours Officers (FSHO) were consulted and initially requested that a Stage 1 Flood Risk Assessment be undertaken. However, after discussions between the FSHO and the applicant, the FSHO conceded that it was evident that the building freeboard will be significantly more than the 600mm minimum as previously thought and therefore removed the requirement for a flood risk assessment. The FSHO still expects the applicant to provide surface water drainage design to adhere to Council guidance along with all

the required relevant documents. Scottish Water have confirmed that there is no public water supply available in the area nor is there any waste-water Infrastructure facilities.

2.8.6 The applicant has provided a comprehensive supporting statement on how they intend to provide a sustainable water supply as follows;

- That the water gathered from the roof provides a sufficient supply for drinking purposes.
- How we have calculated the volumes required for each household.
- What measures are in place to store gathered water and endure periods of drought.
- that the possibility of digging a water borehole or well on site will be further explored, current information is too unclear.

2.8.7 Within the supporting statement the applicant states that they were "responsible for the creation of the Earthship Fife (EF) Visitor Centre in Kinghorn (2002-2021), a highly successful and pioneering building project that brought innovation and diversity to a more sustainable Fife. Under the management of the developer, in its lifespan of 19 years, the EF project made no demands on public resources (water, electricity or sewage) and was responsibly repurposed and recycled at the end of the project's life. The Tiny House project will build on the exemplary and future-thinking nature of EF".

2.8.8 With regards to this planning application, the applicant has provided water storage calculations and details of storage tanks and their use. The applicant has also confirmed that if the "grey water system" is not sufficient to meet the watering needs in the food growing area then a water borehole or stone-lined well will be dug. However, where worst scenario situations arise, severe droughts, water will be purchased in large bowsers from an appropriate company. In this unlikely event, the applicant states that due to the fact the access track is managed by Scottish Land and Forestry, the access track is maintained for their large trucks to export timber and that a water tanker would therefore have suitable access to the site. However, the applicant has stated that if it "it is not possible to drive a tanker to the access point a cubic metre water tank, weighing one tonne, can fit in the back of a vehicle and/or vehicle and trailer, and holding 1000 litres of water will provide 16 days' worth of water for a one-person household, and 10 days for a two-person household - note these figures are for drinking, showering, cooking and so on as listed in Table 1 above, and not only drinking water".

Greywater is the name given to water that has already been used for washing purposes, like laundry, handwashing, showering, and bathing (not water that's from the toilet etc). Greywater systems, are used to redirect and recycle this "used" water for other purposes. Greywater may look unclean (it does have a characteristic "grey" tint), but is perfectly suitable for watering the garden, irrigating lawns and other uses for non-potable water.

2.8.9 The applicant states that a borehole is not expected to be needed for households and that "the on-site stream below the location of the houses signifies close proximity to the water table and as such a simple traditional well for non-potable uses is expected to be viable".

2.9 Trees

2.9.1 National Planning Framework 4 Policy 6 states that development proposals will not be supported where they will result in; any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy. Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.

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

2.9.3 Policies 10 and 13 of FIFEplan and Making Fife's Places Supplementary Guidance Document (2018) set out that development proposals will only be supported where they protect or enhance natural heritage assets, including trees which have a landscape, amenity or nature conservation value. Where large semi-mature/mature trees are present on and adjacent to a development site, distances greater than the British Standard will be expected and no new buildings or gardens should be built within the falling distance of the tree at its final canopy height.

2.9.4 The trees on site are not protected by Tree Preservation Orders (TPO). The applicant has said in their statement that on the site there are native trees which were planted 40 years ago and have a layer of shrubs and plants beneath.

2.10 Natural Heritage

2.10.1 Policy 3 (Biodiversity) of NPF4 states that proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them, whilst, proposals should also integrate nature-based solutions, where possible.

2.10.2 Policy 4 of NPF4 advises that proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence, whilst the level of protection required by legislation must be factored into the design of the development.

2.10.3 Policy 13 of the Adopted FIFEplan only supports proposals where they protect or enhance natural heritage and access assets, including designated sites of international and national importance, including Natura 2000 sites and Sites of Special Scientific Interest (see Site Appraisal Process below); designated sites of local importance, including Local Wildlife Sites, Regionally Important Geological Sites, and Local Landscape Areas; woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value; biodiversity in the wider environment; protected and priority habitats and species; landscape character and views; carbon rich soils (including peat);

green networks and greenspaces; and core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

2.10.4 Concern have been received regarding the submission of an inappropriate ecology survey. Fife Council's Natural Heritage Officer (NHO) has been consulted and has advised that a more rigorous and full ecological survey should be prepared for this proposed development by an appropriately qualified and experienced ecological professional. The NHO has stated that such a study should follow current standard ecological guidance, be supported by appropriate figures and identify impacts and mitigations, as per guidance (including assessment of potential impacts to adjacent designated sites and surrounding habitats). As noted, considerations for biodiversity enhancement should also be included (and detailed) as per Council policy. they add that while survey to the UK Habitat Classification (UKHab) methodology would be preferred, the Joint Nature Conservation Committee (JNCC) Phase 1 habitat survey method would be considered acceptable for such a small site. This habitat survey should be conducted to a minimum 50m survey buffer to adequately capture the characteristics of the site habitats and immediately adjacent areas, thus enabling a full assessment of the site and the development proposals. This survey should be extended to take into account the potential for habitats suitable to support protected species and include appropriate survey buffers as per standard guidance (i.e., to 100m for badgers, as endorsed by current Scottish Badgers guidance; 50m for red squirrel, etc.). Relevant conditions have been imposed.

3.0 Consultation Summary

TDM, Planning Services	Object
Structural Services - Flooding, Shoreline And Harbours	Additional drainage information required
Natural Heritage, Planning Services	Requires full ecological survey
Environmental Health (Public Protection)	No objections
Policy And Place Team (North-East Fife Area)	No response
Scottish Water	Confirm that there is no public water supply available in the area nor is there any wastewater Infrastructure facilities

4.0 Representation Summary

4.1 Thirty representations have been made in relation to this planning application, 20 in support and 10 objecting on the following grounds;

4.2 Material Planning Considerations

None

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Road safety issues	Section 2.5
b. The proposals do not meet local plan housing in the countryside policies	Section 2.2 Section 2.3
c. Adverse visual impact on the immediate countryside location	Section 2.3
d. There are no utilities in the area, i.e. electricity, water supply, sewage disposal, waste collection or a maintained access road	Section 2.10
e. Inappropriate ecological impact	Section 2.8
f. Adverse water issues	Section 2.9
g. Impact on trees	Section 2.10
h. Impact on protected wildlife	Section 2.10
i. No environmental Impact Assessment undertaken	

4.2.2 Support Comments

Issue
a. An innovative project that will provide essential learning for sustainable housing in Fife and beyond.
b. A great example of a small footprint on the earth. It blends in with the trees and surroundings and will produce very little carbon emissions.
c. The houses have a small ecological footprint, won't place any burden on local infrastructure as they are self-contained and fit with Fife Councils environmental policy 8.
d. Traffic use will be minimal due to a car sharing scheme.
e. The development is on a quiet road and there are no road safety issues.
f. The site is not agricultural, but woodland, which will be disturbed as little as possible.
g. Wonderful community model which helps elevate climate change.
h. The community building potential for the project is also very good.
i. In short, their (the applicants) dream is a modest one of right livelihood, quiet living, care for nature and good neighbourliness.
j. It is a community model for sustainable housing to help alleviate climate change as well as raise awareness.
k. The land is a very difficult piece of land to use creatively (it is not suitable for agricultural use) and I think that this is an excellent opportunity to allow people to use

it to pioneer an environmentally friendly development that's wholly in keeping with the setting and situation.

