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 on the agenda and the nature of the interest(s) at this stage.

3. MINUTE OF CENTRAL AREA PLANNING COMMITTEE OF 19TH NOVEMBER, 2018

4. 1801979FULL - LAND TO WEST OF 3 EAST LEVEN STREET, BURNTISLAND

Change of use from public space to private garden ground and alterations including erection of fence and gates (demolition of existing wall).

5. 1801978LBC - LAND TO WEST OF 3 EAST LEVEN STREET, BURNTISLAND

Listed building consent for demolition of part of existing wall and erection of fence and gates.

DEVELOPMENT MANAGEMENT - DELEGATED ITEMS

6. APPLICATIONS FOR PLANNING PERMISSION, BUILDING WARRANTS AND AMENDED BUILDING WARRANTIES DEALT WITH UNDER DELEGATED POWERS

Lists of applications dealt with under delegated powers for the period 29th October to 23rd November, 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 and Corporate Services
Fife House
North Street
Glenrothes
Fife, KY7 5LT

21 December, 2018

If telephoning, please ask for:
Emma Whyte, Committee Administrator, Fife House
Telephone: 03451 555555, ext. 442303; email: 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

Conference Room 2 (FHWGF.007), Ground Floor, Fife House, North Street, Glenrothes

19 November, 2018  2.00 p.m. – 3.10 p.m.

PRESENT: Councillors John Beare, Ken Caldwell, Rod Cavanagh, Mick Green, Derek Noble, Graham Ritchie, Ross Vettraino and Jan Wincott.

ATTENDING: Derek Simpson, Lead Officer Development Management, Scott Simpson, Planner, Development Management, Mark Barrett, Lead Officer, Transportation Development Management, Economy, Economy, Planning & Employability Services; Laura Lamb, Solicitor and Elizabeth Mair, Committee Administrator, Finance & Corporate Services.

APOLOGIES FOR ABSENCE: Councillors Alistair Cameron, Ian Cameron, Gordon Langlands and Ryan Smart.

50. DECLARATIONS OF INTEREST

No declarations of interest were submitted in terms of Standing Order No. 7.1.

51. MINUTE OF CENTRAL AREA PLANNING COMMITTEE OF 17TH SEPTEMBER, 2018

The Committee considered the minute of the Central Area Planning Committee of 17th September, 2018.

Decision

The Committee approved the minute.

52. 18/02353/FULL - VACANT LAND WEST OF VIEWFORTH PLACE, BURNTISLAND ROAD, KINGHORN, FIFE

During consideration of the application, the committee were advised that the first sentence of Condition 14 should refer to Condition 13 rather than 12. It was also agreed that Condition 5 would be amended to include specifications for appropriate vertical curves and that the definition of Housing in Multiple Occupation be inserted into Condition 21.

Motion

Councillor Beare, seconded by Councillor Noble, moved that the Committee approve the application subject to the twenty one conditions and for the reasons detailed in the report, with an additional two conditions relating to restriction of working hours and a requirement for a scheme of works to be submitted for approval in advance of commencement of the development.

Amendment/
Amendment

Councillor Cavanagh, seconded by Councillor Green, 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 due to the design and finishing materials.

Vote

Amendment - 2 votes
Motion - 6 votes

Decision

The Committee agreed that the application be approved subject to the twenty one conditions, as amended, and for the reasons detailed in the report, with an additional two conditions relating to restriction of working hours and a requirement for a scheme of works to be submitted for approval in advance of commencement of the development, delegating to officers the appropriate wording of the amended/additional conditions.

53. 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 3rd to 28th September, 2018 and 1st to 26th October, 2018.

