

West and Central Planning Committee

Committee Room 2, 5th Floor, Fife House, North Street,
Glenrothes – Blended Meeting



Wednesday, 20 November 2024 - 2.00 p.m.

AGENDA

Page Nos.

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

In terms of Section 5 of the Code of Conduct, members 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 the Meeting of West and Central Planning Committee of 23 October 2024. 4 - 5

4. 24/00979/FULL - KINCARDINE POWER STATION SITE KINCARDINE FIFE 6 - 25

Erection of aggregate storage building (Class 6) including ancillary welfare unit and formation of car parking/hardstanding with associated loading areas

5. 24/00555/FULL - 33 CRAIGFOOT WALK KIRKCALDY FIFE 26 - 34

Change of use of part of domestic outbuilding to holiday accommodation (Retrospective)

6. 24/01546/FULL - LAND AT PATTIESMUIR ROSYTH 35 - 49

Erection of 8 dwellinghouses with associated parking, landscaping and drainage works including formation of SUDS and alterations to vehicular access (Section 42 to vary Condition 10 of planning permission 21/02804/FULL) (Part Retrospective)

7. APPLICATION 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
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Fife, KY7 5LT

13 November, 2024

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BLENDED MEETING NOTICE

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

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

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

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

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

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

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

THE FIFE COUNCIL - WEST AND CENTRAL PLANNING COMMITTEE – BLENDED MEETING

Committee Room 2, 5th Floor, Fife House, North Street, Glenrothes

23 October 2024

2.00 pm – 2.50pm

PRESENT: Councillors David Barratt (Convener), David Alexander, Alistair Bain, John Beare, James Calder, Ian Cameron, Altany Craik, Dave Dempsey, Derek Glen, Carol Lindsay, Lea McLelland, Derek Noble, Gordon Pryde, Sam Steele and Andrew Verrecchia.

ATTENDING: Mary Stewart, Service Manager – Major Business and Customer Service, Steve Iannarelli, Team Manager – Development Management, Lauren McNeil, Planner, Katherine Pollock, Lead Professional - Strategic Development, Mark Barrett, Lead Officer Transportation, Development Management, Planning Services; Gemma Hardie, Solicitor, Elona Thomson, Committee Officer and Emma Whyte, Committee Officer, Legal and Democratic Services.

APOLOGY FOR ABSENCE: Councillor James Leslie.

202. DECLARATIONS OF INTEREST

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

203. MINUTE

The committee considered the minute of the West and Central Planning Committee of 25 September 2024.

Decision

The committee agreed to approve the minute.

204. 23/03127/ARC - LAND AT HALBEATH, NORTH OF FIFE CIRCLE RAIL LINE, PLEASANCE ROAD, HALBEATH

The committee considered a report by the Head of Planning Services relating to an application for the development of site infrastructure associated with Phase 1 including construction of roads, footways, cycleways, re-routing of Whitefield Road, earthworks including platforming, landscape works, open space, contamination/ remediation, and drainage works relating to the wider consented development at the Halbeath Strategic Development Area (Application REF: 17/01677/EIA). Approval of matters Specified in Conditions 3 (Parts d, e, g, h, j, k, l - Development Components), 4 (Application Requirements), 9 (Development Framework), 10 (Development Brief), 13 (Landscape and Habitat Management Plan), 14 (Public Art Strategy), 26 and 27 (Road Improvements), 28 (Footway/Cycleway) and 30 (Road Re-Alignment and Stopping Up).

2024 WCPC 89

Members were advised of an amendment to 3.0 Consultation Summary, TDM, Planning Services should read “No Objection”.

Decision

The committee agreed to approve the application subject to the 6 conditions and for the reasons detailed in the report.

205. 24/00142/FULL - LAND AT HALBEATH, NORTH OF FIFE CIRCLE RAIL LINE, PLEASANCE ROAD, HALBEATH

The committee considered a report by the Head of Planning Services relating to an application for engineering operations comprising the installation of a foul sewer connection and outfall system associated with proposed residential development (reference 23/03127/ARC).

Decision

The committee agreed to approve the application subject to the 2 conditions and for the reasons detailed in the report.

206. 24/01770/FULL - 173 DUNNIKIER ROAD KIRKCALDY FIFE

The committee considered a report by the Head of Planning Services relating to an application for the change of use from dwellinghouse (Class 9) to HMO (6 person) (Sui Generis) (Retrospective).

Decision

The committee agreed to approve the application subject to:-

- (1) the 3 conditions and for the reasons detailed in the report; and
- (2) all 3 conditions being amended to read “Within 6 calendar months of the date of this planning permission”.

207. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

The committee noted the applications dealt with under delegated powers since the last meeting.

Committee Date: 20/11/2024

Agenda Item No. 4

Application for Full Planning Permission

Ref: 24/00979/FULL

Site Address: Kincardine Power Station Site Kincardine Fife

Proposal: Erection of aggregate storage building (Class 6) including ancillary welfare unit and formation of car parking/hardstanding with associated loading areas

Applicant: Tillicoultry Quarries Ltd, HQ Tulliallan Kincardine on Forth

Date Registered: 17 May 2024

Case Officer: Benet Davis

Wards Affected: W5R01: West Fife And Coastal Villages

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 The site is located on the southern coast of Fife, on the site of the former Kincardine Power Station, adjacent to the community of Kincardine-on-Forth. More specifically, the application site is located on the northern edge of the former Kincardine Power Station site, on and adjacent to the existing (currently unused) rail sidings. The former coal-fired power station was constructed between 1952-58, closed in 1997 and was demolished in 2001. The sidings are the remnants of former sidings serving the power station and were built in the 1960s, now reduced to two sidings. Prior to the power station, the site appears to have been used variably for agriculture or left fallow. The site is currently vacant brownfield land and comprises areas of hardstanding, self-seeded scrub vegetation and the former rail sidings. An electricity sub-station operated by SSE also remains to the south of the site area. In terms of size, the site, including the access road, encompasses around 1.9 hectares of the larger former power station site and there are no buildings of any size currently on the site. The sidings are in private ownership but join with railway operated by Network Rail near the site entrance.

1.1.2 To the northeast of the site boundary, a line of mature trees lines the multi-use track (Core Path P746/004 and National Cycle Network Route (NCN) 76) and partially screens the site from the northeast.

1.1.3 The majority of the site is identified on SEPA flood maps as being at high risk of riverine and coastal flooding, with areas at risk of surface water flooding. This has been controlled via a system of receptor tanks and pumps to the southwest of the site that contributes to the control of water levels.

1.1.4 The site area is within an area at low risk of legacy coal impacts and is identified as comprising potentially contaminated land due to the past power station use.

1.1.5 The Firth of Forth SSSI and Special Protection Area are located to the west of the site and Firth of Forth Ramsar Site is located on the opposite side of the river, to the south. Kincardine's conservation area is located approximately 170 metres southeast of the site entrance and Tulliallan Castle, a Scheduled Ancient Monument, is located approximately 250 metres to the north of the main site area. The nearest residence is located at Hawkshill Farm approximately 100 metres to the northeast of the area of the site containing buildings. Other residences are located approximately 350 metres distant to the northeast and 400 metres to southeast of the area of the site to be used for aggregate loading.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

The proposed development comprises the reinstatement and development of 2 rail sidings, with the erection of an aggregate storage building, welfare building, loading area, and parking to the south/south-west of the sidings. It is proposed to use the sidings for loading aggregate onto trains for distribution across the UK and for the storage of rolling stock. The aggregate would be transported to Kincardine Sidings from sites operated by Tillicoultry Quarries within Central Scotland. It is anticipated that approximately 1 to 2 trains would be loaded per week equating to approximately 94,000 - 180,000 tonnes per year, with an aim to remove a significant volume of longer distance HGV traffic from the road network. It is anticipated between arrival to site and loading, some material would be stored for short periods of time. It is proposed to undertake loading, and any minor maintenance works, during day and night-time hours. The development would use the existing site access off the A977 from the east.

1.3 Relevant Planning History

72/798 (72/00798/HIST) - Erection of a 1,500-ton capacity oil storage tank - Approved - 11/07/72

76/709 (76/00709/HIST) - Renewal of Planning Permission for Sports Pavilion at Kincardine Power Station - Approved with Conditions - 18/11/76

76/885 (76/00885/HIST) - Conversion of bicycle shed to Laboratory at Kincardine Power Station, Kincardine - Approved - 18/11/76

13/03276/NEA - Application under Section 37 of the Electricity Act 1989 to upgrade existing transmission line including the erection of new terminal tower and 3 low level gantries, the installation of gas insulated substation, cable route and formation of vehicular access

- Approved with Conditions - 02/07/14

14/00136/NEA - Application under Section 37 of the Electricity Act 1989 for overhead line deviation between existing tower (YG014) and proposed tower (YG018) - Approved with Conditions - 29/05/14

18/00296/FULL - Replacement of existing 275kV electrical switchyard with 275kV gas insulated switchgear substation. Application includes installation of proposed switchgear, new GIS building, installation of new steel palisade security fencing and a new access track within the former Kincardine Power Station site. - Approved with Conditions - 25/06/18

18/00389/EPN - Electricity Prior Notification for 275kV Overhead Line deviation (YG Route) between existing tower YG16 (OS Grid ref: NS92608823) and Proposed Kincardine 275kV Substation (OS Grid Ref: NS92378817) Kincardine. 275kV Overhead Line deviation (XL Route) between existing tower XL01 (OS Grid ref: NS923988430) and Proposed Kincardine 275kV Substation (OS Grid Ref: NS92358822) Kincardine - Approved with Conditions - 14/03/18

18/00420/SCR - EIA Screening request for replacement of existing 275kV electrical switchyard with 275kV gas insulated switchgear substation - EIA not required - 21/03/18

20/01515/EPN - Notice under The Overhead Lines (Exemption) (Scotland) Regulations 2013

Proposed Overhead Line and new steel towers - XL06C, XL06D and XL06E at Kilbagie - Approved - 27/08/20

23/00762/SCR - EIA Screening for the proposed reinstatement of rail sidings - EIA not required - 12/05/23

23/01750/FULL - Erection of dust shed and welfare building and loading areas and parking - Withdrawn - 18/10/23

1.4 Application Procedures

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

1.4.2 A site visit has not been undertaken for this application. An appropriate level of information has been collated from digital sources and has been deemed sufficient by the Case Officer for a recommendation to be made.

1.4.3 This proposal was screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, and it was determined that an EIA was not required (23/00762/SCR).

1.4.4 The proposal was advertised in The Courier on 23rd May 2024.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 7: Historic assets and places

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

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

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

Policy 10: Coastal development

To protect coastal communities and assets and support resilience to the impacts of climate change

Policy 12: Zero Waste

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

Policy 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

Policy 18: Infrastructure first

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

Policy 20: Blue and green infrastructure

To protect and enhance blue and green infrastructure and their networks

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 26: Business and industry

To encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses

Policy 29: Rural development

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

Policy 33: Minerals

To support the sustainable management of resources and minimise the impacts of the extraction of minerals on communities and the environment.

