AGENDA

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.


DEVELOPMENT MANAGEMENT

4. APPLICATIONS FOR DETERMINATION - Reports by the Head of Economy, Planning and Employability Services: -

   (a) 18/00619/FULL - 22 to 26 Mount Frost Gardens, Glenrothes - Change of use from protected open space to private garden ground (retrospective) and associated tree works (Previous minute reference Paragraph 39 (c) of 2018.C.A.P.27 refers).

   (b) 18/01555/FULL - Burntisland Library, 102 High Street, Burntisland - Siting of plaque to front exterior of library.

   (c) 18/01556/LBC - Burntisland Library, 102 High Street, Burntisland - Listed building consent for the siting of commemorative plaque to the front exterior of the library.

Note: Representations on the above applications are available to view on Fife Direct.

5./
5. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS - Lists of applications dealt with under delegated powers for the period 11th June, 2018 to 6th July, 2018 and 9th July, 2018 to 3rd August, 2018.

NOTE: These lists are available to view with the Committee papers on the Fife Direct website.

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

Linda Bissett,
Head of Democratic Services,
Finance & Corporate Services.
Fife House,
North Street,
Glenrothes,
Fife KY7 5LT


If telephoning, please ask for:-
Emma Whyte, Committee Administrator, Fife House, Glenrothes
Telephone: 03451 555555 Ext. 442303 or E-mail: emma.whyte@fife.gov.uk
Agendas and papers for all Committee meetings can be accessed on www.fifedirect.org.uk/committees
THE FIFE COUNCIL - CENTRAL AREA PLANNING COMMITTEE - GLENROTHES

25th June, 2018

PRESENT: Councillor Ken Caldwell (Convener), Alistair Cameron, Ian Cameron, Rod Cavanagh, Mick Green, Zoe Hisbent, Gordon Langlands, Derek Noble, Graham Ritchie, Ross Vettraino, Craig Walker and Jan Wincott.

ATTENDING: Derek Simpson, Lead Officer Development Management and Scott Simpson, Planner, Development Management, Economy, Planning & Employability Services; Laura Lamb, Solicitor and Emma Whyte, Committee Administrator, Finance and Corporate Services.

APOLOGY FOR ABSENCE: Councillor David Alexander.

37. DECLARATION OF INTEREST

Councillor Mick Green declared an interest in paragraph 39 (c) below, having had discussions with the applicants.

38. MINUTE

The Committee considered the minute of the Central Area Planning Committee of 28th May, 2018.

Decision

The Committee agreed to approve the minute.

39. APPLICATIONS FOR DETERMINATION

The Committee considered a report by the Head of Economy, Planning and Employability Services, together with the associated representations:

(a) 17/02388/FULL – Erection of a dwellinghouse and formation of vehicular access at land at Newbigging Farm to the west of Glassliehead, Dunearn, Burntisland.

Decision

The Committee agreed that the application be refused for the three reasons detailed in the report.

(b) 18/00101/FULL – Change of use from retail unit (Class 1) to public house (Sui Generosis) and installation of new door to rear at 27-29 Pentland Place, Kirkcaldy.

Motion/
Motion

Councillor Green, seconded by Councillor Ritchie moved that the Committee approve the application subject to the two conditions and for the reasons detailed in the report.

Amendment

Councillor Wincott, seconded by Councillor Noble moved that the Committee refuse the application on the grounds that it would be contrary to Policies 1 and 10 of the Fifeplan as it would have a detrimental impact on residential amenity.

Vote

Amendment - 6
Motion - 3

Decision

As the Committee was minded to refuse the application on the grounds that the development would be contrary to Policies 1 and 10 of the Fifeplan and detrimental to residential amenity, the Committee agreed that it be delegated to the Head of Economy, Planning & Employability Services, in consultation with the Head of Legal Services and the Convener to finalise the full reasons for refusal.

Councillor Green left the meeting prior to consideration of the following item having earlier declared an interest.

(c) 18/00619/FULL – Change of use from protected open space to private garden ground (retrospective) at 22 to 26 Mount Frost Gardens, Glenrothes.