- l. They are also an inspiring model of ways to live sustainably and help combat climate change.
- m. The developer has a solid record of implementing sustainable projects including an experimental zero carbon dwelling in Fife, with approval granted and useful learning outcomes.
- n. It would provide affordable housing for the proposed occupants who work locally and bring a positive impact to the surrounding community.
- o. The proposal is a community model for sustainable housing in line with the Scottish Government priorities to alleviate climate change impacts.
- p. The houses are designed to have very high environmental credentials with no permanent impact on the ecology and will be built with minimal visual impact.

4.2.3 Other Concerns Expressed

Issue	Comment
No environmental Impact Assessment undertaken	Due to the Size and type of development, i.e., Local, no E.I.A. is required.
a. No environmental Impact Assessment undertaken	
b. Possible unreliable renewable energy provision	There is no evidence that the proposed low carbon methods would fail and is not considered material.

5.0 Conclusions

The proposal as noted above, is considered to be acceptable in meeting the terms of the Development Plan, relevant National Guidance and relevant Fife Council Customer Guidelines. The proposal is compatible with the area in terms of land use, and will not cause any detrimental impact to the amenity of the surrounding area, and is therefore considered to be acceptable.

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. Prior to any work commencing on site, a full ecological survey should be prepared for this proposed development by an appropriately qualified and experienced ecological professional. The study should follow current standard ecological guidance, be supported by appropriate figures and identify impacts and mitigations, as per guidance (including assessment of potential impacts to adjacent designated sites and surrounding habitats). Biodiversity enhancement should also be included (and detailed) as per Council policy. The survey shall be done to UK Habitat Classification (UKHab) methodology, However, a Joint Nature Conservation Committee (JNCC) Phase 1 habitat survey method would be considered acceptable for such a small site. This habitat survey should be conducted to a minimum 50m survey buffer to adequately capture the characteristics of the site habitats and immediately adjacent areas, thus enabling a full assessment of the site and the development proposals. This survey should be extended to take into account the potential for habitats suitable to support protected species and include appropriate survey buffers as per standard guidance (i.e., to 100m for badgers, as endorsed by current Scottish Badgers guidance; 50m for red squirrel, etc).

Reason: In the interests of protecting and safeguarding the natural environment.

3. No tree works or scrub clearance shall occur on site from 1st March through to 31st August, inclusive, 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, inclusive, an appropriate bird survey shall be carried out by a Suitably Qualified Ecologist (SQE) within 48 hours prior to works commencing in the proposed clearance area. Confirmation of the survey and ecological permission to proceed with the clearance works shall be submitted to this Planning Authority as proof of Condition Compliance. This proof should usually be in the form of a Site Note/Site Visit Report issued by the Suitably Qualified Ecologist.

Reason: In order to avoid disturbance during bird breeding seasons.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order) no development within Classes 1, 2, 3, 4, 5 & 6 shall be undertaken without the express prior consent of this Planning Authority.

Reason: In the opinion of this Planning Authority the additional degree of planning control is necessary due to the special character of the layout and the need to prevent uncontrolled site coverage.

5. The site shall be used solely for the use applied for by Ms Paul Cowie (The Tiny House Project) as per the approved Management Plan and associated documents. The use of the site for any other purpose, including another purpose in Class 9 of the Schedule to the Town and Country Planning (Use Classes) (Scotland) Order, 1997 as amended, will require to be the subject of a further planning application to and approved by this Planning Authority.

Reason: In order to retain proper control over the use of the property.

6. The development authorised by this permission shall be removed and the land restored to its former condition on or before 31st December 2034, unless subject to a further planning application to and approved by this Planning Authority.

Reason: The buildings and works are of a demonstrative and temporary in nature and construction and are only acceptable as a temporary expedient.

7. The permission hereby granted shall be used for the benefit of Ms Paula Cowie (The "Tiny House Project) unless otherwise agreed in writing by Fife Council as Planning Authority.

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

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 (Approved January 2023)

FIFEplan Local Development Plan (2017)

Other Guidance:

Making Fife's Places Supplementary Guidance Document (2018)

Fife Council's Low Carbon Fife Supplementary Guidance (2019)

Fife Council Planning Customer Guidelines - Garden Ground (2016)

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

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

Fife Council Transportation Development Guidelines

Report prepared by Andy Taylor, Chartered Planner and Case Officer

Report reviewed and agreed by

Committee Date: 10/04/2024

Agenda Item No. 5

Application for Full Planning Permission

Ref: 23/01478/FULL

Site Address: Land To South Of 6 Balgove Road Galdry

Proposal: 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 (Section 42 application to vary condition 4 of planning permission 20/00679/ARC to amend landscaping layout and implementation)

Applicant: Mr Scott Wallace, Milldeans Sawmill Milldeans

Date Registered: 23 June 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.