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 5: Employment Land and Property

Outcomes: An increase in the percentage of settlements in Fife with a population of 5,000 or more which have an immediately available 7-year supply of employment land. Improved employment prospects. More opportunities for economic investment.

Policy 7: Development in the Countryside

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

Policy 15: Minerals

Outcome: The environmental and cumulative impacts of minerals extraction, including commercial peat extraction, will be closely managed so that a balance is achieved between the safeguarding and responsible extraction of workable minerals and environmental protection. The economic or conservation value of minerals is recognised, and their working and use is within acceptable environmental limits.

National Guidance and Legislation

Supplementary Guidance

Supplementary Guidance: Minerals (2019)

Minerals Supplementary Planning Guidance provides a context for assessing all types of minerals related applications.

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications

demonstrating compliance with CO2 emissions reduction targets and district heating requirements; requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Advice Note (PAN) 50: controlling the environmental effects of surface mineral workings (1996)

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees

2.2 Principle of Development

2.2.1 In regards to the principle of development, NPF4 Policies 1, 2, 10, 12, 22, 26, 29, 33 and FIFEplan (2017) Policies 1, 11 and 15 apply.

2.2.2 The proposal lies outside the Kincardine Settlement Boundary, as identified in the Adopted FIFEplan Local Development Plan (2017), but forms part of an area of Safeguarded Employment Land and is therefore compliant with NPF4 Policy 26 and FIFEplan Policies 1 and 5. The proposal would not prejudice the primary function of the site and would support the reuse of both existing infrastructure and a brownfield site where a return to a natural state has not or will not happen without intervention, as required by NPF4 Policies 12 and 29. SEPA has confirmed that the type of development is suitable for the location and aligns with NPF4 Policy 10 and that the works would be considered water compatible and redevelopment of an existing building or site for an equal or less vulnerable use as required by Policy 22.

2.2.3 Whilst the proposal is not for mineral extraction, by providing for sustainable transport of aggregates extracted at two sites, it would further the requirement of NPF4 Policy 33 for those mineral extraction works to minimise the transport impacts of lorry trips by using rail or water wherever practicable.

2.2.4 The proposal is in line with Scotland's national target of becoming Net Zero by 2045 and Fife Council's declaration of a Climate Emergency in 2019. The proposal is considered to

contribute to the overall reduction in fossil fuel emissions in Scotland, although it will likely increase local emissions. According to the UK Government Office of Rail and Road (Rail Emissions 2021-22) emissions from transportation make up 24% of the UK's emissions and the use of road transport makes up over 90% of transport emissions, with rail accounting for 1.5% in 2020. Freight transported by rail is reported to produce over 70% fewer emissions compared with transport by road and emissions for diesel and electricity used for rail freight have been decreasing in recent years. With Transport Scotland's stated aim of decarbonising both passenger and freight rail transport in the Rail Service Decarbonisation Action Plan (2020) the emissions from freight are expected to continue to decrease as more services switch from diesel to electric traction, mixed, or other types. This aim aligns with Policies 1 and 2 of NPF4 as well as FIFEplan Policies 1 and 11.

2.2.5 Overall, it is considered that the principle of the proposed storage and loading facility is acceptable as it is compatible with the location, would bring brownfield land back into use, is sited due to the existing infrastructure at this location, and would contribute to national carbon emission targets. The overall acceptability of such a development must however also meet other policy criteria and these issues are considered in detail below.

2.3 Design And Layout / Visual Impact

2.3.1 NPF4 (2023) Policies 4, 7, 11, 14, 20, and 29, FIFEplan (2017) Policies 1, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019) apply with regard to design and visual impact.

2.3.2 The proposed storage building at the southeast of the site would measure approximately 43 metres long by 20 metres wide. The eaves would be 7 metres high at the west side, sloping to 4.5 metres at the east extent. The structure would be finished with box profile sheeting. It would be sited between the sidings with hardstanding areas of granular fill porous material leading to Loading Point 2. Loading Points 1 and 2 would be formed of concrete landings and ramps of granular fill approximately 15 metres wide and rising to a height of 1.9 metres. Both would be sited along the south side of the northern rail siding and LP1 would be 45 metres long and LP2 would be 33 metres long. Vegetation would be introduced along the south verge of the access road and car park. An accommodation block would be located near the site entrance and measures approximately 12.2 metres by 3.66 metres and 2.43 metres high. The built forms and materials proposed are all consistent with industrial uses and would not be unexpected within the site considering its former use and employment designation.

2.3.3 The site is mainly visible from the A985 to the south and A876 to the west, when crossing the bridges and is partially screened from residences to the north and east by the railway and mature trees. Hawkhill Road is the nearest pedestrian and cycleway corridor close to the site, forming part of Core Path Network R746 Kincardine Power Station Loop (suitable for walking, cycling, pushchairs and horse-riding), which also runs immediately adjacent to the south of the site, along the northern bank of the Forth. All have views of the site. It is considered that recreational users of these paths and routes will notice very little difference in the outlook due to the proposed works, and in fact the potential development may remove some currently visible industrial dereliction and improve some views. Tree planting is proposed along the north area of the land along the south edge of Core Path P746/04 which would contribute to screening the site. Given that the proposals are industrial in nature and are located on the bank of the industrial Forth (which has a long history of sizeable industrial buildings and structures in this location, particularly for the electricity generating network), it is not expected that there will be any appreciable short-, medium- or long-term impacts on landscape or visual impact and the site would maintain the existing landscape character and views.

2.3.4 The proposal would therefore be visually acceptable and would comply with the Development Plan in this respect.

2.4 Residential Amenity

2.4.1 NPF4 (2023) Policies 11, 14, 23, and 26, FIFEplan (2017) Policies 1, 10 and 11, Planning Advice Note (PAN) 1/2011: Planning and Noise, Low Carbon Fife Supplementary Guidance (2019) and Fife Council Policy for Development and Noise (2021), apply in terms of residential amenity.

2.4.2 Objections raised concerns over noise (from vehicle movements and loading operations) and air quality impact (from dust and emissions from the site). The Community Council suggested that: the 100m dust soiling check area proposed as part of the Dust Management Plan be increased; dust monitoring sensors be installed in Kincardine; and the proposed dust complaint management procedure be revised, to include compensation arrangements for Kincardine residents affected by dust. The Community Council also suggested the use of a fully enclosed facility for both HGV tipping and train loading. More information about the operational timetable, particularly of night-time trains was sought, as well as a condition limiting or prohibiting night-time train movements. Evidence was requested as to how vehicle emissions will be reduced, compared to the existing transport system, along with further information as to whether electrification of rail is to be expected. Objections also cited the potential impact of air quality on health, particularly in regard to impact on those with existing health concerns. Light pollution was also raised as a concern.

2.4.3 The documents accompanying the proposal specify the construction period hours would be limited to between 08:00-18:00 Mondays to Fridays and 08:00-13:00 Saturdays. No works will take place on Sundays, Bank Holidays, or Public Holidays, unless agreed with the Planning Authority. Once operational, it is anticipated between arrival to site and loading, some material would be stored for short periods of time. It is proposed to undertake loading, and any minor maintenance works, during day and night-time hours. Hours of aggregate delivery are listed as typically between 07:30-17:00 Monday-Friday and 07:30-12:00 Saturday, with onsite work continuing as required by the train schedule. A condition is recommended to control these hours. Whilst light generated by these activities, even those taking place at night, is not expected to impact residences due to the distance and angle to receptors and the intervening vegetation and landscape, it is recommended that an Operational Lighting Scheme is secured by a condition of any planning permission granted, to maintain control of this aspect of public amenity and to ensure that any potential wildlife considerations can be addressed.

2.4.4 NPF4 Policy 26 requires business and industry to take into account their impact on residential amenity. This has been done through the assessment of dust, noise and water management, with plans presented for addressing each, in line with NPF4 Policy 23's requirements and aims of protecting people and places from environmental harm and the mitigation of risks. Aggregates will be stored within the shed between train loading and the structure is sited and formed to minimise dust being blown to the east.

2.4.5 Due to the nature of the proposal a Noise Impact Assessment (NIA) accompanied the submission. The methodology was agreed with Fife Council's Environmental Health (Public Protection) Team, which offered no objection to the proposal. Predictive modelling of the sound expected to be generated by the site during operation found that noise experienced at sensitive receptors during peak activity (loading and movement of train) would not exceed the accepted threshold in PAN 50 for both day and night activities.

2.4.6 A Dust Management Plan (DMP) accompanied the application which identified two sensitive receptors within 250 metres of the site boundary (guidance from the Institute of Air Quality Management indicates that dust effects may occur up to 250m from an area of working). The DMP includes details of procedures to be enforced on site, including daily monitoring of dust levels and wind speed (wind speeds over 3.5 mph, particularly in northeastern or southeastern directions, will trigger regular inspections of stockpiles and the implementation of any requisite suppression measures, including water damping. The DMP also includes details of the reporting and complaints process in case issues arise and sets out responsibilities for the maintenance of a monitoring log which can be requested by the regulatory authorities. Adherence to the DMP can be controlled by a condition of any planning permission granted. The storage building has the capacity to accommodate the 1700 tonnes of aggregate expected

to be loaded onto each train. A condition is recommended that, unless required for the purpose of loading, aggregate material shall be stored within the building.

2.4.7 A Flood Risk Assessment (FRA) was also included with the application, which concluded that the proposed development was not expected to contribute to flooding events outside of the power station site. With the additional specification agreed through discussion with SEPA, which increases the retention volume of the site between the sidings, it is expected that the site will positively contribute to mitigating localised flooding. Flooding, drainage and water management issues are further considered in section 2.6 of this Committee Report.

2.4.8 It would not be practical or reasonable to impose a planning condition to restrict the operating hours of trains because of the nature of the development, as access to the rail network is not a matter within the control of either the applicant or Fife Council. However, the applicant's Noise Impact Assessment concludes that predicted noise limits, even during nighttime operations, would remain within acceptable levels. HGV movements will not contribute to nighttime noise as their movements would be limited to daytime hours. To cover the construction phase of the development, it is recommended that a condition requiring a Construction Environment Management Plan (CEMP) is attached to any planning permission granted. The CEMP will be required to include a Noise Management Plan and a Dust Management Plan to specifically cover the construction phase of the development. If planning permission for the Rail Transfer Facility is granted, the provisions of the submitted Noise Impact Assessment and Dust Management Plan covering the operation phase of the development would be adhered to – matters which can be secured by conditions of planning permission.

2.4.9 Subject to conditions controlling hours of operation, noise and dust generated by the site (during both construction and operational phases) it is considered that the proposed development raises no significant residential amenity concerns and is therefore acceptable in this regard in accordance with NPF4 and FIFEplan policies.