Decision

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

APPLICATION FOR FULL PLANNING PERMISSION REF: 18/01979/FULL

SITE ADDRESS: LAND TO WEST OF 3 EAST LEVEN STREET BURNTISLAND

PROPOSAL: CHANGE OF USE FROM PUBLIC SPACE TO PRIVATE GARDEN GROUND, ALTERATIONS TO WALLS INCLUDING ERECTION OF FENCE AND GATES AND THE FORMATION OF A VEHICULAR ACCESS

APPLICANT: MS CATRIONA KING
OLD SCHOOL HOUSE 3 EAST LEVEN STREET BURNTISLAND

WARD NO: W5R09
Burntisland, Kinghorn And West Kirkcaldy

CASE OFFICER: Gary Horne

DATE REGISTERED: 01/11/2018

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for Listed Building Consent would be subject to different appeal route unless both the applications are determined together by Committee.

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

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 an area of public open space, measuring approximately 310m², situated within the Burntisland Conservation Area. The development site was formally the site of the Coupar Kirk, a Free Church of Scotland, named after Rev David Coupar who led his congregation from the adjacent Parish Church in the 1843 disruption. The church ceased to function as a place to worship in 1861 and was occupied under various guises until the building was gutted by fire in 1977. The burnt out shell was removed in 1986 with only the original church stone doorway, re-built belfry and some lower courses of the original church walls remaining and which are Category (C) Listed. The site is now situated amongst, mainly, residential properties of varying architectural style, materials and form and the Category (A) Listed Parish Church positioned directly to opposite the site to the south-east and the adjacent Parish Church Halls to the south-west. There are existing pedestrian accesses to the site to the via East Leven Street to the south and via the land to the rear of the houses on Somerville Street to the north.

1.2 This application seeks planning permission for a change of use from public open space to private garden ground, the erection of a fence, glass balustrade and gates including the partial demolition of the existing wall and the formation of a vehicular access.

1.3 It is proposed to erect a timber fence around the perimeter of the site, on top of the existing walls, in order to incorporate the site as private garden ground into the curtilage of the neighbouring property at No.3 East Leven Street. Due the variance in ground levels within the site, the fence would extend to various heights but would be no higher than 2.4m to the north, 3.5m to the south and 3.05m to the west. A 3m section of the wall to the south of the site would be removed to provide access to the site. Within the site, the existing steel railings would be removed and replaced with glass balustrades and a sandstone retaining wall would be built using reclaimed stone from the demolition works. A timber steel framed gate would be installed to the south of the site to provide vehicular access for off-street parking, removing an additional 3m section of the wall.

1.4 This application has been made in conjunction with listed building consent ref. 18/01978/LBC. There is no other recent planning history on this site which is relevant to this application.

1.5 The applicant has submitted a supporting statement which stresses that the development site is primarily used by local adolescents which has created significant anti-social behaviour and vandalism issues. The policing of this area and the wider societal issues are not material to the determination of this planning application and therefore are not considered in this report. The supporting statement also highlights that views from the north of the site would still remain and that the loss of access through the site would not be an issue given alternative routes in the vicinity of the site.

2.0 Assessment

2.1 The issues to be assessed against the Development Plan and other guidance are
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 14.

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 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.

2.2.4 In this particular case the application site is not specifically identified in the Adopted FIFEplan as an area of allocated protected open space. In the context of the wider Conservation Area and given the history of site and the listed buildings on site, this area of open space is considered to be defined by its historic value and its contribution to the historical character of Burntisland. The site, in conjunction with the Category (A) Listed Church opposite, forms an important part of Burntisland's history and is positioned within a prominent location only 100m from Burntisland Railway Station. Justification for the removal of this community asset has not been provided.

2.2.5 In light of the above, the application site is considered to have amenity value as an open space with historic value within the surrounding Conservation Area and as such the proposal, which would result in the loss of this area of public realm, fails to comply with the provisions of the Adopted FIFEplan (2017), Policy 1 Part A and Policies 10 and 14 and Fife’s Making Fifes Places Supplementary Guidance. The principle of this development cannot, therefore, be supported.

2.3 Design / Impact upon the Setting of a Conservation Area and Listed Building/Impact on Listed Building

2.3.1 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment

2.3.2 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.