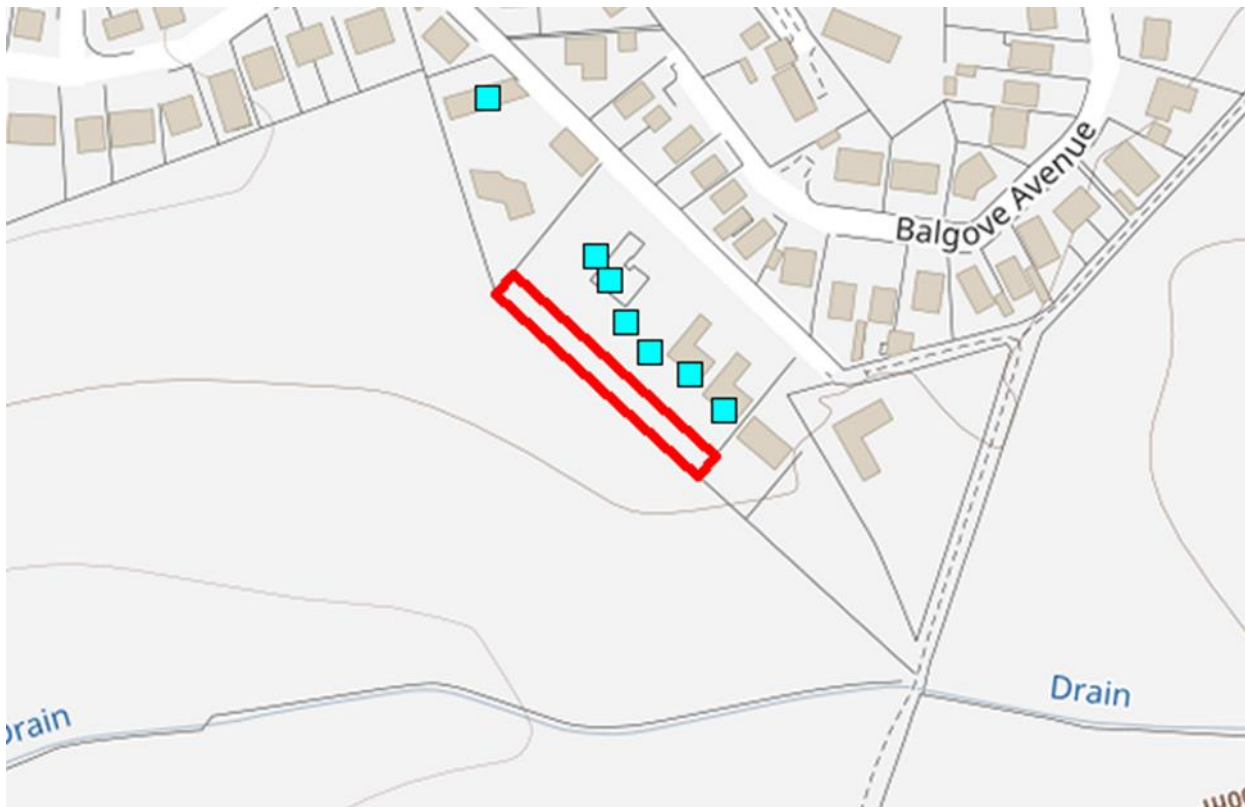
Summary Recommendation

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 rectangular strip of land that sits to the southwest end of the related approved 6 house development that was initially 'deemed refused' under Planning Application 16/02368/PPP but was subsequently approved, subject to conditions in April 2017 by a DPEA Reporter as part of appeal PPA-250-2272. This consent was subsequently implemented by the development of planning application 20/00679/ARC. The area of land relating to this current application was designated as a landscape buffer strip located between the main garden boundaries of the 6 approved houses and the overall application site boundary where adjacent to the countryside. The site itself has an area of approximately 0.08Ha 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. The landscape buffer area could be accessed by members of the public from the south. The application site lies within the Taycoast Local Landscape Area (LLA).

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 4 of planning permission 20/00679/ARC. Supporting and Design statements have been lodged in support of the application.

Condition 4 states:

" The landscaping scheme hereby approved (Drawing 3B) shall be implemented within the first planting season following the completion of the first dwellinghouse, unless otherwise agreed in writing with this planning authority.

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. “

1.2.2 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 4. The supporting statement seeks an amendment Condition 4 to read as follows:

"The landscaping scheme previously approved as illustrated on Sunshine Design and Planning drawing number L(PL)003 revision B is superseded by Sunshine Design and Planning drawing number L(PL)100 revision AA and shall be implemented within the first planting season following the completion of all six dwellinghouses, unless otherwise agreed in writing with this planning authority.

For the avoidance of doubt, all extended garden areas will remain as areas of soft landscaping and will be regularly maintained as such in perpetuity with no above ground structures, hard landscaping or artificial grass, etc unless otherwise agreed in writing with this planning authority prior to works commencing.

Thereafter, the agreed landscaping plan and limits on what can/cannot be installed and/or sited in this part of each garden shall be adhered to at all times for the lifetime of the residential development.

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

1.3 Relevant Planning History

1.3.1 The relevant planning history to this particular site include the following:

- 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

- 20/00679/NMV1 - 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 (Non-material variation for installation of solar photovoltaic panels on roof of approved house number 6 to 20/00679/ARC)) - approved 30.03.2021

- 20/00679/NMV2 - 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 (Non-material variation for installation of solar photovoltaic panels on roof of approved house number 6 to 20/00679/ARC) - approved 07.06.2022

- 20/00679/NMV3 - 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 (Non-Material Variation to 20/00679/ARC for amendments to increase plot sizes of each dwelling) - refused 24.01.2023

- 20/00679/NMV4 - 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 (Non-Material Variation to 20/00679/ARC for amendments to position of rooflights in house 1) - approved 24.01.2023

- 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-

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 a varied condition. 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 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 4 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 4.

2.2.3 The main matter for consideration is whether the proposed variation of condition 4 of planning permission 20/00679/ARC would undermine the reasons for the conditions or the Development Plan position and if the application does undermine either, whether there are material considerations which would outweigh these considerations. It is also recognised at the time of writing this committee report for the current Section 42 planning application that a number of pre-commencement conditions attached to application 20/00679/ARC have been discharged given that the site has been developed. In the event that the current Section 42 planning application under consideration is therefore recommended for approval it will not be necessary to include these conditions again. Amended conditions 4 would therefore respectfully be condition 3, while a new condition (condition 5) removing permitted development rights on this area of land has been attached to this the Section 42 planning permission.

2.3 Visual Amenity

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

2.3.2 The purpose of Condition 4 of planning permission 20/00679/ARC was to screen the development when viewed from the wider Local Landscape Area. As a result, the development would have no greater visual impact on the LLA than the existing village development.

2.3.3 The applicant has submitted a Supporting Statement alongside this application in support of the amendment of Condition 4. The supporting statement provides the following justification for the variation of Condition 4 i.e. the need for a landscape buffer:

- Maintenance - by bringing this area into the ownership of the individual homeowners rather than communal ownership would result in better maintenance and upkeep of this area which in turn would provide a better maintained boundary edge.
- Improve the amenity, privacy, security and safety of the owners and occupiers of the houses - Currently the area between the garden boundaries and site boundaries are publicly accessible as the landscape buffer has no hard western boundary and given the open nature of the buffer strip this could give provide access to the secluded areas of the adjacent gardens.
- Quality of life of occupants - by bringing the buffer strip within the garden area of the 6 houses would increase the quality of life of the occupants by increasing the privacy of the rear garden areas.
- Compliment the local landscape setting, character and pattern of boundary treatments of Gauldry - the edge of the village is characterised by a wide variety of property boundaries, ranging from open gardens to partially open, landscaped gardens and fully enclosed gardens screened variously by trees, plants, hedges and fences of differing heights. Public views of the site are limited to the core path which sits to the south west of the site and by extending the garden of each house to the western edge of the site would have very little visual impact upon the limited public viewpoints of the site.

- Provide opportunities to enhance biodiversity of the area - The southern section of the site is given over in its entirety to a wildflower meadow fringed by a hedge of mixed species interspersed with trees. This equates to 21% of the overall development site area (including the access road) and represents a considerable biodiversity gain. Wildflower planting extended into the buffer strip will be of limited additional biodiversity value. However, larger gardens will enable the homeowners to establish a wider a variety of plants, including fruits and vegetables, which will increase the potential mix of species habitats and surely result in a greater contribution to biodiversity.
- Increase garden area of the plots- Planning Appeal reference number PPA-250-2272 was for the erection of six 1.5 storey houses. Having assessed the site and the surrounding built environment, the Developer decided that single storey houses would be more in-keeping with those nearby and submitted an ARC application (reference number 20/00679/ARC) for six single storey houses in an attempt to ensure that changes to this edge of the village would follow the existing pattern of mainly single storey dwellings around it. By reducing the height of the proposed dwellings from 1.5 storey to single storey, house footprints increased, and plot ratios reduced. Therefore, by bringing this landscape buffer area within the garden curtilage would increase the garden size.