2.5 Transportation/Road Safety

2.5.1 NPF4 (2023) Policies 1, 2, 13, 15, 18, and 29 FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.5.2 Objections have raised concern with the traffic generation from train and HGV movements, with the Community Council specifically concerned over an increase in the number of HGV movements through Kincardine and seeking a condition limiting daily vehicle movements. The Community Council also requested an expansion of the crash survey to include a period beyond 5 years in order to include historic coal HGV impacts. Objection comments also requested clarification of how the site would be accessed when high winds closed Clackmannanshire Bridge and the Queensferry Crossing, requested implementation of wheel washing for HGVs leaving the site, and suggested parking restrictions on the unnamed access road from A977 to the Power Station site. Other matters raised included impact on the potential for future passenger rail service and train station, and the need for pedestrian safety measures along the unnamed access road at the junction from A977 to the application site. Comments also requested further information on train timetables, as well as details of the route of the trains prior to entry or exit from the site. They also requested details of locomotive type and wagons to be used, and a simplified operational train working to demonstrate best practice by the Freight Operating Company, in order to minimise impact on lineside residents.

2.5.3 A Transport Statement (TS) prepared by Wardell Armstrong was submitted with the application. It is anticipated that approximately 1 to 2 trains, each of 1,700 tonnes capacity, would be loaded per week equating to approximately 94,000 – 180,000 tonnes of aggregate per year. This would lead to between an expected 58 to 85 HGV movements per train, depending on the tonnage of the vehicle, with 29 tonne vehicle use expected in order to maximise efficiency. HGV trips for each train would occur over several days. The TS did not find any

record of collisions with HGVs in the vicinity within the last five years and found that HGVs made up 8.6% of vehicle movements along the A977 in 2021 according to Automatic Traffic Counter data. The aggregate would be sourced from Northfield Quarry near Denny and Hillend Quarry near Caldercruix. The proposed development would ultimately remove a significant volume of longer distance HGV traffic from the regional and national road network. The worst-case scenario would be 116 two-way trips of 29 tonne HGVs per day, rising to 140 vehicle trips when including staff movements to and from the site. The intended haul route from the two quarries is via the Clackmannanshire Bridge A876, Kilbagie Roundabout, A977 (which are trunk roads and the responsibility of Transport Scotland) and the power station access road (a private road). The only Fife Council public road on the route is Hawkhill Road where it meets the power station access road at a crossroads junction. The total increase in HGV traffic is estimated at 4.1% compared with the A977 2021 data and is not expected to have a material impact on the local highway network.

2.5.4 Fife Council's Transportation Development Management Team (TDM) was consulted and noted that the proposal would comply with NPF4 Policy 13 and had no objections subject to conditions requiring visibility splays at the junction of vehicular access at Hawkhill Road prior to the facilities coming into use and the submission for approval of a Traffic Management Plan specifying the HGV haul route and measures to ensure driver compliance. The TMP will consider issues such as parking, driver training, timing of deliveries, road conditions, weight restrictions, delivery route. Network Rail had no comments on the proposal. Parking restrictions on the private access road from the A977 would be at the discretion of Fife Council as Roads Authority and would be achieved through a separate process.

2.5.5 The proposal recognises the site lies within the Central Scotland area as defined by NPF4, where a key aim is the decarbonisation of transportation and reducing congestion on the road network. The proposal would remove HGV traffic from the wider road network by utilising existing rail links to transport locally produced aggregate over longer distances. In this way the proposal aims to contribute to carbon reduction. The supporting statement contends that bringing the former Kincardine site back into active rail use will provide benefits through reducing vehicle related emissions and congestion on the wider road network. It is recognised that though reducing overall vehicle miles, local traffic would increase but the submitted Transport Statement advises there would be no material impact on the operation of the local highway network. As such, a condition limiting the number of HGVs is not considered reasonable in this instance.

2.5.6 The use of the railway through Kincardine for freight was established in 2003 by the Stirling – Alloa – Kincardine Railway (Route Re-opening) and Linked Improvements (Scotland) Bill and the line was reopened in 2008. It included track replacement works including those "giving access to the former power station site", including the use of the sidings. The scheme included use by 15 trains per day along the route (half to supply the former power station with coal). It is not considered that the expected 1 to 2 trains per week on the largely vacant line will significantly impact residents.

2.5.7 NPF4 Policy 13 supports proposals which contribute to or are accessible via active travel or public transport. The site is accessible from Kincardine within a short walking distance and buses from stops at the junction with A977 (8A (Alloa to Dunfermline) and 28 (Queen Margaret Hospital to Falkirk), or from the town centre 88A (Kincardine to Rosyth/Inverkeithing), X24 (Glasgow to St Andrews), X27 (Glasgow to Kirkcaldy), X24A (Glasgow to Glenrothes)).

2.5.8 Fife Council understands that there are plans to upgrade the National Grid (electric) in the Kincardine area through the Kincardine Grid Services Project, located around 50m north across the C68 Hawkhill Road from this sidings reinstatement proposal, but it is considered that there are unlikely to be potential cumulative impacts with the application site due to the nature of the work proposed at Kincardine Sidings likely to be significantly less in scale than the Grid Services work, and there being no defined timescale for either set of works that would see both developments under construction simultaneously. Should that happen, the most likely potential

cumulative impact would relate to traffic impacts, which could be considered and mitigated through traffic management plans.

2.5.9 Subject to the conditions specified, it is considered that the objections to the proposal based on the increase in HGV traffic would be addressed and the proposal would also align with NPF4 Policy 18 where proposals impacting infrastructure will be supported where the impact is addressed.

2.6 Flooding And Drainage

2.6.1 NPF4 (2023) Policy 22, FIFEplan (2017) Policies 1, 3 and 12, Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2022) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR) are taken into consideration with regard to flood risk and drainage infrastructure.

2.6.2 Policy 30 (Flood Risk) of NPF4 states that proposals at risk of flooding or in a flood risk area will only be supported if they are for redevelopment of an existing building or site for an equal or less vulnerable use and redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

2.6.3 Objections, including from the Community Council, were received concerned over flood risk, citing recent high spring tides overwhelming coastal flood defences, as well as Kincardine being within a Potentially Vulnerable Area, as defined by SEPA. There were concerns over a perceived lack of proposed mitigation measures to prevent knock-on impact of any flooding on Kincardine, with some mentioning the culvert to the south of the power station site under the main rail line which was raised as having potential to impact properties on Hawkhill Road. The maintenance arrangements of this culvert were raised as a concern due to a perceived lack of adoption by Network Rail.

2.6.4 The wider power station site makes use of two tanks with capacity of around 2500m³ alongside modern submersible pumps which maintain water at a constant level in receptor tanks. The proposal would comprise minimal upstanding structures in flood risk areas and consist mainly of permeable hardstanding areas and filter drains. The access road provides a safe access and egress route and is above the area impacted by flooding. The site accommodation is also located here, in line with the NPF4 Policy 22 requirement for the first occupied/utilised floor to be above the flood risk level. The majority of surfaces would be formed of permeable materials and utilise drains to direct run off away from the site and towards the existing pumps and landscaped verge. The materials to be used are flood resistant and easily repaired/replaced should damage occur. A soft landscaped verge to the access road is also proposed to aid in water absorption on site. The applicant has stated that best practice for material storage will be in place to minimise risks of spills in the event of flooding and the filter drains proposed would improve the existing drainage of the site, where no formal drainage is present.

2.6.5 The FRA submitted alongside the application demonstrates the understanding that the site is at risk of flooding. The FRA identified two watercourses within the vicinity of the site and these empty into the River Forth on either side of the former power station site, several hundred metres from the proposal site. One runs adjacent to the railway south of the site, flowing behind houses on Hawkhill Road. It is the impact on this channel that objectors raised as a concern. The FRA found that the proposed works would minimally impact the existing flood storage capacity of the site and would not divert existing flood flow routes. SEPA and Fife Council Structural Services (FCSS) were consulted on the proposal and initially offered holding objections based on concerns over retention capacity due to the reduction in floodplain caused by the structures and land raising to form loading areas. There were also concerns over potential contaminant spills through refuelling and cleaning of HGVs. The applicant subsequently engaged in discussions with SEPA and FCSS on the proposal and the holding

objections were withdrawn after the applicant submitted further information addressing the concerns.

2.6.6 Measures specified in response to comments were that no refuelling or vehicle washing will take place on site. Spill kits are to be used in case of accidents on site, with staff and drivers to be trained in their use. The applicant provided plans demonstrating the area of effective flood plain would be increased within the site by reducing existing raised areas to mitigate the impact, including reducing the area covered by the Loading Points. SEPA withdrew its objection based on the revised proposal which would create a further 398m³ of floodplain drainage at all levels below the flood risk level (3.68m AOD). SEPA noted that “although the fluvial/coastal flood risk levels of the River Forth are higher than 3.68m AOD, this waterbody is so large that the displacement of water within the floodplain caused by the development above this level will be insignificant in this case.”

2.6.7 SEPA have also confirmed that the type of development is suitable for the location and aligns with NPF4 Policy. The infrastructure is already in place and so it can be considered that the redevelopment is required to take place in this location and would be of a character previously present on the site. The storage and loading of aggregates would be water compatible. A condition of any planning permission granted would ensure that the construction and operational water management and drainage infrastructure shall be constructed/installed contemporaneously with the build out of the Rail Transfer Facility and be fully operational prior to operation of the facility.

2.6.8 With the addition of further floodplain drainage and consideration for the types of development (open-sided shed and areas of hardstanding) it is considered that the existing flood risk of the site will not be negatively impacted and will not increase the risk of surface water flooding to others. The application proposal therefore raises no significant flooding, or drainage concerns and complies with the Development Plan in this regard.

2.7 Contaminated Land And Air Quality

2.7.1 NPF4 (2023) Policies 9 and 23, FIFEplan (2017) Policies 1 and 10, PAN 33: Development of Contaminated Land (2000) and PAN 51: Planning, Environmental Protection and Regulation (2006) apply.

2.7.2 The site comprises a large vacant brownfield area, safeguarded within FIFEplan for employment use. The proposal would bring existing rail connections back into use.

2.7.3 A Coal Mining Risk Assessment accompanied the proposal which identified Unrecorded Shallow Mine Workings in the area underneath the access road, which has been in use since the 1960s. No works are considered in this area and as such the risk is considered low.

2.7.4 Fife Councils Land and Air Quality (FCLAQ) team and SEPA were consulted on this application. No comments were made with respect to air quality. FCLAQ noted the site's history as railway sidings and recommended a suspensive condition in case of encountering contamination during construction.

2.7.5 In conclusion, whilst the site is potentially subject to contamination, a planning condition is proposed to make sure the site is investigated should any contamination be encountered, to ensure the site is developed safely. Additionally, the proposed development has not given rise to significant adverse air quality concerns. The proposed development is therefore considered to comply with the Development Plan and associated guidance and is thus acceptable with regard to land and air quality considerations.