2.3.3 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.

2.3.4 Historic Environment Scotland - Policy Statement (June, 2016) advises that new work, including alterations and extensions to historic buildings as well as new buildings in historic areas shall enhance its surroundings. Managing Change in the Historic Environment - Extensions (2010) recommends that extension must protect the character and appearance of the building; should be subordinate in scale and form; should be located on a secondary elevation and must be designed in a high quality manner using appropriate materials.

2.3.5 The Burntisland Conservation Area Appraisal and Management Plan confirms that Burntisland Conservation Area is an area of particular architectural and historic value, the character and appearance of which it is desirable to preserve and enhance and that Fife Council is keen to ensure that the quality of these areas is maintained for the benefit of present and future generations. There is no specific mention of the development site within the Appraisal and Management Plan.

2.3.6 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.

2.3.7 The proposed fencing would not be sympathetic to the surrounding historical setting, including the Category (A) Listed Parish Church positioned opposite to the site. The timber fencing, stretching to 3.5m in height above grounds level in places, would be of a scale and mass not appropriate in protecting the character and appearance of this listed site and would be an incongruous feature within this locale at odds with the historic fabric and traditional finishing materials featured within this development site and the opposing church. The removal of a section of the wall to the south of the site and the removal of the existing steel railings within the site, to be replaced with modern glass balustrades, would not achieve the aim of protecting the character of this listed building and neither alteration has been justified. Whilst the belfry, walls
and entrance would be largely unaltered, save for the demolition of two 3m strips of the wall, the proposed works would not be in keeping with the design, scale and detailing of these historical features and would ultimately detract from the character associated with this site.

2.3.8 No detailing has been provided with regards to how the fence would be affixed to the existing listed walls. Should Members be minded to approve the application this issue could be addressed by a condition.

2.3.9 In light of the above, it is considered that this incongruous and unsympathetic proposal would appear visually and physically obtrusive and dominant upon this Category 'C' Listed Building to the detriment of its character and historic fabric. The proposal would not make a positive contribution to its immediate environment, would not preserve or enhance the character of these historical buildings or Conservation Area and therefore would not comply with the Development Plan and its associated guidance.

2.4 Residential Amenity

2.4.1 Policies 1 and 10 of the Adopted FIFEplan and Fife Council's Planning Customer Guidelines on Daylight and Sunlight (2018) apply in this respect.

2.4.2 Policy 10 of the Adopted FIFEplan states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the loss of privacy, sunlight and daylight.

2.4.3 Fife Council Planning Guidelines on Daylight and Sunlight advises that all new development, including extensions, should be designed to minimise overshadowing of neighbouring properties and that Fife Council will not support extensions or any new development that would result in the loss of sunlight leading to overshadowing for the majority of the day.

2.4.4 Whilst the proposed fencing would extend up to 3.5m in places there are no concerns over loss of sunlight and daylight given the orientation of the site in relation to the nearby residential properties.

2.4.5 In light of the above, the proposal is considered acceptable in terms of overshadowing and would be compatible with its surrounds in terms of land use and would therefore be in compliance with the Development Plan and its associated guidance.

2.5 Road Safety


2.5.2 Policies 1 and 3 of the Adopted FIFEplan advise that development must be designed in a manner that ensures safe access to transport, footpath and cycle links. Making Fife's Places Supplementary Planning Guidance and associated transportation guidelines provide further advice in this regard.

2.5.3 Fife Council's Transportation Development Management (TDM) have been consulted on the proposed vehicular access and have no objections to the proposal in principle. It was advised however that the crossing of the public footway to the south of the site would have to be
constructed to a more robust standard than the slabs currently in situ to accommodate vehicular use. A condition stipulating this would be required on any consent.

2.5.4 TDM also remarked that the proposed access gates would have to be manufactured to open inwards into the site only or be a sliding gate. Again, a condition requiring this to be adhered to would be required on any consent should Members be minded to approve the proposal.

2.5.5 In light of the above, the proposal is considered acceptable in terms of road safety and therefore is in compliance with the Development Plan and its associated guidance in this respect.

2.6 Contaminated Land

2.6.1 Policy 10 of the Adopted FIFEplan is relevant in this instance.

2.6.2 Policy 10 of the Adopted FIFEplan requires developments to address any potential impacts resulting from contaminated or unstable land.

2.6.2 Fife Council's Protective Services, Land and Air Quality Team have been consulted and have advised that they have no objections to this planning application. There are no further concerns in this respect.

2.6.3 In light of the above, the proposal is considered acceptable in terms of contaminated land and therefore is in compliance with the Development Plan and its associated guidance.

2.7 Right of Way

2.7.1 Policy 13 of the Adopted FIFEplan applies in this instance

2.7.2 Policy 13 of the FIFEplan states that development will only be supported where they protect to enhance access assets including existing rights of way and established footpaths.

2.7.3 Fife Council's Access Officer was consulted on this application and investigated if the current assess through the site would constitute a public right of way. It was confirmed that there was no record of a public right of way in this area however the site did meet the criteria for being one as;

- it joined two public places
- it followed a more or less defined route
- it has been used openly and peaceably by the general public as matter of right; and
- it has been used without substantial interruption for at least 20 years.

As these criteria have been met, the route through the site is considered to be a right of way despite it not having been formally recorded as one.

2.7.4 Were a planning consent to be granted for this proposal, the applicant would also need to apply for a stopping up order. It is the opinion of Fife Council's Access Officer that a future stopping up order could be recommended for support by Fife Council as an alternative route runs parallel to the site. This decision could not be done under delegated powers however and
would require the consent of Fife Council's Area Committee or, if there were any objections, Scottish Ministers.

2.7.5 In light of the above, the proposal is considered to be acceptable. Although the existing access through the site is considered to be a public right of way, a parallel alternative route can be easily accessed. It is therefore considered that the proposal can be supported in this respect and would be in compliance with the Development Plan and its associated guidance.

**CONSULTATIONS**

| Environmental Health (Public Protection) - EPES | No comments |
| Transportation | Approval subject to conditions |
| Land And Air Quality – EPES | No comments |
| Access Officer | Confirmed met criteria for Right of Way. Would likely support a future Stopping up Order |

**REPRESENTATIONS**

Twelve letters of representation have been received in this instance, ten objections and two in support. Concerns were raised over the following issues:-

**Loss of Public Amenity/Public Space**

Concern has been raised that the proposed change of use of this site would negatively impact upon the community's amenity by restricting access this area of public open space which has historical significance in relation to the adjacent church and former church on the site. This concern has been considered and addressed previously within this report.

**Impact upon Conservation Area and Listed Buildings / Design**

Concern has been raised that the design, scale and materials proposed for the screen fencing would detrimentally impact upon the surrounding conservation area and the Category (A) Listed Church which opposes this site. This issue has been considered and addressed previously within this report.

**Loss of Right of Way**

Concerns have been raised that the permanent enclosure of this site would result in the loss of an established right of way. This issue was investigated and, although the site is not formally recorded as a right of way, the existing access through the site met the relevant criteria which would establish the through route as a public right of way. This issue has been addressed further previously within this report.
CONCLUSIONS

The application site is considered to have amenity value as an open space with historic value within the surrounding Conservation Area. The proposal would result in the loss of this area of open space with amenity value contrary to the provisions of the Adopted FIFEplan (2017), Policy 1 Part A and Policies 10 and 14 and Fife's Making Fifes Places Supplementary Guidance. The erection of high timber fencing around the perimeter of the site is considered to be an unsympathetic proposal which would appear visually and physically obtrusive and dominant upon this Category ‘C’ Listed Building to the detriment of its character and historic fabric. The proposal would not make a positive contribution to the surrounding historical environment and would therefore be contrary to Policies 1 and 14 of the Adopted FIFEplan and The Burntisland Conservation Area Appraisal and Management Plan.

RECOMMENDATION

The application be refused for the following reason(s)

1. In the interests of preserving the character and historical integrity of this Category (C) Listed Building and Conservation Area; the proposed screen fence, gates and glass balustrades, and boundary wall alterations by virtue of their design, scale, massing, materials and siting would adversely affect the appearance and character of this listed building and surrounding Conservation Area. As such the proposals are contrary to Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland - Policy Statement (2016), Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and the Burntisland Conservation Area Appraisal and Management Plan (2005).

2. In the interests of protecting the amenity value of this area of public realm; the proposed change of use would result in the loss of an area of open space that contributes to the historic character and fabric of Burntisland. As the proposal would result in the loss of this area of public open space the proposals are contrary to Scottish Planning Policy (2014), Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and the Burntisland Conservation Area Appraisal and Management Plan (2005).

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)

Other Guidance

Burntisland Conservation Area Appraisal and Management Plan (2005)

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

Date Printed 020/12/2018
18/01979/FULL

Land To West Of 3, East Leven Street, Burntisland
ITEM NO: 5
APPLICATION FOR LISTED BUILDING CONSENT  REF: 18/01978/LBC
SITE ADDRESS: LAND TO WEST OF 3 EAST LEVEN STREET BURNTISLAND
PROPOSAL : LISTED BUILDING CONSENT FOR ALTERATIONS TO WALLS INCLUDING ERECTION OF FENCE AND GATES.
APPLICANT: MS CATRIONA KING
FREE CHURCH SITE EAST LEVEN STREET BURNTISLAND
WARD NO: W5R09
Burntisland, Kinghorn And West Kirkcaldy
CASE OFFICER: Gary Horne
DATE REGISTERED: 01/10/2018

REASONS FOR REFERRAL TO COMMITTEE

This application requires to be considered by the Committee because:

This application could be determined under delegated authority, but the associated application for Planning Consent would be subject to different appeal route unless both the applications are determined together by Committee.

SUMMARY RECOMMENDATION

The application is recommended for:

Refusal

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 an area of public open space, measuring approximately 310m², situated within the Burntisland Conservation Area. The development site was formally the site of the Coupar Kirk, a Free Church of Scotland, named after Rev David Coupar who led his congregation from the adjacent Parish Church in the 1843 disruption. The church ceased to function as a place to worship in 1861 and was occupied under various guises until the building was gutted by fire in 1977. The burnt out shell was removed in 1986 with only the original church stone doorway, re-built belfry and some lower courses of the original church walls remaining and which are Category (C) Listed. The site is now situated amongst, mainly, residential properties of varying architectural style, materials and form and the Category (A) Listed Parish Church positioned directly opposite the site to the south-east and the adjacent Parish Church Halls to the south-west. There are existing pedestrian accesses to the site to via East Leven Street to the south and via the land to the rear of the houses on Somerville Street to the north.

1.2 This application seeks planning permission for a change of use from public open space to private garden ground, the erection of a fence, glass balustrade and gates including the partial demolition of the existing wall and the formation of a vehicular access.

1.3 It is proposed to erect a timber fence around the perimeter of the site, on top of the existing walls, in order to incorporate the site as private garden ground into the curtilage of the neighbouring property at No.3 East Leven Street. Due the variance in ground levels within the site, the fence would extend to various heights but would be no higher than 2.4m to the north, 3.5m to the south and 3.05m to the west. A 3m section of the wall to the south of the site would be removed to provide access to the site. Within the site, the existing steel railings would be removed and replaced with glass balustrades and a sandstone retaining wall would be built using reclaimed stone from the demolition works. A timber steel framed gate would be installed to the south of the site to provide vehicular access for off-street parking, removing an additional 3m section of the wall.