Decision

The Committee agreed that the application be deferred to the next meeting to allow for a site visit to be held to acquaint members of the Committee with the layout of the site.

Councillor Green rejoined the meeting.

Councillor Hisbent left the meeting prior to consideration of the following item.

(d)/
(d) 18/00902/FULL – Erection of one and half storey (with basement) extension including link corridor and domestic garage, alterations to vehicular access including formation of hardstanding and erection of gates, fence and wall at Datie Mill House, Boglily Road, Kirkcaldy.

Decision

The Committee agreed that the application be refused for the reason detailed in the report.

(e) 18/00901/LBC – Listed building consent for erection of one and half storey (with basement) extension including link corridor, domestic garage and internal alterations at Datie Mill House, Boglily Road, Kirkcaldy.

Decision

The Committee agreed that the application be refused for the reason detailed in the report.

40. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTS DEALT WITH UNDER DELEGATED POWERS - Lists of applications dealt with under delegated powers for the period 14th May, 2018 to 8th June, 2018.

Decision

The Committee agreed to note the lists of applications.
ITEM NO: 4 (a)

APPLICATION FOR FULL PLANNING PERMISSION  REF: 18/00619/FULL

SITE ADDRESS: 22 TO 26 MOUNT FROST GARDENS GLENROTHES FIFE

PROPOSAL: CHANGE OF USE FROM PROTECTED OPEN SPACE TO PRIVATE GARDEN GROUND (RETROSPECTIVE) AND ASSOCIATED TREE WORKS

APPLICANT: PETER & ANNE WADDELL, BERNARD & MARY CURRIE, JOHN & WENDY MATTHEW, MARGARET FRANCEY AND HUGH CONNELL

22-26 MOUNT FROST GARDENS GLENROTHES FIFE

WARD NO: W5R14

Glenrothes North, Leslie And Markinch

CASE OFFICER: Scott McInroy

DATE REGISTERED: 09/03/2018

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

More than 5 letters of representation have been received that are contrary to officer’s recommendation

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal and Enforcement Action

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS
Under Section 25 of the Planning Act the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise.

1.0 BACKGROUND

1.1 This application relates to an area of woodland measuring approximately 850 square metres which sits to the rear of the properties at 22, 23, 24, 25 and 26 Mount Frost Gardens, Markinch. The woodland is identified as protected open space in the adopted FIFEplan (2017) and forms part of the Balbirnie Park Golf Club within the wider Balbirnie Park and Lomond Hills Regional Park, it is also a Designed Landscape which provides the context and setting for the category A listed Balbirnie House. Balbirnie Park itself including the woodland area subject to this application is covered by a Tree Preservation Order. A post and wire fence encloses the application site where it bounds with the woodland outwith the application site. The land within the application site to the rear of no’s 23 and 24 have been laid to lawn and include some paving and planting. There are a total of 35 trees within the application site.

1.2 Planning permission is being sought for a change of use from protected open space to private garden ground for the five properties (in retrospect) and associated tree works which includes the removal of 3 trees. The boundaries of each plot would be enclosed by 1.8m high open slat timber fences. The applicants have stated in their submission that they would be willing to consider other fencing arrangements if the proposed fencing was not considered appropriate.

1.3 The land subject to this application was sold by Glenrothes Development Corporation to Balbirnie Golf Club, the use of which was restricted to a golf course and associated purposes. Fife Council, as Glenrothes Development Corporation successors, were approached in November 2013 to request a partial waiver of the title condition which restricts the use of their land to that of a golf course and associated purposes to waive the title restriction to enable the club to sell the land to individuals for use as garden ground. The intention of the Club was to sell a vacant cottage on the open market and also to sell five plots of ground to the owners of 22 to 26 Mount Frost Gardens to enable them to extend their existing gardens. Fife Council entered into a minute of agreement and waiver and granted a Deed of Restriction in May 2014. Prior to the issuing of this waiver a planning application (14/00389/FULL) was received for the proposed development. For the avoidance of any doubt the decision by Legal Services to grant this waiver was not based on any planning considerations and was a legal process entirely separate from the planning system. The applicants were aware at the time they were applying for the waiver that they would also require planning permission to use the land in question as garden ground.

1.4 The recent planning history to this particular site includes the following:

14/00389/FULL - Planning permission for the same proposal as the current application was refused on 06/06/2014, the reasons for refusal were:

1. The proposal would run counter to Policy C5 of the Mid Fife Local Plan, in that this is unnecessary change of use of public open space to private garden ground resulting in an a loss of visual amenity, a reduction in open space which has amenity value, a detrimental impact upon the ecological or nature conservation interest and integrity of the open space as part of the wider green network.
2. The proposal does not accord with Policies E2 and E4 of the Adopted Mid Fife Local Plan 2012 in that the enclosure of the area with a 2 metre high residential fence, or the subdivision into 5 plots with 1 metre high post and wire fence would unacceptably impact on the overall appearance of the woodland area to its overall visual detriment, and would set an unacceptable precedent to the enlargement of other gardens in the area to the further detriment of the open space/woodland area within the Balbirnie Park.

3. The proposal runs counter to Policy E24 of the Adopted Local Plan in that trees covered by a Tree Preservation Order (TPO) will be protected from works or actions which will impair their health and appearance. The proposed works are not consistent with the principles of sound woodland management and good arboricultural practice.

The applicant appealed this decision to the Local Review Body who dismissed the appeal on 18/12/2014. The Local Review Body varied the reason for refusal by adding an additional refusal reason:

4. In the interests of protecting the Designed Landscape at Balbirnie; the proposed change of use of the woodland to form enclosed garden spaces would adversely affect the character and the setting of the component features of the Designed Landscape, in this case the natural woodland area, to the detriment of the wider protected landscape area. The development would therefore be contrary to Policy E11 of the Adopted Mid Fife Local Plan 2012.

In August 2016 the applicants were challenged by the Planning Authority as they had not removed the unauthorised fencing that had been erected to enclose this area of protected open space and it was evident that some of the area subject to this planning application was being used as garden ground. Through these discussions the applicants were keen to explore options for a new planning application to try to address the reasons for refusal. The applicant were given time to consider their options and submit a new planning application. As no planning application was submitted Fife Council served a Planning Contravention notice on the owners on 28/11/2017.

2.0 ASSESSMENT

2.1 The issues to be assessed against the Development Plan and other guidance are as follows:-

- Principle of Development
- Impact on Designed landscape
- Impact on Trees

2.2 Principle of Development

2.2.1 The Scottish Planning Policy promotes the use of the plan-led system to provide a practical framework for decision making on planning applications thus reinforcing the provisions of Section 25 of the Act.

2.2.2 Policy 1, Part A of the Adopted FIFEplan (2017) stipulates that the principle of development will be supported if it is either (a) within a defined settlement boundary and compliant with the policies for this location; or (b) is in a location where the proposed use is supported by the Local Development Plan. In the instance of development on protected open
space and which will impact on the natural environment, the proposed development must be appropriate for the location through compliance with the relevant policies; in this instance, Policies 10 and 13.

2.2.3 Policy 10 of FIFEplan advises that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of outdoor sports facilities, open space, green networks, protected trees, and woodland. Policy 13 of FIFEplan advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance and woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Fife's Making Fife's Places Supplementary Guidance.

2.2.4 The application site is identified as protected open space in the adopted FIFEplan (2017) and forms part of the Balbirnie Park Golf Club within the wider Balbirnie Park and Lomond Hills Regional Park, it is also a Designed Landscape which provides the context and setting for the category A listed Balbirnie House. Balbirnie Park itself including the application site is covered by a tree preservation order. Since the original application (14/00389/FULL) the Mid Fife Local Plan (2012) has been superseded by FIFEplan (2017), however the policy position for this area hasn't changed and the reasons for refusal of the original application are still relevant. The applicant has provided a supporting statement and accompanying tree report with regards this proposal. The supporting statement states that the land in question is not public open space due to ownership and that the work undertaken by the landowners to tidy the area up and the proposed fencing would not create an impact on the visual amenity of this wooded area.

The ownership of the land does not impact on the land use designation as set out in the adopted FIFEplan (2017).The work undertaken to tidy up this area of woodland is acknowledged, however it is considered that this activity does not require the site to be enclosed within private gardens to be carried out. The supporting statement also states that due to the works undertaken by the applicant and the planting proposal set out in the accompanying tree report that this would result in a positive impact on the ecological and nature conservation interest of the area. Although the planting proposals are acceptable, a positive impact on the ecology and nature conservation of the area could also be achieved by letting this area of woodland/parkland return to nature naturally without intervention. Furthermore the proposed planting could be carried out without the need for a change of use to private garden ground. The supporting statement states that there would be no unacceptable encroachment into the wooded area and if this was the case the council should not have given consent by entering into a minute of agreement and waiver and by granting a Deed of restriction. The applicants were aware through the purchasing of this land that planning permission would be required for a change of use of the woodland.

2.2.5 With regards the impact on the Tree Preservation Order area and principles of sound woodland management, the supporting statement states that by the inclusion of these areas of land within private gardens then the trees and associated areas would be sustainably managed by the landowners unlike the current practice.

Although the applicants own the land, this has no bearing on its designation and use as protected open space. Whilst the extension of the garden ground and loss of woodland/parkland will have a negligible impact on the setting of Balbirnie House, care must be taken with regards
to potential cumulative incremental impact of such erosion of woodland/parkland over time which may reduce the significance of Balbirnie House and the Designated Landscape. As stated in the applicants supporting statement works have been undertaken to tidy up this area, however these activities do not require the site to be enclosed within gardens to be carried out. Whilst the maintenance of the area, and for that matter its appropriate annexation from the wider area is not likely to run counter to policy 10, the enclosure within 5 separate gardens would physically alter the appearance and function of this area of protected open space and designed landscape. Individual gardens would divide the woodland and this would mean that the woodland will not be managed as a whole and thus create a difference in management regimes to the potential detriment of the woodland.

Although the applicant states in the supporting statement that the owners have no intention of introducing garden furniture among the areas where trees are sited, the loss of natural habitat to garden areas which will be fenced will inevitably lead to the further erosion of the natural woodland habitat as has already happened on those plots where lawn and paving stones have been laid. Furthermore it should be noted that that there would be no enforceable planning control that could be exercised through a planning condition that could effectively ensure that the woodland habitat was not further compromised by this proposal. By enclosing the area with residential style fences or any other style of fence which would divide the area into 5 separate entities would impact on the general integrity of the open space and designed landscape and as such the proposal fails to meet the criteria of this policy 10 and 13.

2.2.6 It is noted in the supporting statement that the applicants have stated that they could erect fencing up to 1m to enclose this area without the need for planning permission. However if this was to be undertaken, and the land in question enclosed, than planning permission would still be required as the land would no longer be considered as open space.

2.2.7 In this instance it is considered that the proposal fails to comply with the provisions of the Adopted FIFEplan (2017), policy 1 part A and policies 10 and 13 and Fife's Making Fife’s Places Supplementary Guidance. The principle of the proposed use in this location is not acceptable due to potential adverse impacts on the ecology and general integrity of the open space and designed landscape area.

2.3 Impact on Designed landscape


2.3.2 Policy 10 of FIFEplan sets the requirement for all new development to make a positive contribution to the quality of its immediate environment both in terms of its environmental impact and the quality of place it will create and states that development will only be supported providing it does not have a significant detrimental visual impact on the surrounding area.

2.3.3 Making Fife's Places Adopted Planning Policy Guidance (2015) and Proposed Supplementary Guidance (2017) sets out the expectation for developments with regards to design. These documents encourage a design-led approach to development proposals through placing the focus on achieving high quality design. These documents also illustrate how
developments proposals can be evaluated to ensure compliance with the six qualities of successful places.

2.3.4 The applicant proposes to enclose the individual garden grounds of each plot with 1.8m high open slat timber fences. The outer edge of the land is currently defined by a post and wire fence. As stated in paragraph 2.2.4 the policy position for this area is similar to the previous local plan and the decision for refusal of the previous application are still relevant. By enclosing this area of land with the proposed fencing, this would unacceptably impact on the overall appearance of the woodland area to its overall visual detriment, and would set an unacceptable precedent to the enlargement of other gardens in the area and encroachment into the open space/ woodland area within the Balbirnie Park to the further detriment of the designed landscape.

2.3.5 It is therefore considered that the proposal does not accord with the policies of the Development Plan in relation to their visual impact on this designed landscape.

2.4 Impact on Trees

2.4.1 The Adopted FIFEplan (2017) Policies 1, 13 and the Making Fife's Places Adopted Planning Policy Guidance Document (2015) and the Making Fife's Places Proposed Supplementary Guidance Document (2017) apply with regard to the impact on areas covered by a Tree Preservation Order (TPO). Policy 13 advises that development proposals will only be supported where they protect or enhance natural heritage and access assets including designated sites of local importance and woodlands (including native and other long established woods), and trees and hedgerows that have a landscape, amenity, or nature conservation value. Development proposals must provide an assessment of the potential impact on natural heritage, biodiversity, trees and landscape and include proposals for the enhancement of natural heritage and access assets, as detailed in Fife's Making Fifes Places Supplementary Guidance.

2.4.2 Unlike the previous application, the applicant has provided an accompanying tree report which gives information on the number of trees on site (35), quality of existing trees and proposed tree planting programme which would be focused in the rear gardens of No.23 & 24 Mount Frost Gardens and also states that management of the tree cover is desirable. The tree report recommends the removal of 3 trees which are either dead or dying. Fife Council’s Tree Officer has been consulted on the removal of these trees and concurs with the submitted Tree Report in this regard. As the trees are dead or dying their removal does not require the benefit of planning permission. The tree report also states there are a further 5 trees which are in poor condition and displaying a range of defects, however no recommended action has been prescribed for these trees. As such any works to these 5 trees would be outwith the scope of this application and as these tree are covered by a Tree Protection Order any future proposed works to these trees would require the submission of an Application For Tree Works.

2.4.3 The report states that proactive management is essential to minimise potential risk to the properties and to create a viable and sustainable woodland edge and that there has been no apparent tree removals on the acquired strip of land. However, no management details have been submitted, except that each garden area would be tended by or on behalf of each individual owner, this will mean that the woodland will not be managed as a whole and thus create a difference in management regimes at the determinant of the woodland. It is considered that changing the use of the existing ‘open space’ to private ground which includes trees that are a mix of semi mature Scots pine and broadleaves into 5 separate plots would raise concerns over the change in status of the woodland. Dead/dying trees provide a very useful habitat for
fungi and all the associated wildlife, it therefore creates a more biodiverse system and if removed the biodiversity is also removed. The recommendation in the accompanying tree report for further planting is required to create a diverse age in the woodland and this should be carried out, but it would not outweigh the negative environmental effects of allowing the woodland to become garden ground. Although the applicant states in the supporting statement that the owners have no intention of introducing garden furniture among the areas where trees are cited, the proposed change to garden ground implies that the owners will likely make modifications to the woodland, which could include lawns, slabs/paving, fencing, sheds, huts, swings etc., everything associated with a domestic garden which could be located amongst the trees.

2.4.4 It is therefore considered that the requirements of Policy 13 are not met in that the proposed change of use is not consistent with the principles of sound woodland management and good arboriculture practice.

### CONSULTATIONS

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<thead>
<tr>
<th>Organisation</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Scottish Natural Heritage</td>
<td>No comment</td>
</tr>
<tr>
<td>Historic Environment Scotland</td>
<td>No comments</td>
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### REPRESENTATIONS

38 letters of support have been received. The main reasons of support are that the loss of this ground is insignificant with regards the wider woodland, the site is not visible from the users of the wood so there is no visual impact or impact on the amenity of the public by fencing off this land, the land is owned by the applicants, this parcel of land will be managed better and will provide ecological and environmental benefit, the land is not open space and the council approved the use of this land by entering into a minute of agreement and waiver and by granting a Deed of restriction on this land.

### CONCLUSIONS

In conclusion the loss of the protected open space to 5 separate areas or garden through enclosure of the area with 1.8m metre high fencing would unacceptably impact on the designed landscape and woodland area visually, in ecological terms and does not promote best woodland management practices for a tree preservation order area. By turning this area of natural woodland/parkland into garden ground it would inevitably lead to the further erosion of the natural woodland habitat as has already happened on those plots where lawn and paving stones have been laid. This would be to the detriment of the ecological and nature conservation interest and the integrity of the wider protected open space and designed landscape.

As the applicants own the woodland area subject to this planning application they are responsible for its management and maintenance and therefore have control over it in terms of any concerns regarding the proximity of the trees to their dwellings. If the proposal was approved it would weaken Fife Council position to resist any future proposals to encroach into this protected area of woodland and designed landscape.
This site was subject to a previous application (14/00389/FULL) for an identical proposal which was refused and this decision was upheld by Local Review Body. Although the Development Plan involved in the decision making of that application at that time has been superseded, the land use designation and relevant policies are broadly the same as in the adopted FIFEplan (2017). Therefore the same policy protection applies and the reasons for refusal of the original application are still relevant. The proposal is therefore recommended for the reasons set out below.

**RECOMMENDATION**

The application be refused for the following reason(s)

1. The proposal would run counter to Policy 1 and 10 of the adopted FIFEplan (2017), in that this is an unnecessary and unjustified change of use of protected open space to private garden ground that would result in a loss of visual amenity, a reduction in open space which has amenity value, a detrimental impact upon the ecological and nature conservation interest and integrity of the wider protected open space and designed landscape.

2. The proposal runs counter to Policy 1 and 13 of the adopted FIFEplan (2017) and Making Fife’s Places - Planning Policy Guidance (2017) in that trees covered by a Tree Preservation Order (TPO) are required to be protected from works or actions which will impair their health and appearance. The proposed works are not consistent with the principles of sound woodland management and good arboricultural practice and it is therefore considered that the development would have an adverse impact on the health of the trees within and adjacent to the site that that form part of the protected woodland.

3. In the interests of protecting the Designed Landscape at Balbirnie; the proposed change of use of the woodland to form enclosed garden spaces would adversely affect the character and the setting of the component features of the Designed Landscape, in this case the natural woodland area, to the detriment of the wider protected landscape area. The development would therefore be contrary to Policy 1 and Policy 13 of the Adopted FIFEplan 2017.

4. The proposal does not accord with Policy 1 and 10 of the adopted FIFEplan 2017 in that the enclosure of the area with a 1.8m metre high residential fence and the subdivision into 5 plots would unacceptably impact on the overall appearance of the woodland area to its overall visual detriment, and would set an unacceptable precedent to the enlargement of other gardens in the area to the further detriment of the open space/woodland area within the Balbirnie park.

and

That the appropriate enforcement action be taken with respect to the unauthorised activity

**STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

SESplan (2013)
Adopted FIFEplan (2017)

Other Guidance


Report prepared by Scott McInroy Planner
Report agreed and signed off by Derek Simpson, Lead Officer and Committee Lead 8.8.18

Date Printed 28/05/2018
ITEM NO: 4 (b)

APPLICATION FOR FULL PLANNING PERMISSION  REF: 18/01555/FULL

SITE ADDRESS: BURNTISLAND LIBRARY 102 HIGH STREET BURNTISLAND

PROPOSAL: SITING OF PLAQUE TO FRONT EXTERIOR OF LIBRARY

APPLICANT: MS FIONA FISHER
KINGDOM HOUSE KINGDOM AVENUE GLENROTHES

WARD NO: W5R09
Burntisland, Kinghorn And West Kirkcaldy

CASE OFFICER: Gary Horne

DATE REGISTERED: 11/06/2018

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

The applicant is involved in the consideration and determination of planning and listed building consent applications by Fife Council

SUMMARY RECOMMENDATION

The application is recommended for:

Unconditional Approval

ASSESSMENT AGAINST THE DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Under Section 25 of the Planning Act the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. 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.
1.0 Background

1.1 This application relates to a two-storey French Baroque style Category B Listed library situated on the High Street of Burntisland’s Conservation Area. The property is finished with ashlar stone, a mansard styled slated roof, timber sash and case windows and decorative stonework. The development site is located within an area of mixed use including various commercial premises at ground floor and upper floor residential flatted dwellings.

1.2 This application seeks planning permission for the siting of a plaque on the front elevation of the library.

1.3 The proposed plaque would be sited to the east of the main entrance on the building exterior and would commemorate the town’s award of ‘Fife’s Favourite Conservation Area’. The plaque would be made in bronze with a patinated finish, would be affixed to the stonework via hidden rear stud fixings and would be oval in shape with dimensions of approximately 23cm x 16cm.

1.4 Fife Council ran an online public vote in 2017 for people to vote for their favourite Conservation Area in Fife to mark the 50th Anniversary of the Civic Amenities Act (1967) which first established Conservation Areas.

1.5 This application has been made in conjunction with listed building consent application 18/01556/LBC.

2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are

a) Design / Impact on Listed Building & Conservation Area

2.2 Design / Impact on Listed Building & Conservation Area


2.2.2 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the building or its setting and change shall be managed to protect its special interest. Design and materials which will affect a Listed Building or its setting shall be appropriate to the character and appearance of the building and its setting.

2.2.3 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use and that Planning Authorities, when determining applications for planning permission or Listed Building consent, should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
2.2.4 Historic Environment Scotland - Policy Statement (June, 2016) advises that new work, including alterations to historic buildings shall enhance its surroundings.

2.2.5 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 10 advises development will be supported where it does not have a significant detrimental impact on the amenity of existing land uses including in relation to the visual impact of the development on the surrounding area. Policy 14 states that development which protects or enhances buildings or other built heritage of special architectural 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.

2.2.6 The proposed plaque is considered to be a minor alteration in this instance in terms of form, scale and scope. The plaque would be sensitively located and affixed to the front of the library at the entrance to this historic building and would be made in an appropriate traditional material. The plaque would protect the historic fabric and character of this Category 'B' Listed Building and would ultimately enhance the character of the surrounding Burntisland Conservation Area through its celebration of the award winning historic environment.

2.2.7 In light of the above, the proposal is considered acceptable in terms of form, scale, detailing and siting; would protect the character of this Category 'B' Listed Building and the surrounding Burntisland Conservation Area. As such, the proposal would be in compliance with the Development Plan and its associated guidance.

**CONSULTATIONS**

None

**REPRESENTATIONS**

No representations have been received in relation to this application

**CONCLUSIONS**

The proposal is considered acceptable in terms of form, scale, layout, detailing and choice of materials; would protect the character of this Category 'B' Listed Building and the Burntisland Conservation Area. As such, the proposal is considered to be in compliance with the relevant policies of the Development Plan and relevant guidelines.

**RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally

**STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

Sections 59 and 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997
Historic Environment Scotland - Policy Statement (2016)
Scottish Planning Policy (2014) (Historic Environment)

Development Plan

Adopted FIFEplan Local Development Plan (2017)

Report prepared by Gary Horne, Planning Assistant.
Report agreed and signed off by Derek Simpson, Lead Officer and Committee Lead (8.8.18)

Date Printed 31/07/2018
ITEM NO:  4 (c)  
APPLICATION FOR LISTED BUILDING CONSENT   REF: 18/01556/LBC  
SITE ADDRESS:  BURNTISLAND LIBRARY 102 HIGH STREET BURNTISLAND  
PROPOSAL :  LISTED BUILDING CONSENT FOR THE SITING OF COMMEMORATIVE PLAQUE TO THE FRONT EXTERIOR OF THE LIBRARY  
APPLICANT:  MRS FIONA FISHER  
KINGDOM HOUSE KINGDOM AVENUE GLENROTHES  
WARD NO:  W5R09  
Burntisland, Kinghorn And West Kirkcaldy  
CASE OFFICER:  Gary Horne  
DATE REGISTERED:  11/06/2018  

REASONS FOR REFERRAL TO COMMITTEE  
This application requires to be considered by the Committee because:  
The applicant is involved in the consideration and determination of planning and listed building consent applications by Fife Council  

SUMMARY RECOMMENDATION  
The application is recommended for:  
Unconditional Approval  

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

1.1 This application relates to a two storey French Baroque style Category B Listed library situated on the High Street of Burntisland’s Conservation Area. The property is finished with ashlar stone, a mansard styled slated roof, timber sash and case windows and decorative stonework. The development site is located within an area of mixed use including various commercial premises at ground floor and upper floor residential flatted dwellings.

1.2 This application seeks listed building consent for the siting of a plaque on the front elevation of the library.

1.3 The proposed plaque would be sited to east of the main entrance on the building exterior and would commemorate the town’s award of ‘Fife's Favourite Conservation Area’. The plaque would be made in bronze with a Patinated finish, would be affixed to the stonework via hidden rear stud fixings and would be oval in shape with dimensions of approximately 23cm x 16cm.

1.4 Fife Council ran an online public vote in 2017 for people to vote for their favourite Conservation Area in Fife to mark the 50th Anniversary of the Civic Amenities Act (1967) which first established Conservation Areas.

1.5 This application has been made in conjunction with planning application 18/01555/FULL.

2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are

a) Impact on Listed Building

2.2 Impact on Listed Building


2.2.2 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special regard shall be given to the building or its setting and change shall be managed to protect its special interest. Design and materials which will affect a Listed Building or its setting shall be appropriate to the character and appearance of the building and its setting.

2.2.3 Scottish Planning Policy 2014 (Valuing the Historic Environment) advises that the design, materials, scale and siting of new development should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset and to ensure that its special characteristics are protected, conserved or enhanced. It advises that development should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets and ensure their future use and that Planning Authorities, when determining applications for planning permission or Listed Building consent, should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
2.2.4 Historic Environment Scotland - Policy Statement (June, 2016) advises that new work, including alterations to historic buildings shall enhance its surroundings.

2.2.5 Policy 1 of the Adopted FIFEplan Local Development Plan (2017) advises that development proposals will be supported if they conform to relevant Development Plan policies and proposals and address their individual and cumulative impacts. Policy 10 advises development will be supported where it does not have a significant detrimental impact on the amenity of existing land uses including in relation to the visual impact of the development on the surrounding area. Policy 14 states that development which protects or enhances buildings or other built heritage of special architectural 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.

2.2.6 The proposed plaque is considered to be a minor alteration in this instance in terms of form, scale and scope. The plaque would be sensitively located and affixed to the front of the library at the entrance to this historic building and would be made in an appropriate traditional material. The plaque would protect the historic fabric and character of this Category 'B' Listed Building and would ultimately enhance the character of the surrounding Burntisland Conservation Area through its celebration of the award winning historic environment.

2.2.7 In light of the above, the proposal is considered acceptable in terms of form, scale, detailing and siting; would protect the character of this Category 'B' Listed Building and would be in compliance with the Development Plan and its associated guidance.

**CONSULTATIONS**

| Historic Environment Scotland | No objections |

**REPRESENTATIONS**

No representations have been received in relation to this application

**CONCLUSIONS**

The proposal is considered acceptable in terms of form, scale, layout, detailing and choice of materials; would protect the character of this Category 'B' Listed Building and as such, the proposal is considered to be in compliance with the relevant policies of the Development Plan and relevant guidelines.

**RECOMMENDATION**

It is accordingly recommended that the application be approved unconditionally

**STATUTORY POLICIES, GUIDANCE & BACKGROUND PAPERS**

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

National Guidance
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