2.8 Natural Heritage And Trees

2.8.1 NPF4 (2023) Policies 1, 2, 3, 4, 6, 20, 26, and 29, Policies 1, 10, 13, and 15 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018) apply in this instance with regard to natural heritage protection.

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

2.8.3 There are no trees or vegetation within the site or adjacent to the site which would be impacted by the proposed development. The site is of low ecological value, given its brownfield nature within the site of an existing industrial location. The proposal would safeguard the character and qualities of the landscape as required by Policy 1 Part B and Policy 13. Tree planting is proposed on other nearby land in the ownership by the applicant, reinforcing the screening achieved by the existing treeline to the northeast. Outside of this, due to the site consisting of areas of broken hardstanding, gravel, and self-seeded low vegetation, there is not considered to be any negative impact on biodiversity. The Preliminary Ecological Appraisal (PEA) which accompanied the application concluded that, whilst nearby statutory designated sites could potentially be impacted by unmitigated noise and dust produced by the proposal, there were no protected species within the site or immediate surrounds. These concerns have been addressed by the production and submission of a DMP and NIA for the operational phase of the development and will be covered during construction by the required Construction Environmental Management Plan. The report noted the presence of non-native invasive (Japanese Knotweed) species and recommended removal. In addition to the enhancement to woodland the plan also recommended other biodiversity enhancements including bird boxes, bat boxes, and insect hotels. These matters can be secured by a condition of any planning permission granted.

2.8.4 Fife Council's Natural Heritage (FCNH) officer has been consulted and has no objections to the proposals regarding natural heritage. FCNH supported the reuse of a brownfield site and the aims of the proposal and noted that no valuable habitat will be lost as a result of the development. FCNH was supportive of the recommendation to remove the invasive species identified within the Preliminary Ecological Report and the planned woodland enhancement. Due to the lack of details for planting of both the verge area within the site and the woodland enhancement, a condition requiring the specification and maintenance of these elements is recommended. The proposal subject to this condition would, therefore, have no significant natural heritage impact and would comply with the Development Plan in this respect.

3.0 Consultation Summary

Parks Development And Countryside	No response.
Public Protection, Protective Services	No objection.
Structural Services - Flooding, Shoreline And Harbours	No objection.
Scottish Environment Protection Agency	No objection.
Network Rail	No objection.
Natural Heritage, Planning Services	No objection.
Transportation And Environmental Services - Operations Team	No response.

TDM, Planning Services	No objection, subject to planning conditions.
Land And Air Quality, Protective Services	No objection, subject to planning condition.
Scottish Water	No objection.
Parks Development And Countryside	No response.

4.0 Representation Summary

Nine representations were received. One representation was a general comment and eight objected (including Kincardine CC). A summary of the issues raised is set out below.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Section
Air quality and health impact from dust and emissions generated from the site. Requested the 100m dust soiling check area be increased, dust monitoring sensors be installed in Kincardine, and a revision of dust complaint management procedure.	2.4
Noise from vehicles and loading of trains	2.4
Increase in traffic HGV traffic movements through Kincardine and concern over road safety	2.5
Concern over impact of train movements during night	2.5
Flood risk and forward impact on drainage channel behind Hawkhill Road	2.6
Impact from light pollution from operations	2.4
How will high winds closing bridges across River Forth impact HGV route	2.5
Wheel washing requested for HGVs visiting site	2.5
Lack of clarity of train schedule	2.5

4.2.2 Other Concerns Expressed

Issue	Comment
Whether it is known when/if freight trains proposed to be used are electric traction	Not a material planning consideration. Note paragraph 2.2.4 on Transport Scotland proposal to decarbonise rail, including freight.

Request for further information on types of engines and wagons to be used, and what routes and times could be expected in order to minimise impact on lineside residents

Discussed in part in 2.5, but not a material planning consideration.

Request for provision of pedestrian safety measures in case of scenario for potential future passenger rail service and train station

Not considered necessary for making a determination in this case. Access would be considered as part of any future application for expansion of passenger rail services. Discussed in 2.5.

Maintenance responsibilities of culvert to rear of Hawkhill Road

Does not form part of site and maintenance responsibilities are outwith the application. Issues of flooding have been discussed in 2.6

Does not form part of site and maintenance responsibilities are outwith the application. Issues of flooding have been discussed in 2.6

5.0 Conclusions

The principle of this development in this location is acceptable in meeting the terms of the Development Plan and national guidance. Approval of the development would contribute to achieving the national climate goals by removing HGV miles from the wider road network and increasing the use of rail. Aspects concerning residential amenity, road safety, flooding, contaminated land, and the natural environment have been addressed and development could be progressed without unacceptable impacts. Concerns around dust, traffic and flooding have been addressed and conditions of planning permission are recommended. By securing appropriate biodiversity enhancements, and controls over dust and traffic, it is considered that there would be no significant adverse visual, natural heritage, dust, or traffic impacts arising from the approval of this application.

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

1. BEFORE ANY WORKS START ON SITE, a Construction Environmental Management Plan (CEMP), designed to ensure appropriate environmental management practices are applied, shall be submitted to Fife Council as Planning Authority for its written approval. The CEMP shall include proposed hours of deliveries and construction work, as well as details of how potential noise and dust emissions during construction will be mitigated. Once agreed, operations shall adhere to the provisions of the CEMP throughout the construction period. Any amendment to the CEMP will require the prior written approval of Fife Council as Planning Authority, following appropriate consultation.

Reason: In the interests of best environmental practice and to protect residential amenity.

2. BEFORE ANY WORKS START ON SITE, a Traffic Management Plan (TMP) shall be submitted for the prior written approval of Fife Council as Planning Authority. The TMP shall cover both the construction and operational phases of the development and shall contain details of the proposed HGV haul route (and measures to ensure that HGV drivers adhere to the haul route). The TMP shall also include all the mitigation measures stated on page 13 of the submitted Transport Statement (Document 08 – Wardell Armstrong, March 2024). Once agreed, operations shall adhere to the provisions of the TMP throughout the life of the development. Any amendment to the TMP will require the prior written approval of Fife Council as Planning Authority, following appropriate consultation.

Reason: In the interest of road safety; to ensure a suitable haul route for all HGV vehicles; to eliminate the deposit of deleterious material on public roads and to protect residential amenity.

3. BEFORE ANY WORK STARTS ON SITE, details of the proposed boundary treatment for the site, including adequate security fencing, shall be submitted for the written approval of Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT, the fencing shall be erected prior to the implementation of this permission and maintained in an effective manner for the life of the Rail Transfer facility.

Reason: In the interest of pedestrian safety and to ensure the site is maintained in a secure state.

4. BEFORE ANY WORK STARTS ON SITE, details of the finishes of the aggregate storage building and ancillary welfare unit hereby approved, including proposed colour and materials, shall be submitted for the prior written approval of Fife Council as Planning Authority.

Reason: In the interests of amenity, to minimise the visual impact of the development in the landscape.

5. BEFORE ANY WORK STARTS ON SITE, an Operational Lighting Scheme, specifying the detail of any artificial lighting to be used on site during the life of the planning permission hereby approved, shall be submitted for the prior written approval of Fife Council as Planning Authority. The Lighting Scheme should, where appropriate to the site circumstances, take cognisance of measures to protect existing natural habitats, such as the guidance contained within the "Bats and Lighting Guidance" document (ILP, 2018) <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Reason: In the interests of residential amenity and ecology.

6. BEFORE ANY WORKS START ON SITE, ecological enhancement details, including the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted as part of on and offsite planting schemes shall be submitted to, and approved in writing by, Fife Council as Planning Authority. These details should also include those additional enhancements set out on page 15 of the submitted Preliminary Ecological Appraisal Report (Document 14 – Wardell Armstrong, June 2023). The ecological enhancement scheme as approved shall be implemented within the first planting season (between October and March inclusive) following the completion or occupation of the development, whichever is the sooner. The scheme should also set out the future management and aftercare of the proposed landscaping and planting. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details, unless otherwise agreed in writing by Fife Council as Planning Authority.

Reason: In the interests of visual amenity; to ensure biodiversity enhancement; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term; to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

CONDITIONS:

7. PRIOR TO THE RAIL TRANSFER FACILITY COMING INTO USE FOR THE FIRST TIME, visibility splays 2.4 metres x 40 metres as shown on drawing ED139500-001 Rev B (Document 08 - Appendix C) shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the vehicular access with Hawkhill Road, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

Reason: In the interests of road safety; to ensure the provision of adequate visibility at the junction of the vehicular access to the site and the public road.

8. The construction and operational water management and drainage infrastructure hereby approved shall be constructed/installed contemporaneously with the build out of the Rail Transfer Facility and shall be fully operational prior to operation unless otherwise agreed in writing with Fife Council as Planning Authority, following consultation with SEPA. Thereafter the infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure the effective management of surface water and to ensure that the required drainage works are carried out and operational at the required stage of the development.

9. 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.

10. The Rail Transfer Facility hereby approved shall at all times during the operational phase of the development adhere to the provisions of the submitted Noise Assessment Report (Document 09 – Wardell Armstrong, March 2024), which includes measures to mitigate the effects of noise and vibration from the operation of the site on sensitive premises/areas. Any amendment to the Noise Assessment Report will require the prior written approval of Fife Council as Planning Authority, following appropriate consultation.

Reason: In the interests of safeguarding the amenity of nearby sensitive receptors from the effects of noise and vibration.

11. The Rail Transfer Facility hereby approved shall at all times during the operational phase of the development adhere to the provisions of the submitted Dust Management Plan (Document 10 – Wardell Armstrong, April 2024), which includes measures to mitigate the effects of dust from the operation of the site on sensitive premises/areas. Any amendment to the Dust Management Plan will require the prior written approval of Fife Council as Planning Authority, following appropriate consultation.

Reason: In the interests of safeguarding the amenity of nearby sensitive receptors from the effects of fugitive dust.

12. UNLESS OTHERWISE APPROVED IN WRITING BY FIFE COUNCIL AS PLANNING AUTHORITY, the normal working hours for construction activities within the site shall be restricted to Monday to Friday between 08:00 to 16:00 Monday-Friday; 08:00 to 14:30 Saturday and no work on a Sunday or a Bank Holiday. No commercial vehicles associated with construction work shall enter or leave the site before 7:30 and after 18:30 Monday to Friday or before 7:30 and after 15:00 on a Saturday. Out with these hours, development at the site shall be limited to maintenance, emergency works, or construction work that is not audible from any noise sensitive property out with the site.

Reason: In order to protect the amenity of adjoining and nearby residents.

13. All aggregate associated with the Rail Transfer Facility shall be stored within the Aggregate Storage building hereby approved, unless in the process of being loaded onto waiting train wagons. Should any external transitional storage be required, the height of external mounds will not exceed 2.5 metres.

Reason: In the interests of visual amenity: to ensure the proposed works do not cause detriment to the amenity of the area.

14. All vehicles owned or operated solely by the Rail Transfer Facility operator at the site shall be fitted with alternative reversing warning systems. These shall include a red stroboscopic warning light and/or white noise reversing systems.