1.4 This application has been made in conjunction with listed building consent ref. 18/01979/FULL. There is no other recent planning history on this site which is relevant to this application.

2.0 Assessment

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

a) Design/Impact on Listed Building

2.2 Design/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 and extensions to historic buildings as well as new buildings in historic areas shall enhance its surroundings. Managing Change in the Historic Environment - Extensions (2010) recommends that extension must protect the character and appearance of the building; should be subordinate in scale and form; should be located on a secondary elevation and must be designed in a high quality manner using appropriate materials.

2.2.5 The Burntisland Conservation Area Appraisal and Management Plan confirms that Burntisland Conservation Area is an area of particular architectural and historic value, the character and appearance of which it is desirable to preserve and enhance and that Fife Council is keen to ensure that the quality of these areas is maintained for the benefit of present and future generations. There is no specific mention of the development site within the Appraisal and Management Plan.

2.2.6 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.

2.2.7 The proposed fencing would not be sympathetic to the surrounding historical setting, including the Category (A) Listed Parish Church positioned opposite to the site. The timber fencing, stretching to 3.5m in height above grounds level in places, would be of a scale and mass not appropriate in protecting the character and appearance of this listed site and would be an incongruous feature within this locale at odds with the historic fabric and traditional finishing materials featured within this development site and the opposing church. The removal of a section of the wall to the south of the site and the removal of the existing steel railings within the site, to be replaced with modern glass balustrades, would not achieve the aim of protecting the character of this listed building and neither alteration has been justified. Whilst the belfry, walls and entrance would be largely unaltered, save for the demolition of two 3m strips of the wall, the
proposed works would not be in keeping with the design, scale and detailing of these historical features and would ultimately detract from the character associated with this site.

2.2.8 No detailing has been provided with regards to how the fence would be affixed to the existing listed walls. Should Members be minded to approve the application this issue could be addressed by a condition.

2.2.9 In light of the above, it is considered that this incongruous and unsympathetic proposal would appear visually and physically obtrusive and dominant upon this Category ‘C’ Listed Building to the detriment of its character and historic fabric. The proposal would not make a positive contribution to its immediate environment, would not preserve or enhance the character of these historical buildings and therefore would not comply with the Development Plan and its associated guidance.

CONSULTATIONS

None

REPRESENTATIONS

Twelve letters of representation have been received in this instance, ten objections and two in support. Concerns were raised over the following issues in relation to this listed building consent application:-

Impact upon Listed Buildings / Design

Concern has been raised that the design, scale and materials proposed for the screen fencing would detrimentally impact upon the surrounding conservation area and the Category (A) Listed Church which opposes this site. This issue has been considered and addressed previously within this report.

CONCLUSIONS

The erection of high timber fencing around the perimeter of the site as wells as the gates and glass balustrades and the proposed alterations to the boundary walls are considered to be unsympathetic and incongruous and would appear visually and physically obtrusive and dominant upon this Category ‘C’ Listed Building to the detriment of its character and historic fabric. The proposal would not make a positive contribution to the surrounding historical environment and would therefore be contrary to Policies 1, 10 and 14 of the Adopted FIFEplan and The Burntisland Conservation Area Appraisal and Management Plan.

RECOMMENDATION

The application be refused for the following reason(s)
1. In the interests of preserving the character and historical integrity of this Category (C) Listed Building; the proposed screen fence, gates and glass balustrades, and boundary wall alterations by virtue of their design, scale, massing, materials and siting would adversely affect the appearance and character of this listed building. As such the proposals are contrary to Scottish Planning Policy (2014) (Valuing the Historic Environment), Historic Environment Scotland - Policy Statement (2016), Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and the Burntisland Conservation Area Appraisal and Management Plan (2005).

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)

Other Guidance

Burntisland Conservation Area Appraisal and Management Plan (2005)

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

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Land To West Of 3, East Leven Street, Burntisland

Legend

Application Boundary

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