

North East Planning Committee

County Hall, County Buildings, Cupar

Wednesday, 15 January 2025 - 1.30 p.m.



AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** – In terms of Section 5 of the Code of Conduct, members of the Committee are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of Meeting of North East Planning Committee of 4 December 2024. 3 – 7
4. **24/01944/FULL - 5 GLOVERS WYND, EARLSFERRY, LEVEN**
Installation of dormer extensions to front and rear of dwellinghouse and new door to front elevation. 8 – 15
5. **24/02432/FULL - THE OLD PARSONAGE, ROTTEN ROW, ELIE**
Erection of flagpole to rear garden of dwelling house. 16 – 22
6. **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

8 January 2025

If telephoning, please ask for:
Diane Barnet, Committee Officer, Fife House 06 (Main Building)
Telephone: 03451 555555, ext. 442334; email: Diane.Barnet@fife.gov.uk

Agendas and papers for all Committee meetings can be accessed on www.fife.gov.uk/committees

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

4 December 2024

1.40 pm – 4.55 pm

PRESENT: Councillors Jonny Tepp (Convener), Al Clark, Fiona Corps, Sean Dillon, Alycia Hayes, Stefan Hoggan, 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, Emma Baxter, Planner, Matthew Don, Planning Assistant, and Andy Taylor, Planner, Development Management; Steven Paterson, Solicitor, Planning and Environment, Diane Barnet and Wendy MacGregor, Committee Officers, Legal and Democratic Services.

There was a delay to the start of the meeting due to technical issues relating to the livestream which subsequently caused access difficulties for interested parties/members of the public accessing the live broadcast.

191. DECLARATIONS OF INTEREST

Councillor Dillon declared an interest in paragraphs 198 and 199 relating to Pittenweem Inn, 42 Charles Street, Pittenweem (application references 24/00084/FULL and 24/00086/LBC) - as he was friends with several of the objectors and had met the owner to discuss their plans for the building.

192. MINUTE

The committee considered the minute of meeting of the North East Planning Committee of 6 November 2024.

Decision

The committee approved the minute.

193. REVOCATION OF PLANNING PERMISSION IN PRINCIPLE FOR ERECTION OF DWELLINGHOUSE AND REFURBISHMENT OF BOTHY AT LECKIEBANK FARM, LECKIEBANK ROAD, AUCHTERMUCHTY, CUPAR, FIFE, KY14 7ED (23/00487/PPP)

The committee considered a report by the Head of Planning Services seeking to revoke Planning Permission in Principle for the erection of a dwellinghouse and refurbishment of bothy at Leckiebank Farm, Leckiebank Road, Auchtermuchty, Cupar, Fife, KY14 7ED (application reference 23/00487/PPP).

Decision

The committee agreed to an order being promoted to revoke Planning Permission in Principle (23/00487/PPP) in terms of sections 65 and 67 of the Town and Country Planning (Scotland) Act 1997 as amended.

194. 23/01493/FULL - FOODIEASH SEPTIC TANK, MAIN STREET, FOODIEASH

The committee considered a report by the Head of Planning Services relating to an application for the installation of a foul sewage treatment plant with drainage infrastructure including associated landscaping, groundworks and bunding (variation to planning permission 17/03241/FULL) (retrospective).

Decision

The committee approved the application subject to the two conditions and for the reasons detailed in the report.

Due to ongoing technical issues, the meeting adjourned at 2.30 pm (following the officer's presentation of the following application) and reconvened at 2.45 pm.

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

195. 24/00458/FULL - EDEN SPRINGS COUNTRY PARK, MELVILLE LODGES, BOW OF FIFE

The committee considered a report by the Head of Planning Services relating to an application for the erection of an accommodation unit, formation of hardstanding and car parking and erection of a bin store.

Motion

Councillor Tepp, seconded by Councillor Knox moved to approve the application subject to the five conditions and for the reasons detailed in the report, including an amendment to Condition 5 to remove reference to 'staff' living accommodation.

Amendment

Councillor MacDiarmid, seconded by Councillor Lothian moved as an amendment to refuse the application on the grounds that the development did not comply with policies 14 and 17 of National Planning Framework 4 (2023) and policies 1, 7 and 8 of FifePlan Local Development Plan (2017) as a fulltime presence/permanent residence on the site was not considered essential.