Reason: To reduce the sound emitted by reversing warning systems and in the interests of protecting residential amenity.

15. All plant and machinery shall operate only during the permitted hours of operation and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noisy emissions. Fife Council as Planning Authority reserves the right to insist on additional measures to minimise noise emissions at the site should it prove expedient to do so.

Reason: To reduce the sound emitted by operations on site and in the interests of protecting residential amenity.

16. The amount of aggregate loaded to the rail network via the Rail Transfer Facility hereby approved shall not exceed 180,000 tonnes per annum, unless otherwise approved in writing by Fife Council as Planning Authority. A record of the quality, type and principal destinations of material entering and leaving the Rail Transfer Facility shall be submitted to Fife Council as Planning Authority annually, on the anniversary of the date of planning permission being granted.

Reason: To restrict the amount of aggregate handled in accordance with required operations and proposals; to ensure that Fife Council as Planning Authority can verify the amount of aggregate processed via the Rail Transfer Facility hereby approved; and in the interests of controlling amenity impact on nearby residents from intensification of site use.

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

Unless otherwise agreed in writing with Fife Council as Planning Authority, development work on site shall not recommence until either (a) a Remedial Action Statement has been submitted by the developer to and approved in writing by Fife Council as Planning Authority or (b) Fife

Council as Planning Authority has confirmed in writing that remedial measures are not required. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. Thereafter remedial action at the site shall be completed in accordance with the approved Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement, a Verification Report shall be submitted to Fife Council as Planning Authority. Unless otherwise agreed in writing with Fife Council as Planning Authority, no part of the site shall be brought into use until such time as the remedial measures for the whole site have been completed in accordance with the approved Remedial Action Statement and a Verification Report in respect of those remedial measures has been submitted by the developer to and approved in writing by Fife Council as Planning Authority.

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

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](#)

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

Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

PAN 50: Controlling the environmental effects of surface mineral workings (1996)

Report prepared by:

Benet Davis (Planning Assistant)

Report reviewed and agreed by:

Martin McGroarty (Lead Professional – Minerals) and

Mary J Stewart (Service Manager – Major Business and Customer Service)

Committee Date: 20/11/2024

Agenda Item No. 5

Application for Full Planning Permission

Ref: 24/00555/FULL

Site Address: 33 Craigfoot Walk Kirkcaldy Fife

Proposal: Change of use of part of domestic outbuilding to holiday accommodation (Retrospective)

Applicant: 33 Craigfoot Walk Kirkcaldy

Date Registered: 12 March 2024

Case Officer: Lauren McNeil

Wards Affected: W5R09: Burntisland, Kinghorn and West Kirkcaldy

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

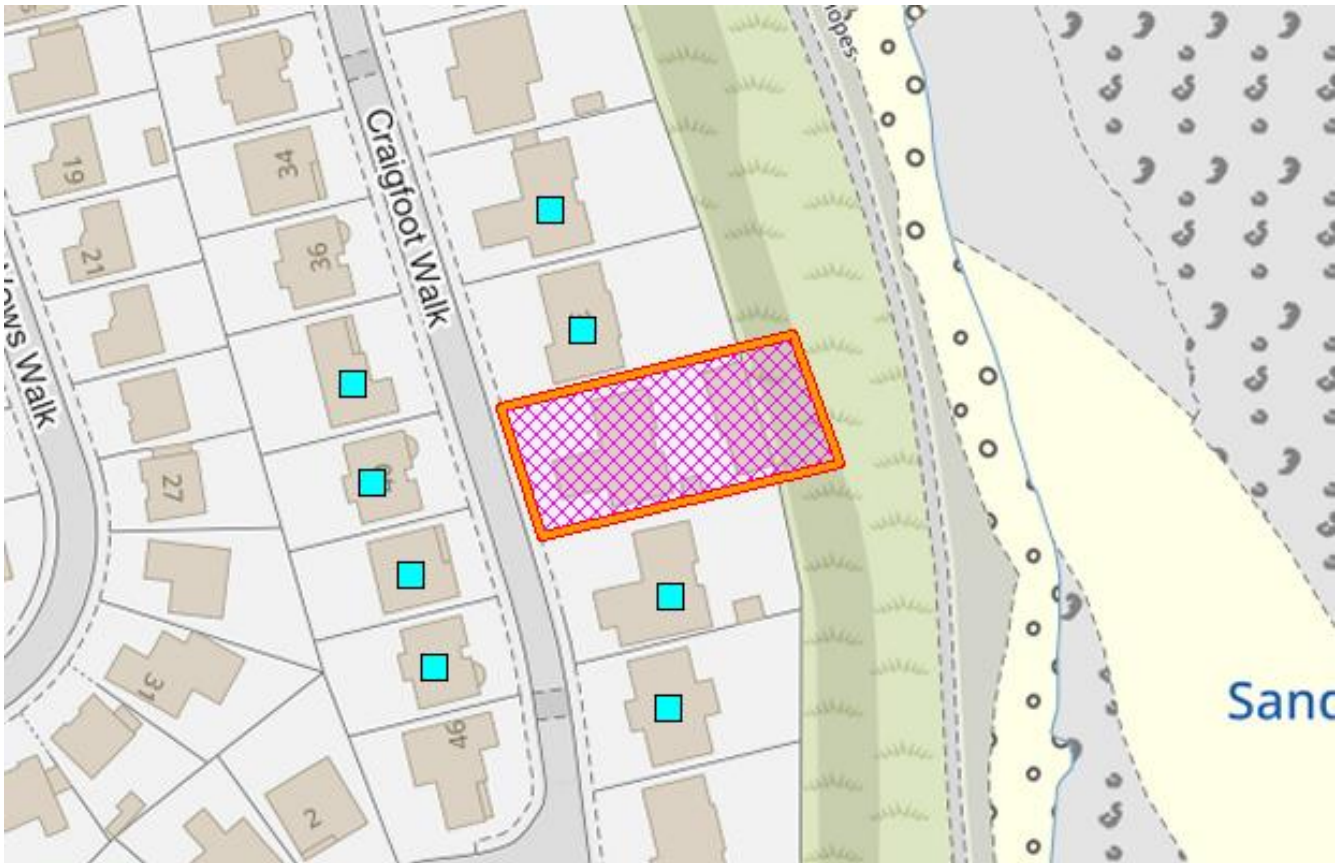
The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 This application relates to a two-storey four-bedroom detached dwellinghouse situated within the Kirkcaldy and Dysart settlement boundary. The dwellinghouse is situated within an established residential area located along the Kirkcaldy coastline and overlooks the Firth of Forth and Fife Coastal Path.

1.1.2 Location Plan



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1.2 The Proposed Development

1.2.1 The existing garage of the property was previously converted to provide additional accommodation and at present is used as a Bed and Breakfast. This use of part of the dwelling would be permitted under Class 9 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended. The rear outbuilding was granted planning permission in November 2021, along with a single storey rear extension which has yet to be constructed. A Short-term Let Licence was granted by Fife Council on the 23 of April 2024 for a maximum of 8 guests; 4 within the main dwellinghouse and 4 within the rear outbuilding (2 per guest room). A third room within the outbuilding would be used for domestic purposes only).

1.2.2 Retrospective planning permission is sought for the change of use of part of the domestic outbuilding to holiday accommodation.

1.3 Relevant Planning History

1.3.1 The relevant planning history for the proposed site can be summarised as follows:

21/02795/FULL - Single storey extension to rear of dwellinghouse. Erection of outbuilding including formation of decking and balconies in retrospect – Application Permitted- no conditions (22/11/2021)

23/02615/FULL - Change of use from domestic outbuilding to holiday accommodation (retrospective) – Withdrawn (14/02/2024)

In addition, various enforcement enquiries have been submitted relating to the erection of a structure within the rear curtilage, non-compliance with planning conditions imposed on 21/02795/FULL consent, and the potential use of the property as Airbnb.

1.4 Application Procedures

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

1.4.2 Whilst a site visit was not conducted for this particular application, a site visit was conducted by the case officer of the earlier withdrawn application (planning reference: 23/02615/FULL). As such, the following evidence was used to inform the assessment of this proposal.

- Google imagery (including Google Street View and Google satellite imagery),
- GIS mapping software,
- Site photographs on file for the 21/02795/FULL application, and
- Site photographs taken by the case officer of the earlier withdrawn application (planning reference: 23/02615/FULL).

Given the scale and nature of the proposal, 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 13: Sustainable transport

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

Policy 14: Design, quality and place

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

Policy 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 23: Health and safety

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

Policy 30: Tourism

To encourage, promote and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit 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 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 community's 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.

Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

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

2.0 Assessment

2.1 Relevant Matters

2.1.1 The matters to be assessed against the Development Plan and other material considerations are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Road Safety

2.2 Principle of Development

2.2.1 Policy 30(e) of NPF4 states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area;
or
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

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.

2.2.3 Representations received raised concerns regarding the principle of the development. Firstly, given the property is situated within an established settlement boundary, there is a presumption in favour of development subject to satisfactory details. Also, it is considered that the use of the outbuilding as short-term holiday accommodation would generally be consistent with a residential use, therefore the proposal would be compatible with its surrounds in simple land use terms. Moreover, given the ancillary nature of the outbuilding it is considered the proposed change of use would not result in a reduction in the number of bedrooms serving the existing dwellinghouse. Furthermore, given the proximity to the Fife Coastal Path it is considered the proposal would be appropriately sited in relation to existing tourist facilities.

2.2.4 In light of the above, the principle of the proposed change of use would be considered acceptable and would be in compliance with Policy 30 of NPF4 and Policy 1 of the Adopted FIFEplan (2017).

2.3 Visual Impact

2.3.1 Policy 14(a) of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 16(g) of NPF4 states that householder development proposals will be supported where they do 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.

2.3.2 Policies 1 and 10 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance Document (2018) also apply in this respect. Policies 1 and 10 of the Adopted FIFEplan (2017) aim to protect the visual amenity of the local community and state that development proposals must demonstrate that they will not lead to a significant detrimental impact in relation to the visual impact of the development on the surrounding area. Making Fife's Places Supplementary Guidance (2018) sets out the expectation for developments with regards to design.

2.3.3 Representations received raised concerns regarding the visual impact of the front parking area and rear outbuilding on the character of the surrounding area and adjacent Fife Coastal Path. As previously detailed, the rear outbuilding received planning permission in November 2021 whereby it was determined that the design of the outbuilding would be considered acceptable and would have no adverse impact on the surrounding environment. As such, given this proposal simply relates to the material change of use of the approved outbuilding it is therefore considered that the proposal would not introduce any additional visual amenity concerns. Furthermore, the formation of a parking area to the front of the dwellinghouse would constitute Permitted Development under Class 3C of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended.