2.3.4 In this instance, the approved landscape buffer is 8m wide, 105m in length and 0.08ha in area and sits adjacent the garden boundaries of each of the 6 dwellings and the site boundary itself. The boundary treatment of the garden areas through the consenting of application 20/00679/ARC would be post and wire fence with sporadic planting through the landscape buffer strip, there would be no defined western edge to the landscape buffer leaving it open. The southwestern boundary of the landscape buffer strip boundary would follow the boundary from the SUDs area to the south and would not have provide a hard-edged boundary, therefore this area would be open to the public. The reasoning behind the landscape buffer zone was to screen the development when viewed from the wider Local Landscape Area. As a result, the development would have no greater visual impact on the LLA than the existing village development. At present throughout the village, there are no landscape buffer strips between the settlement boundary and the Local Landscape Area. This application proposes to remove the landscape buffer and increase the garden boundaries of the 6 houses to the extent of the application site boundary bringing the garden boundaries in line with the boundary of the SUDs area to the south.

2.3.5 The applicant has provided a landscape plan that shows the gardens will have a mixed native hedge boundary with tree planting through these areas similar to the approved application. Concerns have been raised regarding the loss of the landscape buffer, the loss of screening of the site, introduction of a hard boundary edge and impact on biodiversity. Supporting comments have also been received stating that the maintenance of the site would be better by being in control of the homeowners and the proposed landscaping would provide little visual impact on the countryside and be an improvement on an unkempt landscape buffer.

2.3.6 In this instance, although this proposal would remove the landscape buffer and bring the area within the homeowners curtilage, the submitted landscape plan shows similar tree planting for the area and would provide a mixed native hedge boundary to the site (which the existing landscape plans don't have), therefore giving the development a defined boundary edge similar to the existing boundary edges to the rest of the settlement. There would, therefore, be enhanced planting which would be maintained by each homeowner rather than a buffer strip which would be communally owned with no set management of this area. At present the approved landscape buffer would provide sporadic screening of the site while this proposal will provide further planting which will enhance the screening and with the planting proposed there would be no hard boundary to the site. There are no landscape buffers around the village at present and most garden boundaries on the settlement edge sit adjacent hard onto the

settlement boundary. With these areas coming within the curtilage of the households and the proposed increased planting there is scope for biodiversity benefits as these areas will be maintained by the individual owners rather than communally managed. Concerns have been raised regarding the potential visual impact of structures on this area of land. The permitted development rights are proposed to be removed from these areas which will help maintain the soft boundary edge and limit any visual impact on the Local Landscape Area. Therefore, it is considered that the requirement for a landscape buffer area is not required.

2.3.7 Objections have been made raising concerns that the removal of the buffer strip would remove an area for the public to enjoy. However, the landscape buffer strip was intended solely to provide a soft landscaped edge to the approved developed with regards the adjacent Local Landscape Area and not for general public access to the countryside. The landscape buffer strip itself is a relatively small area (8m wide, 100m long and 0.08ha in area) in the context of the adjacent countryside/field network, the removal of this area would not create a significant impact on access to the wider countryside for the public.

2.3.8 Objections have been raised regarding the justification put forward by the applicant for the removal of the landscape buffer, in particular with regards to the need for an increase garden area. Supporting comments have also been received with regard the need for an increased garden area. The garden area for all the housing plots meets Fife Councils Garden ground area guidance regardless of the gardens being extended, therefore it is considered that garden size is not a primary concern in the assessment of this application.

2.3.9 Comments have been submitted in support of this application due to the impact on the privacy of neighbouring properties. The approved landscape buffer would be adjacent the rear garden boundaries which have post wire fence. As the landscape buffer strip would be open to public access the rear garden areas could be viewed by any members of the public accessing the landscape buffer strip. By encompassing the landscape buffer within the garden area, any members of the public walking through the field would be another 8m away from the dwellings that sit within the plots. However, the proposed amended landscape plan shows a mixed hedgerow garden boundary (300-500mm in height), therefore if members of the public were walking in the adjacent field they would still be able to look into the garden area. , therefore it is considered that security and residential amenity is not a primary concern in the assessment of this application.

2.3.10 It is therefore considered given the above that in this instance that the s.42 planning application request to amend condition 4 as outlined in section 1.2.2 of this report is considered acceptable and if Members agree with this officer recommendation then suitable landscaping which in turn would not impact on the create a visual impact on the Local Landscape area can still be achieved if this area became garden ground. 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

None

4.0 Representation Summary

4.1

In assessing this proposal 9 objections, 6 supporting comments and 4 general comments received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Visual impact, loss of buffer strip	2.3.6
b. Public access	2.3.7
c. increased garden area	2.3.8

4.2.2 Support Comments

Issue	
a. Maintenance, visual impact	2.3.6
b. Security	2.3.9
c. Garden Ground	2.3.8

4.2.3 Other Concerns Expressed

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

c. Consented development.

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

d. Other applications

Comments regarding other applications are noted, however this is not a material consideration in the assessment of this application.

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

Reason: to safeguard residential amenity

2. The landscaping scheme Drawing number (03B of planning application 23/01478/FULL) shall be implemented within the first planting season following the completion of all six dwellinghouses and thereafter remain in place for the lifetime of the development unless otherwise agreed in writing with this Planning Authority.

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

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

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or any Order revoking and re-enacting that Order) no development within Classes 3A, 3B, 3C and 3D shall be undertaken in the area that was previously designated a landscape buffer strip without the express prior consent of this Planning Authority. For the avoidance of doubt the designated landscape buffer strip (as shown on submitted Drawing Number 'L(PL)100 Rev AA' (and online as Plan 03B) includes the land from the southwestern rear boundary line of Plots 1-6 (inclusive) for a distance of 8 metres in a north easterly direction towards the rear of the approved dwellinghouses.

Reason: In the interests of residential amenity to provide sufficient garden ground for the approved dwellinghouses.

5. Houses in Multiple Occupation: The dwellinghouses proposed on the site shall be used solely as a residence for (a) a single person or by people living together as a family; or, (b) not more than 5 unrelated residents living together in a dwellinghouse. For the avoidance of doubt none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

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

6. PRIOR TO THE OCCUPATION OF EACH PROPERTY, off street parking shall be provided for that property in accordance with the current SCOTS National Roads Development Guide incorporating the Fife Council Regional Variations. The parking shall thereafter remain in place for the lifetime of the development unless otherwise agreed in writing with this Planning Authority.

Reason: To ensure the provision of adequate off-street parking.

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, Planner Development Management

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 18.3.24

Committee Date: 10/04/2024

Agenda Item No. 6

Application for Full Planning Permission

Ref: 23/02355/FULL

Site Address: 2 Murray Row Balmullo St Andrews

Proposal: Erection of dwellinghouse

Applicant: Mr Martin Smith, 43 Main Street Balmullo

Date Registered: 23 October 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.