Roll Call Vote

For the Motion – 4 votes

Councillors Holt, Knox, Liston and Tepp.

For the Amendment – 9 votes

Councillors Clark, Corps, Hayes, Hoggan, Kennedy-Dalby, Lawson, Lothian, MacDiarmid and Verner.

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

Decision

The committee:-

- (1) refused the application on the grounds that the development did not comply with policies 14 and 17 of National Planning Framework 4 (2023) and policies 1, 7 and 8 of FifePlan Local Development Plan (2017) as a fulltime presence/permanent residence on the site was not considered essential; and
- (2) delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

196. 24/01408/FULL - REEDIEHILL FARM, PITMEDDEN, AUCHTERMUCHTY

The committee considered a report by the Head of Planning Services relating to a Section 42 application to remove condition 6 of planning permission 22/02504/FULL for the erection of four dwellinghouses, communal facility and associated works.

Motion

Councillor Tepp, seconded by Councillor Lawson moved to refuse the Section 42 application to remove condition 6 - for the three reasons set out in the report.

Amendment

Councillor MacDiarmid, seconded by Councillor Lothian moved to approve the Section 42 application to remove condition 6 of planning permission 22/02504/FULL.

Roll Call Vote

For the Motion – 10 votes

Councillors Clark, Corps, Hayes, Hoggan, Holt, Knox, Lawson, Liston, Tepp and Verner.

For the Amendment – 3 votes

Councillors Kennedy-Dalby, Lothian and MacDiarmid.

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

Decision

The committee refused the Section 42 application to remove condition 6 - for the three reasons set out in the report.

Councillor Hoggan left the meeting during consideration of the following item.

197. 24/02449/FULL - LAND TO EAST OF ABBEY PARK AVENUE, ST ANDREWS

The committee considered a report by the Head of Planning Services relating to a Section 42 application to vary condition 2 and to remove condition 3 of application 18/02977/FULL for the erection of hotel (Class 7) and student accommodation with associated access, landscaping and works.

Motion

Councillor Tepp, seconded by Councillor Lothian moved to approve the Section 42 application to vary condition 2 and to remove condition 3 and subject to the remaining 28 conditions and for the reasons detailed in the report.

Amendment

Councillor Lawson, seconded by Councillor Verner moved as an amendment to refuse the Section 42 application to vary condition 2 and to remove condition 3 of application 18/02977/FULL in that the conditions, as originally consented, remained valid and should remain unchanged.

Roll Call Vote

For the Motion – 4 votes

Councillors Holt, Knox, Lothian and Tepp.

For the Amendment – 8 votes

Councillors Clark, Corps, Hayes, Kennedy-Dalby, Lawson, Liston, MacDiarmid and Verner.

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

Decision

The committee refused the Section 42 application to vary condition 2 and to remove condition 3 of application 18/02977/FULL in that the conditions, as originally consented, remained valid and should remain unchanged.

Councillor Knox left the meeting following consideration of the above item.

In relation to the following two items, the case officer advised of a correction to the reports relating to the site of the proposed development – that the site was not located within the conservation area as indicated.

198. 24/00084/FULL - PITTENWEEM INN, 42 CHARLES STREET, PITTENWEEM

The committee considered a report by the Head of Planning Services relating to an application for alterations and an extension to a building to include installation of windows, doors, flue and air source heat pumps, roofing works, stonework/repointing and paintwork, replacement guttering, erection of rear extension, boundary wall and gate (including part demolition), conversion of outbuilding to form additional rooms, formation of hardstanding and bin storage.

Decision

The committee approved the application subject to the six conditions and for the reasons detailed in the report.

199. 24/00086/LBC - PITTENWEEM INN, 42 CHARLES STREET, PITTENWEEM

The committee considered a report by the Head of Planning Services relating to a listed building consent for internal and external works to include installation of windows, doors, flue and air source heat pumps, stonework/repointing or paintwork, replacement guttering, erection of rear extension, boundary wall and gate (including part demolition) and bin storage area, formation of hardstanding, display of illuminated signage and internal downtakings to reconfigure layout.

Decision

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

Councillor Holt left the meeting during consideration of the following item.

200. 24/02176/PPP - 25 STRATHKINNESS HIGH ROAD, ST ANDREWS, FIFE

The committee considered a report by the Head of Planning Services relating to an application for planning permission in principle for erection of a dwellinghouse.