2.3.4 In light of the above, the proposal would be considered acceptable and would not introduce any additional visual amenity concerns. As such, the proposal would be in compliance with Policies 14 and 16 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017)

2.4 Residential Amenity

2.4.1 Policy 23(e) of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported. Also, as detailed above, Policy 30(e) of NPF4 states that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in an unacceptable impact on local amenity.

2.4.2 Policies 1 and 10 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part B states development proposals must protect the amenity of the local community. Policy 10 states that development will only be supported if it does not have a significant detrimental impact on the amenity of existing or proposed land uses. Furthermore, development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to noise, light, and odour pollution and other nuisances; or the loss of privacy, sunlight and daylight.

2.4.3 Representations received raised concerns regarding the proposals impact on residential amenity in terms of increased noise, activity and waste. To clarify, matters relating to loss of privacy, daylight, sunlight and garden ground resulting from the rear outbuilding were addressed within the assessment of the earlier planning application (planning reference: 21/02795/FULL). As detailed above, it is considered that the proposal would be compatible with its surrounds in simple land use terms. Moreover, the proposed holiday accommodation would be situated within the rear curtilage and would be accessed via a gate to the side of the property. As detailed above the use of the existing garage as a Bed and Breakfast would constitute Permitted Development under Class 9 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended, therefore on balance the proposal would introduce a maximum of 4 additional guests, as per the conditions of the Short-Term Let Licence granted by Fife Council. Nevertheless, in the interests of preserving residential amenity a condition shall be imposed restricting the property's Permitted Development Rights to ensure no further bedrooms within the main dwellinghouse are let out as a Bed and Breakfast/Guesthouse as it is the Planning Authorities view that this property has reached its capacity. Furthermore, given the scale and nature of the proposed change of use it is considered the proposal would not generate significant additional waste.

2.4.4 Fife Council's Environment Health Public Protection Team were informally consulted on this application and advised they have no comments/concerns to raise. It should be noted however that should noise issues arise Fife Council's Environmental Health Public Protection Team would be duty bound to investigate.

2.4.5 In light of the above, the proposal, subject to condition would be considered acceptable and on balance would not have a significant detrimental impact on residential amenity. As such the proposal would be in compliance with Policies 23 and 30 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017).

2.5 Road Safety

2.5.1 Policy 13(b) of NPF4 states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- Will be accessible by public transport, ideally supporting the use of existing services;
- Integrate transport modes;
- Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- Adequately mitigate any impact on local public access routes.

2.5.2 Policies 1, 3 and 10 of the Adopted FIFEplan (2017) and Fife Council Transportation Development Guidelines also apply in this respect. Policy 1 Part C states development proposals must provide required on-site infrastructure or facilities, including transport measures to minimise and manage future levels of traffic generated by the proposal. Policy 3 states development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling, utilising the guidance in Making Fife's Places Supplementary Guidance. Policy 10 states development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.5.3 Representations received raised concerns regarding pedestrian and road safety, parking, and increased vehicular movements. As previously detailed, the proposed holiday accommodation would be situated nearby to The Fife Coastal Path, the nearest access point of which is situated approximately 6 minutes' walk from the site along Craighfoot Place. Therefore, it is considered that the proposal would be accessible via active travel modes. There are also various bus services running along Kinghorn Road (A921), with the nearest bus stop situated approximately 11 minutes' walk from the site. Therefore, the proposal would be accessible via public transport.

2.5.4 Fife Council's Transportation Development Management Team (TDM) was consulted on the proposal and advised that the proposed parking layout provided would be compliant with Fife Council's Parking Standards. However, TDM raised concerns for the potential use of the third room of the outbuilding as additional holiday accommodation which would result in a shortfall of one off-street parking space. Therefore, TDM recommended the number of units within the proposed holiday accommodation be restricted to 2. However, it is considered that any such condition would not meet the six tests for conditions outlined within Planning Circular 4/1998 as the Planning Authority can only assess the merits of the proposal as presented. Moreover, the number of short term let units within the rear outbuilding would be restricted under the conditions of the short term let licence granted by Fife Council, therefore it is not considered necessary to impose any such planning condition. Notwithstanding this the recommended condition relating to off-street parking shall be included.

2.5.4 In light of the above, the proposal, subject to condition would be considered acceptable and would be in compliance with Policy 13 of NPF4 and Policies 1, 3 and 10 of the Adopted FIFEplan (2017).

3.0 Consultation Summary

Transportation And Environmental Services -
Operations Team

No response

TDM, Planning Services

No objections subject to condition.

4.0 Representation Summary

4.1 20 letters of objection and 1 late representation were received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Principle of development	2.2.3
b. Visual impact	2.3.3
c. Residential amenity (including increased noise, activity and waste)	2.4.3
d. Road safety (including parking and increased vehicular movements)	2.5.3 and 2.5.4

4.2.2 Other Concerns Expressed

Issue	Comment
a. Impact on the value of neighbouring properties	a. Not a material planning consideration
b. Legal matters relating to land ownership	b. Not a material planning consideration
c. Use of the existing garage as a Bed and Breakfast.	c. Addressed within paragraph 1.1.1
d. Licensing concerns	d. Addressed within paragraph 1.1.1

5.0 Conclusions

On balance, the proposal subject to conditions would be considered acceptable in terms of visual amenity, residential amenity, and road safety. As such, the proposal would be in

compliance with Policies 13, 14, 16, 23 and 30 of NPF4 and Policies 1, 3 and 10 of the Adopted FIFEplan (2017).

6.0 Recommendation

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

CONDITIONS:

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992 (or any Order revoking and re-enacting that Order), no more than 1 bedroom within the main residential dwellinghouse shall be used as a bed and breakfast establishment/guesthouse without the express prior consent of this Planning Authority. For the avoidance of doubt, this includes the converted garage.

Reason: In the opinion of this Planning Authority the additional degree of planning control is necessary in the interests of preserving residential amenity.

2. Within 3 months of planning consent being granted, the off-street parking layout shown on Drawing No H.1523 AP (0) 101B shall be provided within the curtilage of the site, in accordance with the current Fife Council Making Fife's Places Appendix G. The customer parking spaces shall be clearly signed for their purpose and all the parking spaces shall be retained for the lifetime of the development.

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

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](#)

Fife Council Transportation Development Guidelines

Report prepared by Lauren McNeil, Planner and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Committee Date: 20/11/2024

Agenda Item No. 6

Application for Full Planning Permission

Ref: 24/01546/FULL

Site Address: Land At Pattiesmuir Rosyth

Proposal: Erection of 8 dwellinghouses with associated parking, landscaping and drainage works including formation of SUDS and alterations to vehicular access (Section 42 to vary Condition 10 of planning permission 21/02804/FULL) (Part Retrospective)

Applicant: Premier Homes (Scotland) Ltd, McCallum Associates
Castleblair House

Date Registered: 27 June 2024

Case Officer: Scott Simpson

Wards Affected: W5R05: Rosyth

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

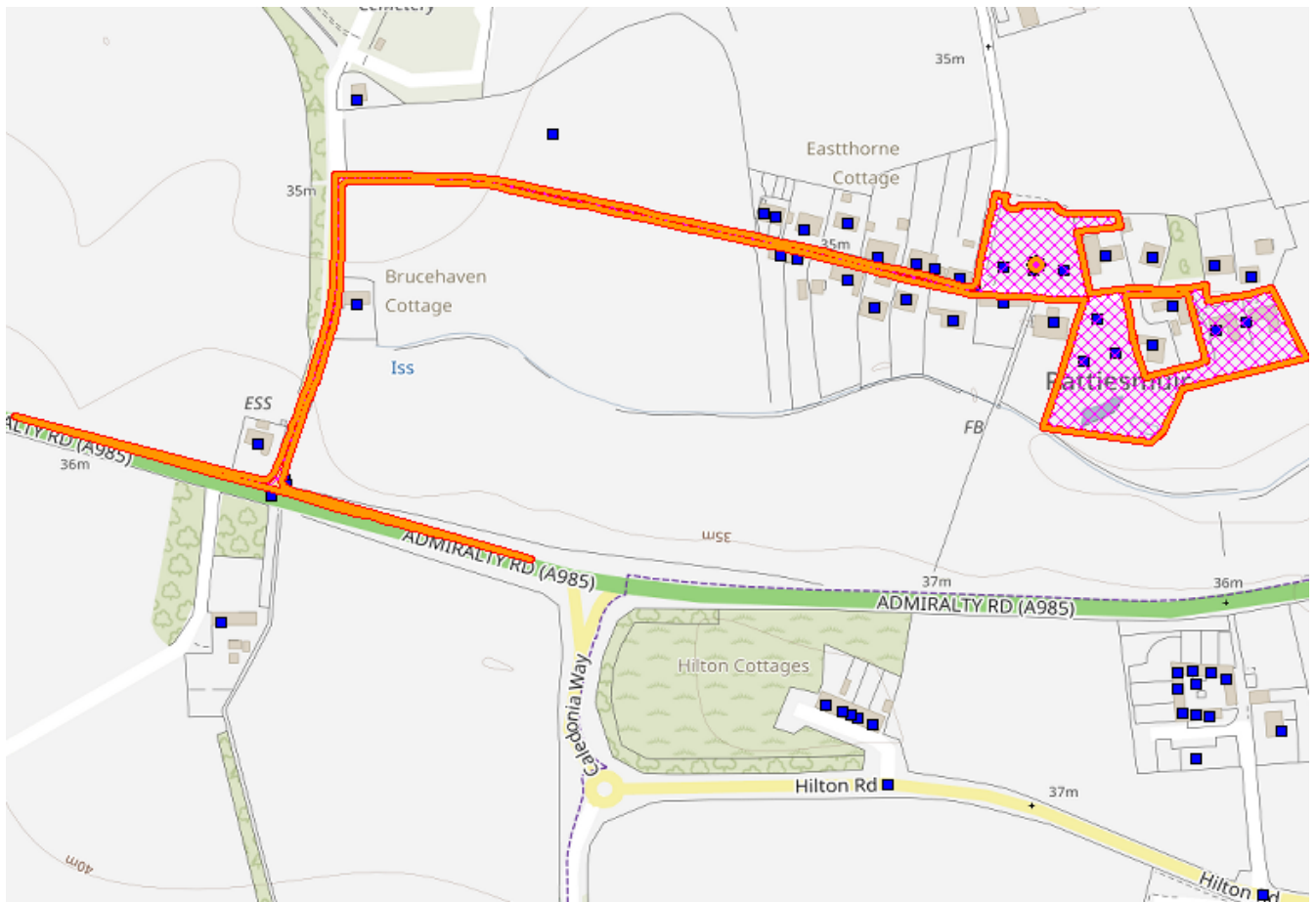
The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 The application site includes three areas of previously vacant agricultural land which are dispersed among existing dwellings and which are located within the Pattiesmuir Settlement Boundary and Pattiesmuir Conservation Area as designated within the Adopted FIFEplan Local Development Plan (2017) (LDP). Pattiesmuir is located approximately 725 metres to the west and 286 metres to the north of Rosyth, with Dunfermline to the North. The land surrounding the village is largely agricultural and open countryside. The construction of the approved houses has already commenced on site.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application for full planning permission seeks to vary Condition 10 of planning permission 21/02804/FULL. This previous planning permission was for the erection of 8 dwellinghouses with associated parking, landscaping and drainage works including formation of SUDS and alterations to vehicular access and was itself a Section 42 application to remove condition 7 (septic tank) from 17/00511/FULL. Condition 10 requires that “all roads and associated works serving the proposed development shall be constructed in accordance with the current Fife Council Transportation Development Guidelines and generally in accordance with drawing (PL)015 Rev 1 dated 26th September 2016”. The reason for this condition stated that it was required “in the interest of road safety; to ensure the provision of an adequate design layout and construction”.