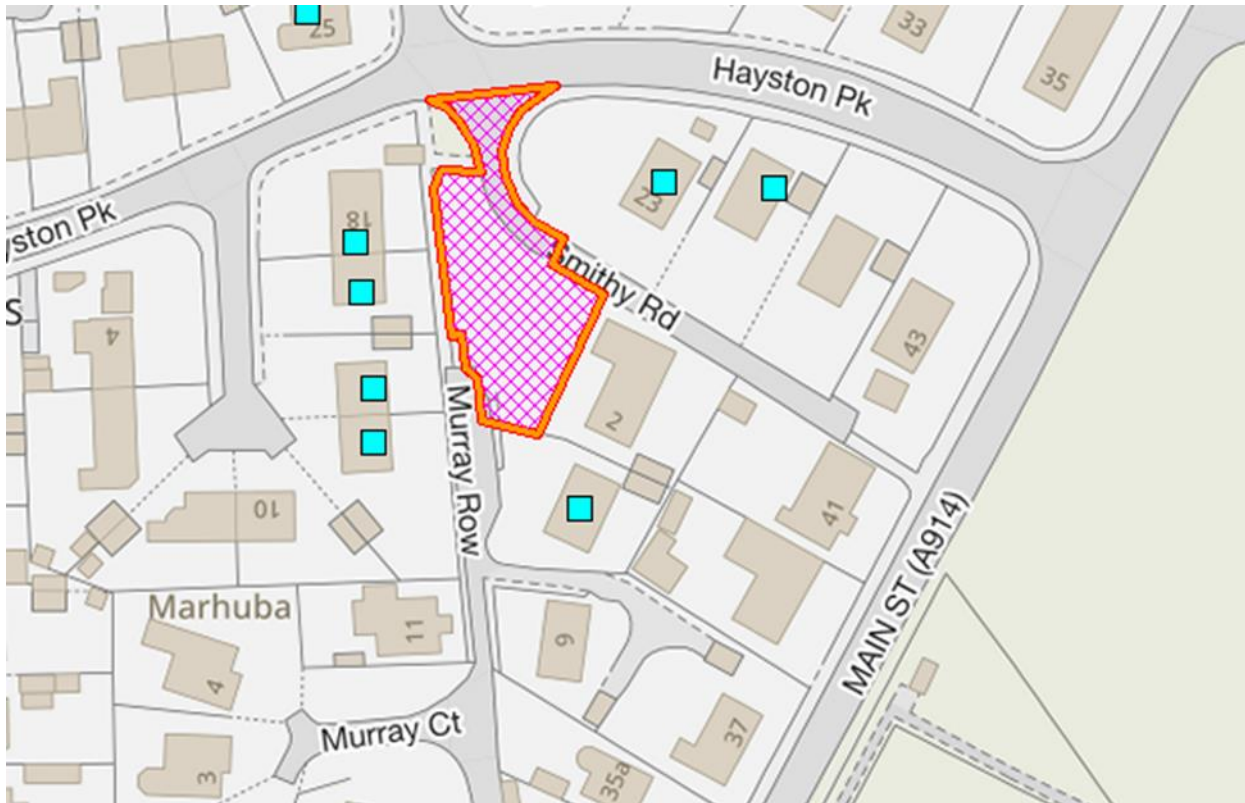
Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 LOCATION PLAN



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1.1.2 The application site relates to the garden ground within the curtilage of 2 Murray Row, Balmullo, located within the settlement boundary of Balmullo as designated in the adopted FIFEplan (2017). The existing modern dwellinghouse on site is a single storey property finished in a white render with a red pantile pitched roof and modern windows and doors. The site is accessed from Murray Row, a small access lane from Hayston Park which itself links to the main public road (A914) which runs through the village. The application site has its own access driveway from Murray Row and is separate from that used by the existing dwelling at 2 Murray Row which uses an access off Murray Row itself.

1.2 The Proposed Development

1.2.1 This application is for the erection of a modern one and half storey dwellinghouse which would have four bedrooms. The property would be finished with a grey stone basecourse, white rendered walls, grey concrete roof tiles and modern style aluminium doors windows. A 1.8m timber fence is proposed between the proposed new dwelling and the existing dwelling. Access to the proposed dwelling would be via a new access onto Smithy Road.

1.3 Relevant Planning History

- 15/02748/FULL - Erection of a dwellinghouse - refused 19.11.2015. This application was refused on the grounds of road safety. A subsequent appeal (PPA-250-2247) to the DPEA was dismissed in May 2016 on road safety grounds.
- 22/02766/PPP - Planning permission in principle for one dwellinghouse with associated infrastructure - Refused 18.01.2023. This application was refused on the grounds of road safety.

1.4 Application Procedures

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

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

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

1.4.4 A physical site visit was undertaken on 24.01.2024.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1 & 2: Tackling the climate and nature crises

NPF 4 Policies 1 (Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) advise that when considering proposals, significant weight to encourage, promote and facilitate development in sustainable locations and those that address the global climate and nature crises through zero carbon and nature positive places will be encouraged. As such proposals will be sited and designed to minimise lifecycle greenhouse gas emissions and adapt to current and future risks for climate change as far as possible.

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 11: Energy

NPF4 Policy 11 (Energy) also provides support for all forms of renewable, low-carbon and zero emissions technologies provided associated detrimental impacts are addressed.

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

NPF4 Policy 14 states development proposals should be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. NPF Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

Policy 15: Local Living and 20 minute neighbourhoods

NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options and where relevant within 20 minutes neighbourhoods.

Policy 16: Quality Homes

NPF4 Policy 16 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy 22: Flood risk and water management

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

FIFEplan Policy 1 Development Principles states that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. The principle of development will be supported if the site is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan.

Policy 2: Homes

FIFEplan Policy 2 Homes states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply. Proposals will be supported on sites allocated for housing in FIFEplan or on other sites provided the proposal is compliant with the policies for the location.

Policy 3: Infrastructure and Services

FIFEplan Policy 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10: Amenity

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Supplementary Guidance

Making Fife's Places Supplementary Planning Guidance (2018)

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

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications

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

requirements for air quality assessments.

Planning Customer Guidelines

Fife Council Planning Customer Guidelines: Garden Ground (2016)

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

Fife Council Planning Customer Guidelines: Trees and Development (2016)

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Garden Ground
- Transportation/Road Safety
- Flooding and Drainage
- Trees
- Low Carbon
- Houses in Multiple Occupation

2.2 Principle of Development

2.2.1 In simple land use terms, the principle of the residential development meets the requirements of the Development Plan and national guidance by virtue of the site being situated within an established residential area of Balmullo within the Adopted FIFEplan (2017). Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as design, amenity, road safety and other matters all of which are considered in detail below.

2.3 Design And Layout / Visual Impact

2.3.1 Concerns have been raised regarding the design, size and scale of the proposal. The concerns raised relate to the footprint of the living accommodation of the proposed house being comparable to that of the dwelling proposed under the refused application 15/02748/FULL with only the side garage making the proposals larger. Furthermore, the ridge height of this proposal is the same as that which was proposed through application 15/02748/FULL. It should be noted that the 2015 planning application was refused only on access grounds and the height of the proposed dwelling was considered acceptable.