Motion

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

Amendment

Councillor Liston was minded to move as an amendment to approve the application, however, having failed to find a seconder, Councillor Liston requested that her dissent be recorded.

Decision

The committee refused the application for the reason set out in the report.

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

Decision

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

Committee Date: 15/01/2025

Agenda Item No. 4

Application for Full Planning Permission

Ref: 24/01944/FULL

Site Address: 5 Glovers Wynd Earlsferry Leven

Proposal: Installation of dormer extensions to front and rear of dwellinghouse and new door to front elevation.

Applicant: Mrs Shona Thomson, 5 Glovers Wynd Earlsferry

Date Registered: 16 August 2024

Case Officer: Jacob Latto

Wards Affected: W5R19: East Neuk And Landward

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

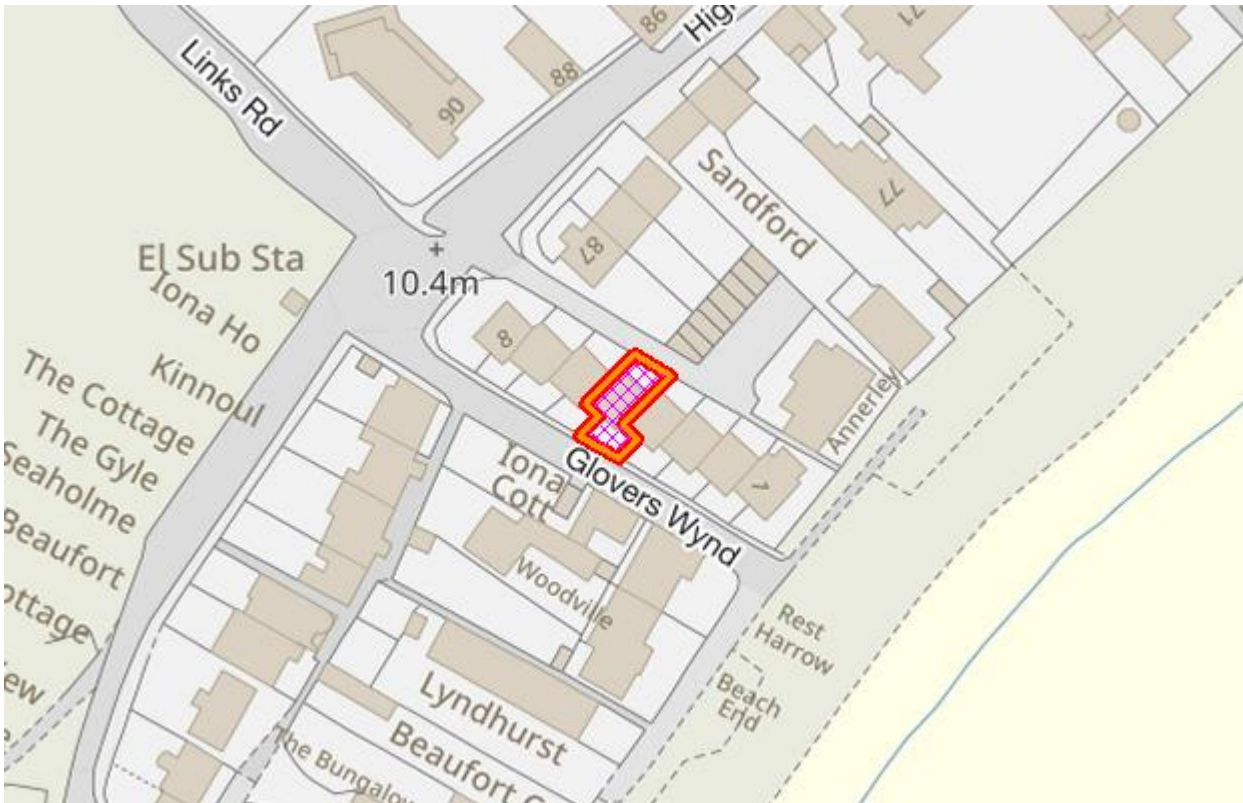
The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

This application relates to a dwellinghouse which is situated within the settlement of Earlsferry as defined in FIFEplan. The dwellinghouse is a two-storey terraced dwelling and forms part of eight dwellinghouses which are interconnected and are located on Glovers Wynd. The dwellinghouse is not listed but it falls within the Elie and Earlsferry Conservation Area. The external finishes of the dwellinghouse are roughcast walls, uPVC windows and doors and terracotta roof tiles.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

This application is for FULL planning permission for the installation of a dormer extensions to front and rear of dwellinghouse and new door to the front elevation.

1.3 Relevant Planning History

03/04056/EFULL - Repaint external walls (retrospective) – Application Permitted – No Condition – (Permitted 04/03/2004)

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). 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. 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 A physical site visit has not been undertaken in relation to the assessment of this application. All information has been gathered digitally in order to fully assess the application with the following information being collated – Google Street View, GIS mapping software and photos of the current site which was provided by the applicant. Therefore, it is considered that the evidence and information available to the case officer is sufficient to determine the proposal.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 16: Quality Homes

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

Policy 18: Infrastructure first

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 3: Infrastructure and Services

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

Policy 10: Amenity

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

Sections 59 and 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997

National Planning Framework 4

Adopted FIFEplan (2017)

Supplementary Guidance

Making Fife's Places - Supplementary Guidance (2018)

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

Planning Policy Guidance

Planning Customer Guidelines

Dormer Extensions (2016)

Daylight and Sunlight (2018)

Other Relevant Guidance

Elie and Earlsferry Conservation Area Appraisal and Management Plan.

Historic Environment Scotland - Managing Change in the Historic Environment: Roofs

2.0 Assessment

2.1 Relevant Matters

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

- Design and Layout/Visual Impact upon a Conservation Area
- Residential Amenity
- Transportation/ Road Safety

2.2 Design And Layout / Visual Impact upon a Conservation Area

2.2.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4 Policies 7, 14 and 16. Policies 1 and 14 of the Adopted FIFEplan (2017), Fife Council Customer Planning Guidance: Dormer Extensions and Managing Change in the Historic Environment: Roofs apply in this regard.

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

2.2.3 Policies 7 and 14 from National Planning Framework 4 apply in this instance. Policy 7 will support the proposal where the development for the reuse, alteration or extension of a listed building will preserve its character, special architectural or historical interest and setting. 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. The proposal would also assist in satisfying the planning related requirement for Low

Carbon and use of development renewables where possible. NPF4 Policy 16 supports development that will not have a detrimental impact on the character or environmental quality of the home, and the surrounding area in terms of size, design, and materials.

2.2.4 FIFEplan Policies 1 and 14 require new development to make a positive contribution to its immediate environment in terms of quality of the development. Policy 14 of FIFEplan in particular is applicable in requiring that there would be no adverse impacts on the special architectural or historic interest of the building or character or appearance of the conservation area.

2.2.5 Fife Council Customer Guidelines on Dormer Extensions state that when considering a dormer extension special attention should be given to consider how the dormer fit in relation to the rest of the roof, the dormer should be acceptable to look at; fit in with the design, style, size and materials of the home, and respect the privacy and amenity of neighbours.

2.2.6 Historic Environment Scotland Guidance on Managing Change in the Historic Environment: Roofs states that early historic dormers should be retained and the addition of new features to principle or prominent roof slopes should be generally avoided. New dormers and rooflights should be appropriately designed and located with care.

2.2.7 The proposed finishing materials of the dormers are grey single ply membrane with grey weather board cladding and double-glazed white uPVC windows.

2.2.8 The proposed dormers to the front and rear elevation would meet the recommendations set out in Fife Council Planning Guidance on dormer extensions. The proposed dormers are suitably set back from the ridge, wall end and gable end and would be suitably finished, designed and proportionate in comparison to the whole roof of the dwellinghouse. The proposed dormer would also be suitably screened from the rest of the Conservation Area through the ridged effect of the dwellinghouses on Glovers Wynd.

2.2.9 One of the reasons the Elie and Earlsferry Community Council objected to the application as first submitted related to the scale of the proposed dormer and that the design did not follow Fife Council's own planning guidance on dormer extensions. Amended plans were subsequently submitted reducing the size of the dormer, and it now meets the provisions of Fife Council's Planning Guidance on dormer extensions.

2.2.10 In addition, as part of this application, it is proposed to replace the door on the front elevation. The door would be similar to what is currently present on the dwellinghouse, it would be finished with double glazed white uPVC.

2.2.11 In this instance it is recognised that the proposed uPVC replacement door is of a style and material which is not considered traditional for a property located in a Conservation Area and would not be in compliance with national and local guidance. However, it is recognised that this is a modern property with modern fenestration details and with existing typical uPVC doors in terms of style and of materials and this application would see like-for-like replacements which would also match the existing style currently on other modern dwellinghouses in the vicinity. The proposal also needs considered in the light of recent changes to permitted development which makes provision for uPVC windows in conservation areas to be acceptable subject to certain criteria. It is therefore considered that the replacement uPVC door is appropriate for the context of the dwellinghouse and would not in this instance be detrimental to the character and appearance of the individual property nor the wider conservation area and is therefore considered acceptable in planning terms.

2.2.12 The proposal is considered acceptable in terms of the impact on design and visual context of its location within a Conservation Area and therefore would be in compliance with the provisions for such development set out in National Planning Framework 4, the Local Development Plan and relevant associated guidance.

2.3 Residential Amenity

2.3.1 National Planning Framework 4 (NPF4) (2023) Policy 16, FIFEplan Local Development Plan (2017) Policy 10 and Fife Council Planning Guidance on Dormer Extensions (2016) apply in this regard.

2.3.2 National Planning Framework 4 (NPF4) Policy 16 supports development that will not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing, or overlooking. Policy 10 of FIFEplan specifically requires developments to address the potential loss of privacy and sunlight and daylight. Fife Council Planning Customer Guidelines on Dormer Extensions state that a development should not intrude on a neighbour's privacy.

2.3.3 In this instance, in terms of privacy protection, the proposed dormer extension would be located on the front and rear of the dwellinghouse and the proposed views from the dormers would overlook gardens in neighbouring properties. These proposed views would not impact on neighbours privacy as these views are already achievable through the existing window opening on the first floor of the dwellinghouse. Overall, it is therefore considered that the proposal, as a whole, would not have a significant impact to the privacy of neighbouring properties.

2.3.4 In regard to daylight and sunlight, due to the path of the sun, the height of the development, the position of the proposed works relative to neighbouring properties, the proposal would not result in any additional or significant amounts of sunlight being lost to neighbouring properties and equally the proposal would not significantly overshadow the neighbouring property given the location of the dormers in relation to neighbouring properties. In terms of daylighting levels, again given the position of the dormers on the roof and distance from the nearest neighbouring window, there would be no reduction in daylight levels experienced within the neighbouring properties in this instance. On this basis the proposal would meet the terms of residential amenity as set out through Development Plan policy and Fife Council's Planning Customer Guidelines on Dormer Extensions and Daylight and Sunlight.

2.4 Transportation/Road Safety

2.4.1 Impact on parking provision has been considered in full accordance with NPF 4 (2023) Policies 13 and 18 and Adopted FIFEplan (2017) Policies 1 and 3. These policies indicate a development will only be supported where it has no road safety impacts. In this instance the policies will be applied to assess what impact the proposed development would have on the general road safety of the surrounding area. Making Fife's Places Transportation Development Guidelines also apply.

2.4.2 The applicant has advised that the space created by the proposed dormer would be used for an additional living space not a bedroom, though the use of any rooms within a house for a particular purpose cannot be controlled through planning legislation. In addition, as the property currently stands with or without the dormer there is no control over how many people reside in a particular property. The property currently has limited off street parking available and if the dormer was used for a bedroom in the future this would cause no further detrimental impact upon the parking provision over and above the existing situation the property is already located within a built-up area without dedicated off street parking. Parking is however available on nearby streets.

3.0 Consultation Summary

Elie and Earlsferry Community Council

Requested to become a statutory consultee and objected to the application (as originally submitted) They had concerns surrounding the creation of additional bedrooms and the subsequent impact this would have on parking and the proposed dormers don't comply with Fife Council Guidance.

4.0 Representation Summary

4.1 None

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. The proposed dormer doesn't comply with relevant Fife Council Planning Guidance	2.2.8
b. The proposed dormer would dominate the roofscape within the Conservation Area	2.2.8
c. The creation of additional bedrooms and the subsequent impact of this on parking provision	2.4.2
d. The proposed dormer overlooks neighbouring gardens	2.3.3

4.2.2 Other Concerns Expressed

Issue	Comment
a. The objectors also referenced the Elie and Earlsferry Local Place Plan	This is a non-material as the Local Place Plan has not been registered.

5.0 Conclusions

The proposal is considered to be acceptable in meeting the terms of the Development Plan and relevant Fife Council Planning Customer Guidelines. The proposed development is compatible with the building and surrounding area in terms of design and scale and will not cause any detrimental impact to the Elie and Earlsferry Conservation Area and is therefore recommended for approval.

6.0 Recommendation

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

CONDITION:

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

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

7.0 Background Papers

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](#)

- Section 59 and 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997
- National Planning Framework 4
- Adopted FIFEplan (2017)
- Supplementary Guidance: Making Fife's Places (2018)
- Making Fife's Places Supplementary Guidance sets out Fife Council's expectations for the design of development in Fife.
- Dormer Extensions (2016)
- Daylight and Sunlight (2018)

Report prepared by Jacob Latto (28.11.24)

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 10/12/24

Committee Date: 15/01/2025

Agenda Item No. 5

Application for Full Planning Permission **Ref: 24/02432/FULL**

Site Address: The Old Parsonage Rotten Row Elie

Proposal: Erection of flag pole to rear garden of dwelling house.

Applicant: Mr Scott Murdoch, The Old Parsonage Rotten Row

Date Registered: 19 September 2024

Case Officer: Jacob Latto

Wards Affected: W5R19: East Neuk And Landward

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

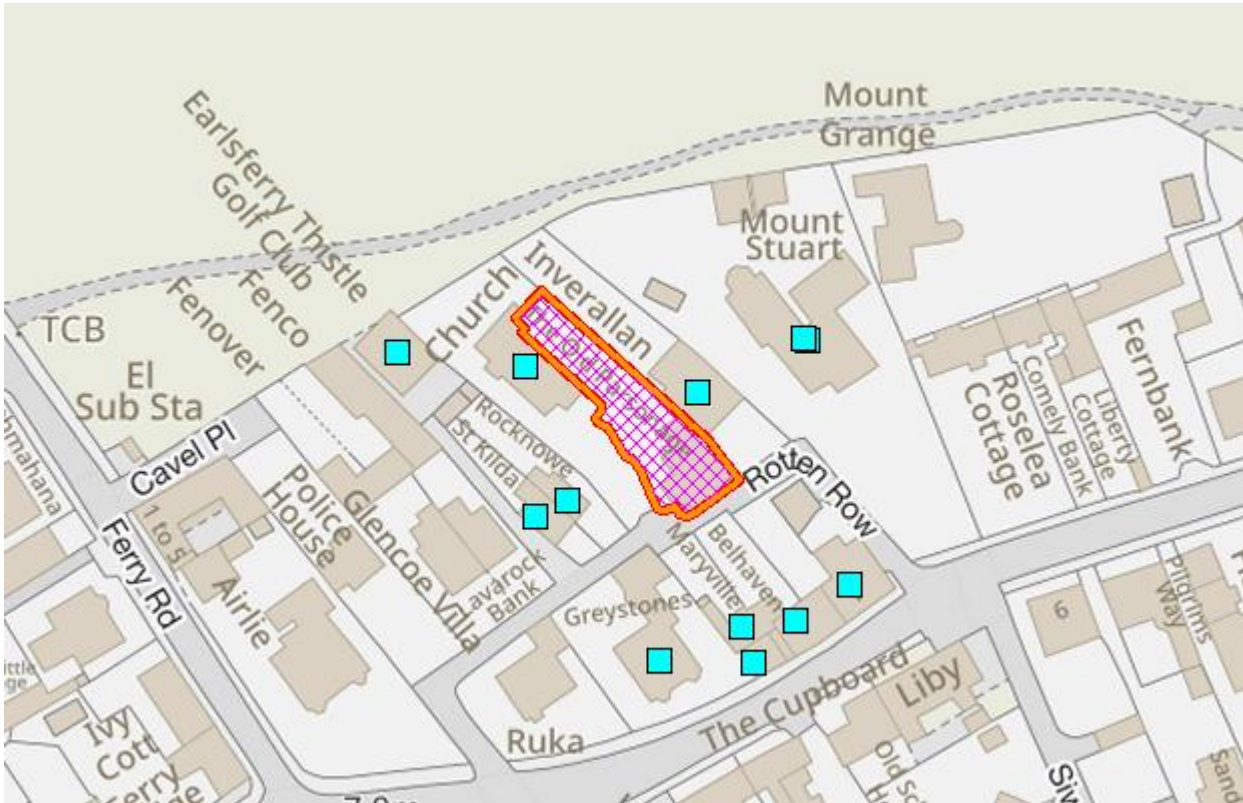
The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 This application relates to a dwellinghouse which is situated within the settlement of Elie as defined in FIFEplan 2017. The dwellinghouse is located within the Elie & Earlsferry Conservation Area. There is a Category C Listed Church located to the west of the church, however the dwellinghouse is not listed. This application seeks FULL planning permission for the erection of a 12-metre-high aluminium flag pole which would be finished in white powder coated aluminium. The flagpole would be located in the north west side of the applicant's garden and adjacent to the existing shed. The flag pole is located 25 metres away from the applicant's house. There is a single storey church located south west from the location of the proposed flag pole. There is also a 10 metre Scots pine tree located to the rear of the applicant's garden. The proposed flag pole would be anchored to the ground using steel bolts and a concrete base. The proposed flag would be fixed to the pole using external halyard and flag clips, the flag flown from the pole is not material to the consideration of the application.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

This application is for FULL planning application for the erection of a 12 metres high flag pole to rear garden of a dwellinghouse.

1.3 Relevant Planning History

08/01506/EFULL - Demolition of existing extension and erection of 2 storey rear extension to dwellinghouse – Application Permitted with Conditions – (Permitted 10/12/2008)

20/02770/FULL - Installation of replacement windows to dwellinghouse – Application Withdrawn – (08/03/2021)

21/02823/FULL - Installation of replacement windows – Permitted with Conditions – (Permitted 09/11/2021)

23/00741/FULL - Erection of outbuilding, formation of raised garden area and erection of fencing (part retrospective) – Permitted with Conditions – (Permitted 16/05/2023)

1.4 Application Procedures

1.4.1 Under Section 25 of the Town and Country Planning (Scotland) Act 1997, the determination of the application is to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises of National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017). 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. 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 A physical site visit has not been undertaken in relation to the assessment of this application. All information has been gathered digitally in order to fully assess the application with the following information being collated – Google Street View, GIS mapping software and photos of the current site which was provided by the applicant. Therefore, it is considered that the evidence and information available to the case officer is sufficient to determine the proposal.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

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

Policy 14: Design, quality and place

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

Policy 16: Quality Homes

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 10: Amenity

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

Sections 59 and 65 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997

Supplementary Guidance

PAN 1/2011 – Planning Advice Note – Planning and Noise

Planning Policy Guidance

Planning Customer Guidelines

Other Relevant Guidance

Elie & Earlsferry Conservation Area Appraisal and Management Plan

2.0 Assessment

2.1 Relevant Matters

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

- Design and Layout/Visual Impact upon a Conservation Area and Listed Building
- Residential Amenity

2.2 Design And Layout / Visual Impact upon a Conservation Area and Listed Building

2.2.1 Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4 Policies 7, 14 and 16, Policies 1 and 14 of the Adopted FIFEplan (2017) apply in this regard.

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

2.2.3 Policies 7 and 14 from National Planning Framework 4 apply in this instance. Policy 7 will support the proposal where the development for the reuse, alteration or extension of a listed building will preserve its character, special architectural or historical interest and setting. 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. NPF4 Policy 16 supports development that will not have a detrimental impact on the character or environmental quality of the home, and the surrounding area in terms of size, design, and materials.

2.2.4 FIFEplan Policies 1 and 14 require new development to make a positive contribution to its immediate environment in terms of quality of the development. Policy 14 of FIFEplan in particular is applicable in requiring that there would be no adverse impacts on the special architectural or historic interest of the building or character or appearance of the conservation area.

2.2.5 The proposed flagpole would be suitably screened from the wider conservation area as the rear garden of the applicant's dwellinghouse is located toward the edge of the Elie and Earlsferry Conservation Area and the views would primarily be from Elie Golf Course which is located to the rear of the site. The proposed flagpole is considered to be visually suitably screened from the wider conservation area due to a combination of other buildings and the presence of mature trees including the closest tree which is a 10 metre high (approximately) Scots pine tree which is an evergreen species. Overall, the proposed flag pole is considered to have minimal visual impact on residents and neighbouring properties given the height of other similar adjacent structures. It should also be noted that the flag pole and supporting structure are of a slimline design and therefore would not have an overbearing visual impact upon the locality or when viewed from surrounding properties. It should also be noted that other tall flag poles are also sited within the Elie & Earlsferry Conservation Area including the open space area to the south of the High Street and therefore flag poles are not an alien feature within the settlement.

2.2.6 To the west of the proposed flag pole there is a Category 'C' Listed Church Building. As a whole it is considered that the proposed flag pole would have a minimal impact upon the church due to the slimline design of the proposed flag pole and the distance of the base which is over 5.5 metres from the base of the flagpole.

2.2.7 The proposal is considered acceptable in terms of the impact on design and visual impact context of its location within the Conservation Area and therefore would be in compliance with the provisions for such development set out in National Planning Framework 4, the Local Development Plan and relevant associated guidance.

2.3 Residential Amenity

2.3.1 National Planning Framework 4 (NPF4) (2023) Policy 16 and FIFEplan Local Development Plan (2017) Policy 10 and PAN 1/2011 apply in this regard.

2.3.2 National Planning Framework 4 (NPF4) Policy 16 supports development that will not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing, or overlooking. Policy 10 of FIFEplan specifically requires developments to address the potential loss of privacy and sunlight and daylight.

2.3.3 PAN 1/2011 establishes best practice and the planning considerations to be taken into account with regard to developments that may generate noise, or developments that may be subject to noise. The PAN promotes the principles of good acoustic design and a sensitive to the location of new development.

2.3.4 Some of the letters of representation objected to the proposal based on concerns surrounding the noise levels that would be created by the proposed flag pole. This has been discussed with the applicant who has taken this into consideration and would adopt the following approach in order to reduce the noise impact of proposed flag pole on neighbouring properties. The applicants propose to use noise reducing snap hooks/ flag clips which would be covered. The applicant also proposes the use of a polyester flag which is quieter compared to

nylon material flag and the flag would be appropriately proportioned sized flag would be considered a positive move to reduce potential noise issues, however the size and type of flag cannot be controlled by the planning authority. A condition can be attached should committee resolve to approve the application to ensure that these measures are implemented on site. Should there be any future noise complaints of a statutory nuisance level then these can be dealt with by the council Environmental Health and Public Protection Team.

2.3.5 Therefore given the above and the inclusion of an appropriately worded condition it is considered that residential amenity would be protected to ensure compliance with the polices of National Planning Framework 4, FIFEplan and other related guidance in this regard.

3.0 Consultation Summary

None

4.0 Representation Summary

4.1 12 letters of representation including one from the community council have been received, all of which are objection comments.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Proposed flagpole would dominate the Elie and Earlsferry skyline	2.2.5
b. The visual amenity of the proposed flag pole	2.2.5
c. Impact upon Elie and Earlsferry Conservation Area	2.2.5
d. Inappropriate location of flagpole, better located within a public space	2.2.5
e. Impact of noise on neighbours	2.3.4
f. The flag pole proximity to the church	2.2.6

4.2.2 Other Concerns Expressed

Issue	Comment
a. Foundation and securing of the proposed flag pole	This is not a planning consideration.
b. What flag would be displayed	This is controlled by separate legislation which is outwith control of planning system.

5.0 Conclusions

The proposal is considered to be acceptable in meeting the terms of the Development Plan and relevant Fife Council Planning Customer Guidelines. The proposed development is compatible with the building and surrounding area in terms of design and scale and will not cause any detrimental impact to the Elie and Earlsferry Conservation Area and is therefore recommended for approval.

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. FOR THE AVOIDANCE OF DOUBT the approved flag pole and ancillary mechanisms shall be installed as per the details outlined in the noise mitigations measures proposed as detailed on 26 November 2024 and referenced as 05 - Noise Mitigations Measures and thereafter the flag pole and ancillary mechanisms shall be maintained as such for the lifetime of the development unless otherwise agreed in writing with this planning authority.

Reason: In the interest of protecting residential amenity.

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](#)

- Section 59 and 64 of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997
- National Planning Framework 4
- Adopted FIFEplan 2017
- PAN 1/2011 – Planning Advice Note – Planning and Noise

Report prepared by Jacob Latto (28.11.2024)

Report reviewed and agreed by Alastair Hamilton, Service Manager (Committee Lead) 10/12/14