1.2.2 This application seeks to vary the wording of condition 10 as follows:

“All roads and associated works serving the proposed development shall be constructed in accordance with the current Fife Council Transportation Development Guidelines and generally in accordance with drawing J5642-BSA-P1-ZZ-DR-C-0220 (Version C) (produced by Bayne Stevenson Associates) dated 28.08.23”. The purpose of this variation is to allow an approved footpath which would have been located to the north of Morven Cottage and Craigie Cottage to be re-located to the opposite side of the road along the southern boundaries of Plots 1, 2 and 3. The footpath would essentially be located directly across from its approved location and would measure approximately 1.5 metres wide. The proposed varied condition refers to an amended layout drawing (Online Plan Reference 03) which has been submitted under this current application and which shows the re-location of the footpath. A proposed site layout drawing

(Plan Reference 09) for the whole housing site has also been submitted which also shows the re-location of the footpath. The location of the approved houses would not change; however, the proposed footpath would encroach slightly into the front garden ground areas of the three plots. No other significant amendments are proposed to the previously approved road layout drawing or overall site layout drawings. This application is partly retrospective as the footpath has been mostly constructed on site.

1.3 Relevant Planning History

07/01554/WOPP - Outline planning permission for the erection of 4 dwellinghouses and upgrading of road was refused on 13th August 2009.

17/00511/FULL - Erection of 8 dwellinghouses with associated parking, landscaping and drainage works including formation of SUDS and alterations to vehicular access was approved with conditions on 29th June 2017. This application was determined by the West Planning Committee on 29th June 2017.

21/02804/FULL - Erection of 8 dwellinghouses with associated parking, landscaping and drainage works including formation of SUDS and alterations to vehicular access (section 42 application to remove condition 7 (septic tank) from 17/00511/FULL) was approved with conditions on 16th December 2021. This application was determined at the Central and West Planning Committee on 15th December 2021.

- Several non-material variation applications (17/00511/NMV1, 17/00511/NMV2, 17/00511/NMV3, 17/00511/NMV4 and 17/00511/NMV5) were approved on 9th September 2021, 8th October 2021, 18th October 2021, 20th June 2022 and 15th August 2022 respectively. These were for amendments to plots 1, 2, 3, 4, 5, 6, 7 and 8. These variations to the approved drawings included minor changes to the internal layout and minor changes to the plot layouts, finishing materials and heights of the dwellinghouses. The NMV5 application also altered the western boundary to allow a 3-metre-wide wayleave to be formed to enable a neighbour access to a private septic tank.

24/00263/FULL - Erection of 8 dwellinghouses with associated parking, landscaping and drainage works including formation of SUDS and alterations to vehicular access (Section 42 application to vary condition 16 (visibility splays) of 21/02804/FULL to allow occupation of two dwellings before the provision of the required visibility splays) was withdrawn on 29th March 2024. This application was withdrawn as Transport Scotland confirmed that the required visibility splays as set out within condition 16 were already being provided at the junction with the A985 Trunk Road.

24/01083/FULL - Erection of 8 dwellinghouses with associated parking, landscaping and drainage works including formation of SUDS and alterations to vehicular access (Section 42 application to vary condition 9 of Planning Permission 21/02804/FULL to allow for reconstruction of footpath on north side of carriageway) was withdrawn on 13th June 2024. This application was withdrawn as condition 9 did not relate to the requirement to provide the footpath next to Morven Cottage and Craigie Cottage. This matter is dealt with through condition 10 of 21/02804/FULL and a proposed variation to this condition is being assessed through this current application.

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

1.4.3 A physical site visit was undertaken for this application on 1st August 2024 and a Conservation Area site notice was also posted on site on this date. This application was advertised in The Courier newspaper on 1st July 2024 and all neighbours within 20 metres of the application site were sent a neighbour notification letter on 28th June 2024.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 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 developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy 14: Design, quality and place

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

Policy 15: Local Living and 20-minute neighbourhoods

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

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 maintain, and Fife's built and cultural heritage contributes to the environment enjoyed by residents and visitors.

Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

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

National Guidance and Legislation

The Historic Environment Scotland Policy Statement (2019)

This Policy Statement advises that proposals should seek to preserve or enhance the character and appearance of Conservation Areas.

Planning Customer Guidelines

Garden Ground

This guidance advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space and that a building footprint of 1:3 will be required.

Other Relevant Guidance

Pattiesmuir Conservation Area Appraisal and Management Plan

This document provides a detailed conservation review of the town's Conservation Area boundaries. Further to this it also aims to highlight the key townscape, architecture and historic issues considered to be important to the character of the town as a whole. The document also identifies important conservation issues and provides a framework for the conservation area's future management.

2.0 Assessment

2.1 Relevant Matters

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

- Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended
- Design and Layout/Visual Impact on Pattiesmuir Conservation Area
- Transportation/Road Safety
- Garden Ground
- Tests of a Condition

- Other conditions attached to 21/02804/FULL

2.2 Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended

2.2.1 This application has been submitted under Section 42 (S42) of the Town and Country Planning (Scotland) Act 1997 (as amended). S42 of the Act provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. Whilst the effect of a grant of permission under S42 is to create a new planning permission, the original planning permission will continue to subsist whatever the outcome of an application under S42 of the Act. S42 states that 'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and: if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. However, if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous planning permission was granted, they shall refuse the application.'

2.2.2 A S42 application does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent. In assessing whether any condition is still relevant there will be the requirement to consider certain aspects of the development. Although S42 does not require the developer to specify which condition(s) they are looking to change or remove, the developer must support the application with sufficient information to identify and justify conditions for amendment or removal. In this instance, the agent has indicated that condition 10 of planning permission 21/02804/FULL should be varied as set out in section 1.2 of this report of handling.

2.2.3 The submitted supporting statement advises that the planning permission was implemented in 2022, and two dwellings (plots 7 and plot 8) have been constructed and are complete. The statement further advises that it was not possible to commence the works to the roads as required by condition 10 due to land ownership matters. The submission advises that neighbours to the proposed footpath have declined access to allow the developer into their property to undertake the formation of the roads and footpaths to implement the approved design layout. The submission further advises that an alternative design has, therefore, been submitted which shows the re-location of the footpath to the opposite side of the road next to plots 1, 2 and 3. Condition 10 requires that the road layout be constructed in accordance with an approved road layout drawing and this applications seeks to vary the wording of the condition to refer to an amended road layout drawing.

2.2.4 The main matters for consideration are whether the proposed variation of condition 10 would undermine the reason for the conditions or the Development Plan position. If the application does undermine either, it needs to be established whether there are material considerations which would outweigh these considerations. The variation relates to the re-location of an approved footpath and the relevant material planning considerations are assessed below. The relevant material considerations include the impact on the design and layout of the approved development and its impact on the Conservation Area, the impact on the approved garden ground areas and whether the proposal would still be acceptable in terms of road safety/transportation matters.

2.3 Design and Layout/Visual Impact on Pattiesmuir Conservation Area

2.3.1 The Historic Environment Scotland Policy Statement, Policies 7 and 14 of NPF4, Policies 1, 10 and 14 of the LDP, Making Fife's Places and the Pattiesmuir Conservation Area Appraisal and Management Plan apply.

2.3.2 Objections state that the proposal will have a detrimental impact on the surrounding conservation area and houses should not be moved back towards the north. They also state that the Council said they would not allow movement of the pavement because the village was supposed to be linear.

2.3.3 The proposed re-location of the approved footpath would have no further significant visual impact on the site or surrounding Pattiesmuir Conservation Area when compared to the already approved footpath. This proposal simply relates to the re-location of the approved footpath from the south side of the road to the opposite northern side of the road which would have no significant visual impact when compared to the approved layout. It is noted that one of the objections states that the Council said they would not allow the pavement to be moved, however, each case must be assessed on its own individual merits and a full assessment of this proposal is included within this report of handling. In addition, the footpath relocation does not include any change to the position of the approved houses.

2.3.4 The existing dwellings within Pattiesmuir are located at differing distances from the rear of the existing roads/footpaths with some of the dwellings directly abutting the rear of the roads/footpaths and others being set back further, For example, the dwellinghouse to the south (Craigie Cottage) is located between approximately 2.7 and 3.8 metres from the rear of the existing road, the dwellinghouse (The Braes) to the east is located approximately 14 metres from the rear of the road, and the frontages of the buildings to the west almost directly abut the road/footpath. There is, therefore, no consistent pattern to the position of existing dwellings in relation to the rear of the existing footpaths/roads. The distances between the rear of the footpath and the frontage of the proposed dwellinghouses would measure between approximately 2.81 and 3.1 metres and this would be in keeping with the existing inconsistent pattern of development within the surrounding Pattiesmuir Conservation Area. The proposal would, therefore, be visually acceptable and would preserve the character of the surrounding Pattiesmuir Conservation Area. The proposal would, therefore, comply with the Development Plan in this respect.

2.4 Transportation/Road Safety

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

2.4.2 Objections state that the proposal will result in road and pedestrian safety issues, whilst the amended layout will be dangerous for children and visitors to the hamlet. They also consider that the amendment will encourage drivers to park outside plots 1, 2 and 3 and that this would cause congestion.

2.4.3 Fife Council's Transportation Development Management team advises that they have no objections to the proposed re-location of the approved footpath. They also advise that the minor alterations to the road layout have also been approved through a separate road's construction consent process.

2.4.4 The proposed re-location of the footpath would have no further significant impact on the site or the surrounding area in terms of road safety when compared to the already approved

layout. The proposed footpath which would be on the opposite side of the road to the previously approved footpath would allow pedestrians to safely negotiate this area of the road, therefore, it is considered that the proposal would be acceptable in terms of road safety. The re-location of the approved footpath would also not significantly alter where delivery drivers or visitors to the site would park when compared with the previously approved layout and it is not considered that the proposal would result in any significant congestion. It should also be noted that delivery drivers or visitors to the site can currently park along this stretch of road. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.5 Garden Ground

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

2.5.2 Objections state that the proposal will impact on the plot dimensions of plots 1, 2 and 3.

2.5.3 The proposed relocation of the approved footpath would encroach into the approved front curtilage of plots 1, 2 and 3. These approved front curtilages measured approximately 52, 71 and 110 square metres and included a footpath entrance into each house and small garden ground areas. These three plots were also approved with rear garden ground areas measuring approximately 234, 224 and 208 square metres. The re-location of the proposed footpath would result in the loss of approximately 11.9, 23.2 and 31.83 square metres for each front curtilage. This would leave a front curtilage area for each plot of approximately 40.1, 47.7 and 78.35 square metres with the frontage of each dwelling measuring between approximately 2.81 and 3.1 metres from the rear of the proposed footpath.