2.3.2 In this instance, the proposed development comprises the erection of 1 ½ storey (4-bedroom) dwellinghouse stepping down to single storey at the east and west ends. It is considered that the building would sit comfortably within the site. The proposed one and a half storey size would be acceptable within the wider residential context, which is characterised by a mixture of house types in terms of size (typically single and 1 ½ storey) and in terms of design: they are predominantly modern in nature. With regards to the external finishing materials, the use of grey stone basecourse, white rendered walls, grey concrete roof tiles and modern aluminium doors windows, are reflective of the surrounding residential area and therefore considered acceptable also. A timber fence is proposed to the rear which would separate the new and existing dwellings while the existing stone boundary to the west and north that bounds the adjacent lane and Smithy Road would be retained. It is therefore considered that the proposal would fit within its suburban location and the design of the building and use of modern external finishing materials would represent a positive contribution to the area. The application therefore meets the requirements of the Development Plan relating to design and visual impact.

2.4 Residential Amenity

2.4.1 The main consideration in this instance relates directly to any impact the proposed dwellinghouse would have on the adjacent residential properties in relation to overlooking, loss of privacy and loss of daylight as well as overshadowing. Third party concerns have been raised regarding potential overlooking to the north. Given the orientation of the building and that it has no windows on the east and west elevation, these elevations would not create any overlooking or loss of privacy on the surrounding dwellings to the east and west. The windows on the north elevation would look onto Smithy Road and would be 11m away from the garden area associated with 23 Smithy Road and over 18m from the dwelling itself. Given the distances involved and the open nature of the garden area at 23 Smithy Road, this proposal would not create any significant overlooking or impact on the privacy of this dwelling and garden area and would comply with the respective amenity standards contained within Council guidance. Concerns have been raised regarding potential overlooking of the dwellings to the south west of the site. In that instance, the garden area associated with these dwellings would be on the other side of Murray Row and would be over 11m away from the windows on the south elevation of the proposed dwelling. Given the angle of the windows from the dwelling to the garden area of the adjacent dwellings and the distance involved, it is considered that there would be no significant overlooking of these dwellings and curtilage, and again that aspect would comply with national standards in that regard. The south elevation would look over a small portion of the remaining garden ground associated with the existing dwelling on site and down Murray Row. The ground floor windows would therefore not create any impact on the residential amenity as the 1.6m boundary fence would mitigate against this. The first-floor windows would create an element of overlooking onto the garden area of the existing house, but this would be mitigated by the existing trees on site. Concerns have been raised regarding potential overshadowing. Given the scale, orientation and distance of the proposed dwelling and the presence of the existing mature planting along the site boundary and the 2m timber fencing boundary treatment with the adjacent premises, it is considered that there would be no significant impact in terms of overshadowing nor would there be any significant impact on the amount of daylight and sunlight arising from the construction of this dwelling.

2.4.2 Concerns have been raised regarding noise and impact on the surrounding area from proposed works. A condition has also been recommended to ensure the applicant submits a Scheme of Works to mitigate the effects on sensitive premises/areas (neighbouring properties and road) of dust, noise and vibration from the construction phase of the proposed development. Should there be any complaints in that regard then under the Control of Pollution Act 1974, Section 60 Fife Council's Protective Services can investigate complaints and if necessary, control noise from construction sites by serving an appropriate Notice. This notice can specify the hours during which work may be carried out. It is considered that this is more effective than reliance on the planning enforcement system in that regard.

2.4.3 It is considered subject to relevant conditions that the proposal by virtue of its size, layout and orientation would not have a detrimental impact on the residential amenity of the adjacent properties in this location. It therefore complies with the relevant policies and guidelines relating to residential amenity.

2.5 Garden Ground

2.5.1 Concerns have been raised regarding the size of garden area proposed. Taking into account the size of the application site and the proposed footprint of the dwellinghouse, both the proposed dwelling and existing house would have over 120m² of private useable garden space and would be in keeping with the type and style of garden areas of the surrounding properties.

This application is therefore considered to comply with Fife Council's Planning Customer Guidelines on Garden Ground.

2.6 Transportation/Road Safety

2.6.1 Concerns have been raised regarding the impact on Smithy Road. Further to that consideration should also be given to the previous refusal and appeal dismissal as outlined in the planning history section earlier in this report. In terms of the latter appeal dismissal, it was noted that the Reporter advised that they considered that that proposed use of the private road and the respective junction with the A914 no longer had sufficient capacity to safely cope with additional traffic likely to be generated by that proposal.

2.6.2 In this instance it is considered that the proposed access to the site would be similar to the other dwellings whose driveways access/front onto Smithy Road and it is also considered that there is sufficient room within the driveway area for cars to turn and exit in a forward-facing movement onto Smithy Road. Fife Council's Transportation Development Management officers were consulted on this application and have no objections subject to conditions regarding visibility splays, off street parking and driveway material. These conditions form part of those included in this Report for Members consideration. Overall, it is considered that the proposal including the recommended conditions would therefore meet the policy and standards relevant to ensure road and pedestrian safety continues locally whilst addressing previous refusals and appeal dismissal in terms of changes to the proposed access arrangements in this current application.

2.7 Flooding And Drainage

2.7.1 In this instance, the proposal would comply with the Council's requirements for full planning permission, with reference to the 'Sustainable Drainage Systems (SuDS) - Design Criteria Guidance Note'. The current proposals would comply with the recommended technical requirements and would not increase flooding or drainage issues.

2.8 Trees

2.8.1 Three trees are proposed to be removed as part of this process. The trees in question have been evaluated as category C tree (trees of low quality). Compensatory planting is proposed by the applicant on a 2 to 1 ratio to mitigate this. The applicant has amended the site plan to show where the replacement trees to be planted on site. This mitigation is considered acceptable in this instance and would comply with the above policy requirements.

2.9 Low Carbon

2.9.1 Applicants are expected to submit a Low Carbon Sustainability Checklist in support. The applicant has submitted a low carbon checklist which states that the proposed dwelling shall be insulated to a high level and materials will be sourced locally.

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

2.10 Houses In Multiple Occupation

2.10.1 The proposal is not intended for HMO use at this time and a suitable condition is recommended to ensure that the property will not be used as an HMO in the future unless a further application for that use is submitted for.

3.0 Consultation Summary

Scottish Water	No objection
Transportation And Environmental Services - Operations Team	No comment
TDM, Planning Services	No objection subject to conditions

4.0 Representation Summary

4.1 8 objections received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Design and Visual Impact	2.3
b. Residential Amenity	2.4
c. Garden Ground	2.5
d. Transportation	2.6

4.2.2 Other Concerns Expressed

Issue	Comment
a. Impact on adjacent lane.	Concerns regarding the impact on the adjacent lane are noted, however this lane is outwith the application site boundary and does not form part of this proposal.
b. length of time development will take.	Concerns have been raised regarding the length of time it may take to develop this site. The applicant has 3

years from the date of decision to implement any planning consent, once works are started it is out with the planning authorities control to determine how long a build out should take.

c. Impact on House Values

Comments regarding house values are noted, however these are not a material planning consideration in the assessment of this application.

d. Anti-social behaviour

Comments regarding potential anti-social behaviour are noted, however these are not a material planning consideration in the assessment of this application.

e. Adjacent live consents

Comments regarding a live consent on an adjacent dwelling not being taken into account by the applicant in their assessment are noted. If the proposed extension which has consent to the dwelling to the north was implemented the proposed dwelling to the south would still be over 18m away so therefore there would be no impact on the residential amenity of this dwelling.

f. Ownership certificates

Comments regarding land ownership certificates are noted and these have been amended by the applicant.

5.0 Conclusions

The proposal is considered acceptable in meeting the adopted Development Plan and modified, proposed FIFEplan as well as other related Policies and Guidance, the proposal would not detrimentally affect the amenity of adjacent residential properties or create road safety issues which cannot otherwise be addressed by conditions. In light of the above the proposal is recommended for approval subject to relevant conditions so as to comply with relevant policy.

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. Prior to the occupation of the proposed dwellinghouse, visibility splays of 2m x 25m shall be provided to the North and to the Southeast at the junction of the vehicular crossing and the adjacent Smithy Road and thereafter maintained in perpetuity, clear of all obstructions exceeding 0.6 metres above the adjoining carriageway level along the whole of the visibility splay line, in accordance with the current Appendix G (Transportation Development Guidelines) of Making Fife's Places.

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

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

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

4. Prior to the occupation of the proposed dwellinghouse, the first two metre length of the driveway to the rear Smithy Road shall be constructed in a paved material (not concrete slabs).

Reason: In the interest of road safety; to ensure that no deleterious material is dragged on to Smithy Road.

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

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

6. Each residential unit provided on the site shall be used solely as a residence for (a) a single person or by people living together as a family; or, (b) not more than 5 unrelated residents living together in a dwellinghouse. For the avoidance of doubt none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

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

7.0 Background Papers

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:

NPF4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance Document (2018)

Low Carbon Fife Supplementary Guidance (2019)

Other Guidance:

Fife Council Planning Customer Guidelines on Garden Ground (2016)

Fife Council Planning Customer Guidelines on Daylight and Sunlight (2022)

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

Report prepared by Scott McInroy, Planner Development Management

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 19.3.24

Committee Date: 10/04/2024

Agenda Item No. 7

Application for Full Planning Permission

Ref: 24/00116/FULL

Site Address: 64B Argyle Street St Andrews Fife

Proposal: Change of use from dog grooming (Class 1A) to flatted dwelling (Sui Generis) including installation of replacement windows and external alterations

Applicant: KNB And KB Property Ltd, 25b Newtown Ceres

Date Registered: 31 January 2024

Case Officer: Scott McInroy

Wards Affected: W5R18: St. Andrews

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application has attracted an objection from a statutory consultee, whilst the officer's recommendation is for approval.

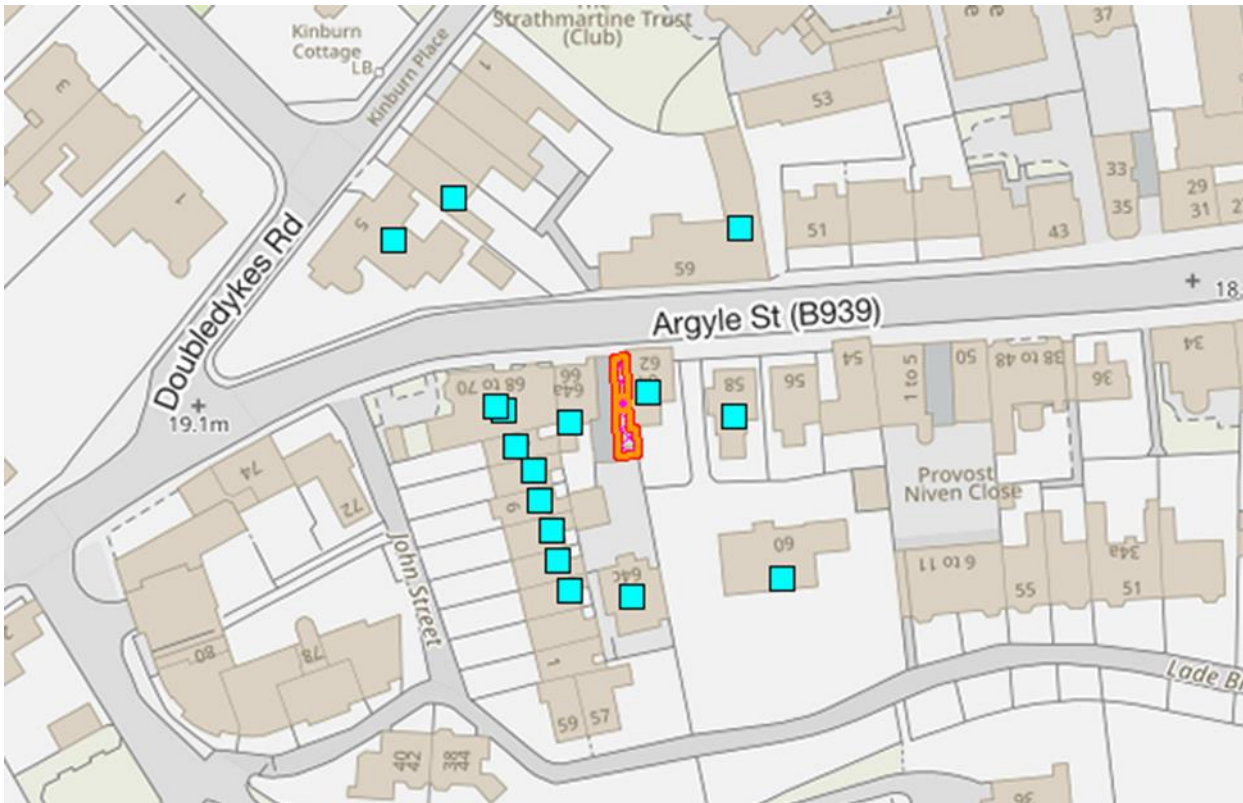
Summary Recommendation

The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 LOCATION PLAN



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1.1.2 This application relates to the ground floor of a two and a half storey terraced property, located within the conservation area and settlement boundary of St Andrews. The building at present consists of a dog groomers at ground floor and residential at first floor. A pend runs off Argyle Street runs along the side of the application site to a rear courtyard area. The property consists of natural stone walls (ground floor level) with upper-level smooth rendered walls, with timber entrance door and narrow side shop style windows with more domestic style and size windows to the side/rear. The property fronts onto Argyle Street. The application site itself is not listed and it sits over 230m away from the St Andrews town centre boundary as defined in the Local Development Plan.

1.2 The Proposed Development

1.2.1 The applicant seeks planning permission for the change of use from a dog grooming facility (Class 1A) to a ground floor flatted dwelling (Sui Generis). Other elements of the proposal include the installation of double glazed replacement windows and timber doors and external alterations including ashlar, harl and smooth silicone render applications to the walls. Internally the premises is to be reconfigured to provide living accommodation.

1.3 Relevant Planning History

There is no previous planning history to this site.

1.4 Application Procedures

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

1.4.2 The Scottish Government voted to approve National Planning Framework 4 on January 11, 2023, with it being formally adopted on February 13, 2023. NPF4 is now part of the statutory Development Plan and provides the national planning policy context and agenda for the assessment of all planning applications. NPF4 has six overarching spatial principles to deliver sustainable places, liveable places and productive places. The policy context of NPF4 is set at a high level to provide directive but indicative policy context to be taken forward in further detail at a later date. The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance provides the most up to date expression of planning policy for Fife and continues to be part of the Development Plan until it is replaced. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them no longer form part of the Development Plan. Having assessed the current application against the policy provisions of the Adopted NPF4 and the Adopted FIFEplan LDP 2017 there are no policy conflicts which would prevent the determination of the application when assessed against the policy provisions of FIFEplan.

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

1.4.4 A physical site visit was undertaken on 08.02.2023.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

NPF4 Policy 7 stipulates development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained and mitigation.

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

NPF4 Policy 14 states development proposals should be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. NPF Policy 14 also stipulates development proposals will be supported where they are consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable, and adaptable.

Policy 15: Local Living and 20 minute neighbourhoods

NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) aims to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options and where relevant within 20 minutes neighbourhoods.

Policy 16: Quality Homes

NPF4 Policy 16 aims to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Adopted FIFEplan (2017)

Policy 1: Development Principles

FIFEplan Policy 1 Development Principles states that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. The principle of development will be supported if the site is either within a defined settlement boundary and compliant with the policies for the location or in a location where the proposed use is supported by the Local Development Plan.

Policy 2: Homes

FIFEplan Policy 2 Homes states that housing development will be supported to meet strategic housing land requirements and provide a continuous 5-year effective housing land supply. Proposals will be supported on sites allocated for housing in FIFEplan or on other sites provided the proposal is compliant with the policies for the location.

Policy 3: Infrastructure and Services

FIFEplan Policy 3 states where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10: Amenity

Policy 10: Amenity

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

Policy 14: Built and Historic Environment

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

Supplementary Guidance

Making Fife Places Supplementary Planning Guidance (2018)

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

Planning Policy Guidance

St Andrews Design Guidelines (2011)

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

Planning Customer Guidelines

Fife Council Planning Customer Guidelines: Garden Ground (2016)

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

Other Relevant Guidance

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

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design/ Visual Impact on Conservation Area
- Residential Amenity
- Garden Ground
- Transportation/Road Safety

- Houses in Multiple Occupation

2.2 Principle of Development

2.2.1 Concerns have been raised regarding the principle of development. In simple land use grounds, the principle of the change of use from a Class 1A dog grooming premises to a dwellinghouse meets the requirements of the Development Plan and national guidance by virtue of the site being situated within the settlement boundary of St Andrews (the site is over 230m to the west of the St Andrews town centre boundary). Further to this the site is located within a mixed use area predominantly consisting of residential properties. Notwithstanding this, the overall acceptability of the application is subject to the development satisfying other policy criteria such as residential amenity, visual impact and other matters all of which are considered in detail below.

2.3 Design/ Visual Impact on Conservation Area

2.3.1 The application site is located within the St Andrews Conservation Area. External alterations include the existing timber windows to be replaced with timber double glazed windows and the existing door to be replaced with a timber door. Proposed finishes include ashlar, harl and smooth silicone render. Internally the premises is to be reconfigured to provide living accommodation. The majority of external alterations are to the west elevation which is in the pend off Argyle Street and would not affect the public street scene. Those works though are considered acceptable for sites within conservation areas. The only external changes to the front elevation on Argyle Street would be the proposed replacement of the existing door and windows with timber framed double glazed units. Given the small-scale external changes, the proposal would not significantly affect the setting of the conservation area and would use traditional materials so can be supported in this regard.

2.4 Residential Amenity

2.4.1 This proposal would not cause any impact on the residential amenity of the surrounding properties given the windows on the western elevation would look onto the pend and courtyard area that leads from Argyle Street, whilst the glazed window and door to the front looks onto Argyle Street. Concerns have been raised regarding the lack of light the proposal would receive. The frontage of the building would be predominately glazed which provide natural light into the living area while the window at the southern extent of the western elevation would receive light from the courtyard area. Concerns have been raised regarding the size of the property. The flat would have a floorspace of 30m². In terms of the small-scale nature of the proposed flat, the minimum guide standard based on each 'main living' room having at least 12m² per room and for single bedrooms at least 10m² is recommended but again there is no set minimum standard. In terms of refuse the flat has access to the private courtyard where there is sufficient space to store 4 bins. As there is a pend that runs down the side of the application site, the bins will be taken down this pend to the pavement on Argyle Street on collection day.

2.4.2 The proposal therefore complies with the relevant policies and guidelines relating to residential amenity.

2.5 Garden Ground

2.5.1 Concerns have been raised regarding the lack of garden ground. In this instance although the proposed flatted dwelling doesn't provide the extent of garden ground expected (typically a minimum of 50m² per flat) through Fife Council's Planning Customer Guidelines on Garden Ground, a relaxation can be applied given that there is a large area of formal open public space within 100m to the south west (Cockshaugh Park) of the application site. As the principle of the change of use is considered acceptable, the property has limited alternate land uses other than Class 1A or residential and the fact many residential properties locally have little or no private outdoor amenity space it is considered that this proposal would replicate the typical higher density local characteristics. On that basis and in planning policy terms the lack of formal garden ground is considered acceptable in this instance.

2.6 Transportation/Road Safety

2.6.1 Concerns have been raised regarding the lack of parking available with this proposal. The Transportation Development Management Team (TDM) was consulted and has no objections to this application. There is no off street parking associated with the building and there would be no increase in replacement on street parking generated by this proposal. The application site is close to other forms of sustainable transport modes. The proposal would, therefore, have no further significant detrimental impact in terms of road safety and would comply with the Development Plan in this respect.

2.7 Houses in Multiple Occupation

2.7.1 The proposal is not intended for HMO use at this time and given the size of the proposed flats it is unlikely to be used for this use. Nonetheless, a condition is recommended to ensure that the property will not be used as an HMO in the future unless a further application for that use is submitted for consideration.

3.0 Consultation Summary

Scottish Water	No objection
Community Council	Objection
TDM, Planning Services	No objection

4.0 Representation Summary

4.1

2 objections received, including one from the St Andrews Community Council as statutory consultee.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Principle of Development	2.2.1
b. Residential Amenity	2.4.1
c. Garden Ground	2.5.1
d. Road Safety	2.6.1

5.0 Conclusions

The proposal is considered acceptable, complying with the terms of the Development Plan and associated guidance. The proposal is compatible with its surrounds in terms of land use; does not cause any significant detrimental impacts on the amenity of surrounding residential properties; and is acceptable in terms of its design and finishings and regarding road safety.

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. The residential units provided on site shall be used solely as residences for (a) a single person or by people living together as a family; or, (b) not more than 5 unrelated residents living together in a dwellinghouse; or, (c) not more than 2 unrelated residents living together in a flat. For the avoidance of doubt, none of the residential units hereby approved shall be used for Housing in Multiple Occupation.

Reason: In the interests of maintaining a mixed and balanced housing stock as required by Adopted FIFEplan - Fife Local Development Plan Policy 2 (Homes) or any subsequent revision or amendment of this document.

7.0 Background Papers

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

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

Development Plan:

NPF4 (2023)

FIFEplan Local Development Plan (2017)

Making Fife's Places Supplementary Guidance (2018)

Other Guidance:

Fife Council Planning Customer Guidelines - Garden Ground (2016)

Fife Council Planning Customer Guidelines - Daylight and Sunlight (2022)

St Andrews Conservation Area and Management Plan (2013)

St Andrews Design Guidelines (2007)

Report prepared by Scott McInroy, Planner Development Management

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 18.3.24