2.5.4 The proposed re-location of the footpath to the front boundaries of plots 1, 2 and 3 would have no significant impact on each of these plots as each plot would still be served by more than the minimum requirement of 100 square metres of private useable garden space as set out in Fife Council's Planning Customer Guidelines on Garden Ground. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.6 Tests of a Condition

2.6.1 It is important to consider whether the six tests of a planning condition can still be met as set out within planning Circular 4/1998 "The Use of Conditions in Planning Permission". The six tests are necessity, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other regards.

2.6.2 This application seeks to vary the wording of condition 10 as set out in section 1.2 of this report of handling. It is considered that the varied wording of condition 10 is necessary as condition 10 refers to an approved road layout drawing which shows the footpath on the southern side of the road. The proposed footpath cannot be constructed on this side of the road due to land ownership issues and the varied wording would allow for the substitution of this drawing with an amended layout that includes the proposed footpath located on the northern side of the road. It is considered, however, that the proposed wording of the condition should refer to the online plan reference as opposed to the drawing number and this is reflected in the recommended condition. No timescales were included within condition 10 with regards to the completion of these works and it is recommended that these be completed before the occupation of the last dwellinghouse and the wording of the condition has been updated to

require this which will ensure that the condition is precise and enforceable. The proposed variation to the wording is, therefore, considered to meet the six tests of a planning condition as it would also be relevant to planning, relevant to the development and reasonable in all regards.

2.7 Other conditions attached to 21/02804/FULL

2.7.1 It is also necessary to re-visit the relevant conditions attached to planning permission reference 21/02804/FULL and any conditions which have been historically discharged are not required to be attached to any future section 42 consent. Conditions 3 (Landscaping), 5 (Finishing Materials), 6 (Bin Storage Areas), 7 (Foul Sewage Treatment), 8 (SUDS Maintenance Details), 12 (Condition Survey of Road), 19 (Contaminated Land), 22 (Wheel Wash Facilities), 24 (Scheme of Works) and 28 (Construction Traffic Management Plan) have all been discharged under the previous planning permission (21/02804/FULL), therefore, it is not necessary to include these conditions again on any future potential section 42 consent. Condition 9 of 21/02804/FULL also sets out a list of required works to the roads which have to be completed before the development is occupied, however, part of the condition also required that a detailed photo survey of the existing carriageway and footways was to be submitted before any works commence on site. This survey has been submitted and this part of the condition has, therefore, been discharged. Condition 9 is, therefore, also varied in this recommendation to remove this pre-commencement requirement from its wording.

2.7.4 The proposal, would, therefore, be acceptable subject to the recommended variations to conditions 9 and 10, the removal of the already discharged pre-commencement conditions and subject to any other required conditions which were attached to planning permission reference 21/02804/FULL. The existing numbering of the conditions will also be required to be updated due to the removal of the already discharged conditions. The proposal subject to these conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

TDM, Planning Services

No objections

4.0 Representation Summary

4.1 Thirteen letters of objection have been received. The concerns raised include:

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
- Proposal would result in road and pedestrian safety issues.	2.4
- Amendment will be dangerous for children and visitors to the hamlet.	2.4
- Increased danger to pedestrians.	2.4
- Will encourage drivers to park outside plots 1, 2 and 3.	2.4
- Will create congestion as deliveries will stop at southern boundaries.	2.4

- Council said they would not allow movement of the pavement because the village was supposed to be linear.	2.3
- Will have detrimental impact on conservation area and houses should not be moved back towards the north.	2.3
- This change will impact plot dimensions of plots 1, 2 and 3.	2.5

4.2.2 Other Concerns Expressed

Issue	Comment
- Development has destroyed village and the place is not appropriate for this development.	The matter relating to the principle and impact of the overall development on the site and surrounding area was fully assessed under the original application for planning permission (17/00511/FULL) and this does not require to be re-visited under this current section 42 application.
- Plots 1, 2 and 3, should have fully revised plans submitted.	Amended road layout drawings and an overall site layout drawing have been submitted in relation to this application.
- Pavements are already constructed, and application does not state this. Should be refused on this basis.	The description for this application was updated to state that the proposal was "Part Retrospective". This matter is not a reason for refusal as the proposal must be assessed on its own individual merits and it is not relevant whether the proposal is retrospective or not.
- Supporting statement contains errors and refers to pavements between East End Cottage and Roseburn.	The supporting statement does make reference to East End Cottage and Roseburn, however, this does not affect the assessment of this application as accurate site layout drawings have been submitted which show the footpath on the south side of plots 1, 2 and 3 and the development will have to be built in accordance with these drawings should they be approved.
- Hole has been left outside property which is dangerous.	This is not a material planning consideration; however, the developer has been made aware of this matter.
- New drawings showing re-location of houses have not been submitted.	The approved houses are not being re-located and sufficient information has been submitted to allow the full assessment of this proposal.

5.0 Conclusions

5.1 The proposed variation to condition 10(as amended) would meet all of the six tests of a condition and would be acceptable. This variation refers to an amended road layout drawing which would result in the approved footpath being relocated to the northern side of the road. The relocation of this footpath to the opposite side of the road would be acceptable in terms of its visual impact on the site and the surrounding Pattiesmuir Conservation Area and its impact on the approved garden ground area for each affected dwellinghouse. It would also have no detrimental road safety impact on the site or surrounding area as it would ensure that a pedestrian footpath is provided along this stretch of road. The proposal, would therefore, comply with the Development Plan in this respect and would be acceptable subject to the recommended variation to conditions 9 and 10, the removal of conditions 3, 5, 6, 7, 8, 12, 19, 22, 24 and 27 and subject to all other conditions which were attached to planning permission reference 21/02804/FULL. The proposal to vary condition 10 would, therefore be acceptable and would comply with the Development Plan.

6.0 Recommendation

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

CONDITIONS:

1. Any windows or openings formed on the following elevations and floors of the dwellings hereby approved, shall be fitted with obscured glazing unless otherwise agreed in writing with Fife Council as Planning Authority:

- Plots 1,2,3,5 west elevation 1st floor level bathrooms
- Plot 6 East elevation at 1st floor level.

Reason: In the interests of residential amenity

2. No additions or modifications to the glazing shall be made on the following elevations and floors of the dwellings hereby approved, unless otherwise agreed in writing with Fife Council as Planning Authority:

- Plots 1,4 South elevation and West and East elevations at 1st floor level
- Plots 2,3,5,6,7 West and East elevations at 1st floor level
- Plot 8 North elevation at 1st floor level.

Reason: In the interests of residential amenity

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

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

4. All works done on or adjacent to existing public roads shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. Work shall include:

- BEFORE OCCUPATION OF ANY DWELLING ON PLOTS 7 OR 8, The complete reconstruction of the existing narrow footways on both sides of the carriageway, between East End Cottage and Roseburn as a result of damage caused by construction traffic and/ or public utility works relating to the proposed development.; and

- BEFORE OCCUPATION OF ANY DWELLING ON PLOTS 7 OR 8, The reconstruction of the carriageway between and including the 90° bend and Roseburn (if not carried out by Fife Council);

Work shall include the provision of a raised table on the upgraded road at the east end of Plot 3.

- BEFORE OCCUPATION OF ANY DWELLING ON PLOTS 7 OR 8, provision of a raised table on the upgraded road at the east end of Plot 3.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

5. All roads and associated works serving the proposed development shall be constructed in accordance with the current Fife Council Transportation Development Guidelines and in accordance with the approved Road Adoption Layout drawing (Plan Reference 03) BEFORE THE OCCUPATION OF THE LAST DWELLINGHOUSE.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

6. BEFORE OCCUPATION OF ANY DWELLING ON PLOTS 7 OR 8, The shared private access serving Plots 7 & 8 shall be constructed in accordance with the current Fife Council Transportation Development Guidelines.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

7. BEFORE OCCUPATION OF EACH DWELLING HEREBY PERMITTED, the adjacent access driveways shall be constructed to the satisfaction of Fife Council as Planning Authority at a gradient not exceeding 1 in 10 (10%) and shall have appropriate vertical curves to ensure adequate ground clearance for vehicles prior to house occupation. The driveway widths shall not exceed 5 metres.

Reason: In the interest of road safety; to ensure the provision of an adequate design layout and construction.

8. BEFORE OCCUPATION OF EACH OF THE DWELLINGS HEREBY PERMITTED, all roadside boundary markers relating to the plot on which the dwelling sits shall be maintained at

a height not exceeding 600mm above the adjacent road channel level and retained as such for the lifetime of the development.

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

9. BEFORE OCCUPATION OF EACH OF THE DWELLINGS HEREBY PERMITTED, there shall be provided within the curtilage of the dwelling 3 No parking spaces per house for vehicles in accordance with the current Fife Council Parking Standards. The parking spaces shall thereafter be retained throughout the lifetime of the development.

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

10. BEFORE OCCUPATION OF ANY OF THE DWELLINGS HEREBY PERMITTED, Visibility splays shall be provided and maintained on each side of the access to the A985, to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 160 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road

11. The amended access to the A985 shall be constructed as shown on Drawing No. 13-014-001A dated April 2016 and prepared by Crossings House Design Ltd.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished

12. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 19. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

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

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

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

14. No activities relating to the erection, construction or alteration of the dwellings hereby permitted shall take place outwith the hours of 08.00 and 18.00 hours Mondays to Fridays and 08.00 and 13.00 hours on Saturdays, with no working on Sundays or Public Holidays, all unless otherwise agreed in writing by the Local planning Authority.

Reason: In the interests of residential amenity.

15. The Primrose Road Core Path which runs along the track adjacent to the East elevation of the College must be kept open throughout the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of retaining use of the core path network and sustainable transport routes

16. The development shall be carried out in accordance with sections 8.1 and 8.3 of the submitted 'Extended Phase I Habitat Survey' prepared by Acorna Ecology Ltd and dated July

2016. Furthermore, any site preparation works such as site clearance, should commence outwith the bird breeding season mid-March to July inclusive unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintaining biodiversity and avoiding the spread of invasive species.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance and Legislation

The Historic Environment Scotland Policy Statement (2019)

Development Plan

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

Making Fife's Places Supplementary Guidance (2018)

Planning Policy Guidance, Customer Guidelines and Other Guidance

Planning Customer Guidelines on Garden Ground

Pattiesmuir Conservation Area Appraisal and Management Plan

Report prepared by Scott Simpson, Chartered Planner and Case Officer

Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead