

## West and Central Planning Committee

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



Wednesday, 23 October, 2024 - 2.00 p.m.

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### 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 25 September 2024. 4 - 7

**4. 23/03127/ARC - LAND AT HALBEATH, NORTH OF FIFE CIRCLE RAIL LINE, PLEASANCE ROAD, HALBEATH** 8 - 44

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)

**5. 24/00142/FULL - LAND AT HALBEATH, NORTH OF FIFE CIRCLE RAIL LINE, PLEASANCE ROAD, HALBEATH** 45 - 51

Engineering operations comprising the installation of a foul sewer connection and outfall system associated with proposed residential development (reference 23/03127/ARC)

**6. 24/01770/FULL - 173 DUNNIKIER ROAD KIRKCALDY FIFE** 52 - 62

Change of use from dwellinghouse (Class 9) to HMO (6 persons) (Sui Generis) (Retrospective)

**7. APPLICATIONS FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

<https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2>

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

Lindsay Thomson  
Head of Legal and Democratic Services  
Finance and Corporate Services

Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

16 October 2024

If telephoning, please ask for:  
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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**

**25 September 2024**

**2.00 pm – 4.20 pm**

**PRESENT:** Councillors David Barratt (Convener), David Alexander, Alistair Bain, John Beare, James Calder, Ian Cameron, Dave Dempsey, Derek Glen, James Leslie, Carol Lindsay, Derek Noble, Gordon Pryde and Sam Steele.

**ATTENDING:** Mary Stewart, Service Manager - Major Business & Customer Service, Manasa Channabasavaiah, Planning Assistant, Brian Forsyth, Planner, Sarah Hyndman, Planner, Declan Semple, Lead Officer, Development Management, Planning Services; Gemma Hardie, Solicitor, Elona Thomson, Committee Officer and Emma Whyte, Committee Officer, Legal and Democratic Services.

**APOLOGIES FOR ABSENCE:** Councillors Altany Craik and Andrew Verrecchia.

**193. DECLARATIONS OF INTEREST**

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

**194. MINUTE**

The committee considered the minute of the West and Central Planning Committee of 28 August 2024.

**Decision**

The committee agreed to approve the minute.

**195. 24/00713/FULL - DEVELOPMENT AT LAND ADJACENT TO DUNIFACE FARM WINDYGATES ROAD LEVEN**

The committee considered a report by the Head of Planning Services relating to an application for the erection of a battery energy storage system (up to 49.9MW) and associated infrastructure including substations, welfare units, storage containers, fencing, security columns, water tanks, drainage and formation of access track and parking.

**Decision**

The committee agreed: -

- (1) to approve the application subject to the 18 conditions and for the reasons detailed in the report;

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- (2) that condition 6 be amended to the effect that the word 'should' where it appears in the second sentence is deleted and shall be replaced with 'must' so it reads 'Non-native species must be avoided'; and
- (3) that condition 9 be amended to the effect that after the second 'including' there should follow 'but not limited to'.

### 196. 24/01022/FULL - R W E BIOMASS PLANT GLENROTHES FIFE

The committee considered a report by the Head of Planning Services relating to an application for the installation of 2 gas engine generating units (2x 3.1MW) and erection of associated power-housing and infrastructure.

#### Decision

The committee agreed to approve the application subject to the 13 conditions and for the reasons detailed in the report.

### 197. 24/00284/FULL - LAND EAST OF CANMORE PRIMARY SCHOOL ABERDOUR ROAD DUNFERMLINE

The committee considered a report by the Head of Planning Services relating to an application for the erection of 40 affordable flatted dwellings for sheltered housing needs (class 8) including formation of new access/car parking and footpaths, retaining walls and boundary enclosures with associated landscaping, drainage, renewable energy infrastructure and ancillary works.

#### Decision

The committee agreed to approve the application subject to the 16 conditions and for the reasons detailed in the report.

### 198. 23/01774/FULL - LAND NORTH EAST OF NORMAN PLACE LESLIE

The committee considered a report by the Head of Planning Services relating to an application for the erection of seven dwelling houses (class 9) and associated development including formation of vehicular accesses and landscaping (demolition of existing buildings).

Officers provided a verbal update to advise that the Transportation Development Management Service had updated their response and objected to the proposal on the grounds of road safety.

#### Motion

Councillor Barratt, seconded by Councillor Cameron, moved that the application be approved for the reasons set out in the report.

#### Amendment

Councillor Beare, seconded by Councillor Alexander, moved that the application be refused the interest of protecting visual amenity (insert info from legal)

#### Roll Call

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### **For the Motion** – 4 votes

Councillors David Barratt, James Calder, Ian Cameron and Gordon Pryde.

### **For the Amendment** – 9 votes

Councillors David Alexander, Alistair Bain, John Beare, Dave Dempsey, Derek Glen, James Leslie, Carol Lindsay, Derek Noble and Sam Steele.

The amendment was accordingly carried.

### **Decision**

The committee agreed to refuse the application:-

- (1) on the grounds that the proposal, by virtue of its scale, massing, design and use of finishing materials would be incongruous with the surrounding residential area and would fail to enhance, and further to this would detract from, the character of Leslie Conservation Area, contrary to Policies 7 (Historic Assets and Places) and 14 (Design, Quality and Place) of NPF4 and Policies 1 (Development Principles), and 14 (Built and Historic Environment) of the adopted FIFEplan local development plan (2017); and
- (2) agreed to delegate to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to finalise the full reasons for refusal in order to ensure that a decision on the application was not unduly delayed.

*The meeting adjourned at 4.00 pm and reconvened at 4.10 pm.*

### **199. 23/02254/CAC - LAND NORTH EAST OF NORMAN PLACE LESLIE**

The committee considered a report by the Head of Planning Services relating to an application for the demolition of disused commercial garage buildings, brick wall, entrance gates and fencing.

#### **Decision**

The committee agreed to approve the application subject to the 10 conditions and for the reasons detailed in the report.

### **200. 23/03555/FULL - 7 DRUMMOCHY ROAD LOWER LARGO FIFE**

The committee considered a report by the Head of Planning relating to an application for the formation of replacement hardstanding on public open space for domestic use (retrospective).

#### **Decision**

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

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

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

Committee Date: 23/10/2024

Agenda Item No. 4

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**Application for Approval Required by Condition(s)**      **Ref: 23/03127/ARC**

**Site Address:**                      **Land at Halbeath, North of Fife Circle Rail Line, Pleasance Road, Halbeath**

**Proposal:**                              **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).**

**Applicant:**                              **Taylor Wimpey East Scotland, 1 Masterton Park South Castle Drive**

**Date Registered:**                      **21 December 2023**

**Case Officer:**                              **Katherine Pollock**

**Wards Affected:**                              **W5R02: Dunfermline North**

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**Reasons for Referral to Committee**

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

**Summary Recommendation**

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The application is recommended for:

Conditional Approval

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# 1.0 Background

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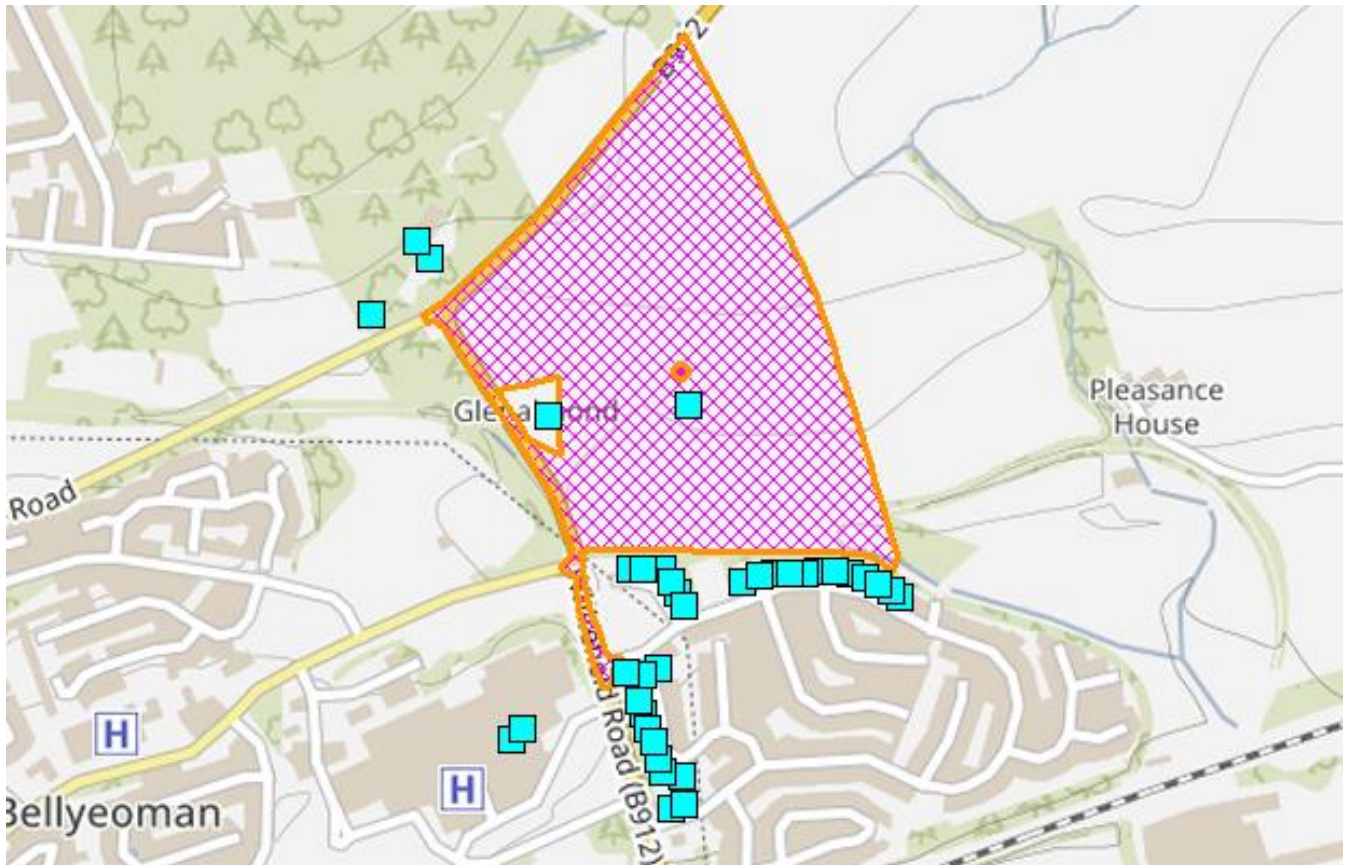
## 1.1 The Site

1.1.1 This application relates to 18.76 hectares of former agricultural land situated on the north eastern edge of Dunfermline. The site is bound by agricultural fields to the east, woodland to the north, Bellyeoman Park to the west and a tree belt to the south. Glenalmond House sits on the west side of the site on Whitefield Road with the site surrounding the property to the north, east and south. Beyond the tree belt to the south are the rear gardens of residential properties on Buckyburn Place and Queen Margaret Fauld and a play park. The Queen Margaret Hospital is further to the south west and accessed from Whitefield Road. The site includes a sections of Whitefield Road (B912) and Kingseat Road (B912) on the north and western sides of the site. There is a culverted watercourse which runs along the south of the site. There is an existing access road which runs across part of the site from the B912 at the north west corner. This road previously provided access to Wester Whitefield Farm which is now no longer operating and the associated buildings have been demolished. On the east side of the site there is a hedgerow delineating the eastern site boundary. There are a number of claimed and lost Rights of Way within the site and Core Paths R545 and R821 run along the B912 to the north and west. The Halbeath to Baldridgeburn Green and Blue Network (ref: DUNGN02) runs around the edges of the site.

1.1.2 This site is located within allocation DUN043 (North Dunfermline Strategic Development Area (SDA) – Halbeath) of the Adopted FIFEplan (Fife Local Development Plan) 2017. This site is described as a residential development site (with estimated housing capacity of 1400 units) which may have an element of employment and would require a new primary school. The North Dunfermline Strategic Development Area also covers seven other sites across the north of Dunfermline and has an overall estimated housing capacity of 2850 units. The site is also covered by policy DUN067 which looks to deliver a Northern Link Road (NLR) for Dunfermline and a section of this is to be delivered within this site.

1.1.3 The site comprises land which will be developed as Phase 1 of a mixed use development and is subject to a planning permission in principle for residential development (approximately 1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure, and including demolition of existing buildings at Wester Whitefield Farm (ref: 17/01677/EIA).

## 1.1.4 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 The application is for the approval of matters specified in conditions which relate to the development of site infrastructure required as part of Phase 1 of the overall SDA site allocation DUN043. This infrastructure includes the construction of roads; footways; cycleways; re-routing of Whitefield Road; earthworks; landscaping; open space; contamination and remediation; and drainage. The applicant is also seeking approval for a number of changes to the previously approved Development Framework which covers the whole of the SDA site and approval of a Development Brief which sets out the development principles for Phase 1 only.

1.2.2 Condition 3 attached to the original planning permission in principle for the SDA requires further application(s) for the matters of the development. The applicant is seeking approval for the following matters:

- (d) the development of the road, cycleway and footpath network including water crossings;*
- (e) engineering operations associated with the infill, regrading or extraction of material and preliminary works;*
- (g) the construction of SUDS facilities including all associated engineering works;*
- (h) Alterations to watercourses;*
- (j) engineering operations associated with the carrying out of the remediation, ground stabilisation works or preventative measures associated with decontamination on site, mine stabilisation or mineral extraction;*
- (k) An updated Masterplan/ Development Framework (when considered necessary by the planning authority) and phasing plan as defined by condition 9;*
- (l) A Development Brief for each phase;*

1.2.3 There are a number of conditions which require specific information to be submitted with the first application for matters specified in conditions, therefore, the application seeks approval of matters relative to the following conditions: Condition 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).

### **1.3 Relevant Planning History**

1.3.1 The site is subject to the relevant planning history as follows:

- 15/04159/SCR - Screening opinion for residential development, school provision, employment land, road and footpath network, open space and landscaping and associated infrastructure – EIA Required - 02/02/16
- 16/00503/PAN - Proposal of Application Notice for residential development including education, retail, employment and community facilities with new roads and associated infrastructure - Agreed - 24/02/16
- 16/00983/SCO - Request for scoping opinion for residential development (circa. 1400 homes) including education, retail, employment and community facilities, with new roads and associated infrastructure - Scoping Opinion Issued - 27/05/16
- 17/01677/EIA - Residential development (approximately 1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure, and including demolition of existing buildings at Wester Whitefield Farm - Application Permitted with Conditions following Conclusion of a Legal Agreement - 10/02/23
- 22/01557/EIA - Ground remediation works to stabilise shallow mine works associated with Halbeath SDA (Phase 1) - Application Permitted with Conditions - 22/09/22

There are currently two live applications which relate to the development of Phase 1 of the SDA as follows:

1. 23/03164/ARC - Erection of 161 residential units and associated works within Pods 1 and 2 of Phase 1 of the Halbeath Strategic Development Area (Application Ref: 17/01677/EIA). Approval of Matters Specified in Conditions 3 (Part a - Residential Development and Associated Infrastructure), 4 and 5 (Application Requirements) and 12 (Energy Statement). This application is currently under consideration by Officers.
2. 24/00142/FULL - Engineering operations comprising the installation of a foul sewer connection and outfall system associated with proposed residential development (reference 23/03127/ARC). This application is also before committee for determination.

### **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 National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.4.2 As an application for approval of matters specified in conditions this development needs to receive a formal permission, but it is not in itself planning permission. Any permission granted is read entirely in accordance with the terms of the planning permission in principle.

1.4.3 The application was advertised in the local press on 11<sup>th</sup> January 2024 for neighbour notification purposes.

1.4.4 The original application for planning permission in principle (ref: 17/01677/EIA) was determined in accordance with the EIA Regulations. This application does not introduce any new or amended elements that would have a new significant environmental effect that had not been assessed within the Environment Statement (ES) that accompanied the original planning permission in principle. The application falls within the remit of the terms of the original ES and therefore, the application can proceed without the assessment of a new or amended ES (or EIA Report).

## **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 5: Soils

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 11: Energy

To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).

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 16: Quality Homes

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

#### Policy 18: Infrastructure first

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

#### Policy 19: Heat and cooling

To encourage, promote and facilitate development that supports decarbonised solutions to heat and cooling demand and ensure adaptation to more extreme temperatures.

#### 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.

### **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 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.

## **National Guidance and Legislation**

PAN 33 Contaminated Land (Revised 2000)

PAN 51: Planning, Environmental Protection and Regulation (2006)

## **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.

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.

## **Other Relevant Guidance**

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

# **2.0 Assessment**

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## **2.1 Relevant Matters**

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

- Principle of Development
- Compliance with the Original PPP
- Development Framework
- Development Brief
- Character Areas and Design Themes
- Building Design and Boundary Treatments
- Green Network, Landscaping, Open Space and Play Areas
- Landscape and Visual Impact
- Road/Street Hierarchy, Connectivity and Road Safety
- Flooding and Drainage
- Contaminated Land, Remediation and Air Quality
- Natural Heritage and Trees
- Sustainability
- Public Art
- Amenity
- Phasing for installation of ultrafast broadband

## **2.2 Principle of Development**

2.2.1 The principle of development for the proposed infrastructure has been established by the granting of planning permission in principle approval for residential development (approximately

1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure, and including demolition of existing buildings at Wester Whitefield Farm under application 17/01677/EIA.

## **2.3 Compliance with the Original PPP**

2.3.1 While the principle of development does not need to be revisited for an application for matters specified in conditions, the proposal needs to comply with the conditions set out in the original PPP to be considered acceptable. In this case, the applicant has submitted information in relation to 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) of 17/01677/EIA which are relevant to the infrastructure required as part of Phase 1 of the overall mixed use development as permitted under the original PPP.

2.3.2 Condition 4 requires every application for the approval of matters specified in conditions submitted under the terms of Condition 3, in this case Parts d, e, g, h, j, k, l, to be accompanied by the following supporting information where relevant, unless agreed otherwise:-

*(a) A location plan of all the existing site to be developed to a scale of not less than 1:2500, showing generally the site, existing contours, any existing trees, hedges and walls (or other boundary markers);*

*(b) A detailed plan of not less than 1:1250 showing any previous phases of development and how this application relates to that development;*

*(c) A detailed plan to a scale of not less than 1:500 showing the current site contours, the position and width of all proposed roads and footpaths including public access provision and accesses.*

*(d) Detailed plans, sections, proposed contours and elevations of all development proposed to be constructed on the site, together with details of the colour and type of materials to be used; (e) Details of boundary treatment;*

*(f) Detailed plans of the landscaping scheme for the site including the number, species and size of all trees or shrubs to be planted and the method of protection and retention of any trees and details of all hard landscaping elements, including surface finishes and boundary treatments within the site. This shall also include details of strategic landscaping associated with that phase of development;*

*(g) Details of the future management and aftercare of the proposed landscaping and planting;*

*(h) A Design and Access Statement including an explanation in full how the details of the application comply with the Masterplan, relevant Development Brief and Environmental Statement and shall provide a selection of street perspectives and a 'B-plan' in accordance with Fife Council's Making Fife's Places Supplementary Guidance (2018) or any document which supersedes this;*

*(i) Site Sections (existing and proposed);*

*(j) Details of land regrading and retaining walls*

*(k) Biodiversity Action and Enhancement Plan for that phase with a Management plan for long term management of existing (including woodland) and proposed habitat;*

*(l) Updated Ecological surveys;*

*(m) Updated landscape and visual appraisal with the detail of the development (including photomontages);*

*(n) The contractors' site facilities including storage, parking provision and areas for the storage of top soil and sub soil;*

*(o) A sustainability statement;*

*(p) Details of the public art;*

*(q) A Drainage Strategy with validation certificates;*

- (r) Site investigation and remediation strategy;*
- (s) Updated Air Quality Assessment;*
- (t) Construction Traffic Management Plan;*
- (u) Updated Flood Risk Assessment*
- (v) Construction Environmental Management Plan;*
- (w) Maintenance details of SUDS, water courses, drains, culverts, open space and play areas;*
- (x) Tree surveys of any trees to be removed and tree protection measures for trees being retained.*
- (y) Staff Travel Plan for applications under condition 3 (b) and (c);*
- (z) An energy statement with the first application of each phase.*
- (aa) Transportation Statement;*
- (bb) Noise and vibration assessment (for existing and future residents) for construction period (including grouting), road traffic and from railway with mitigation and construction noise method statement;*
- (cc) Coal mining site investigation and remediation strategy;*
- (dd) Wheel washing facilities during construction period.*

2.3.3 Relevant information and documents proportionate to the nature of the proposal have all been submitted in support of the application and are considered acceptable. Overall, it is considered that the proposed development complies with the requirements for the relevant conditions where appropriate. The details submitted to meet the required matters are considered in the assessment within the relevant sections below.

## **2.4 Development Framework**

2.4.1 Condition 3(k) allows for an updated Development Framework and phasing plan to be submitted as defined by Condition 9.

2.4.2 Condition 9 states that *the development shall be carried out in a phased manner in accordance with the terms of the approved Development Framework Report August 2018 (or any subsequent approved versions as per this condition or required through condition 3 of this planning permission). The mix and layout of development on each phase and the number of residential units within that phase shall not be exceeded or altered as a result of the applications submitted under condition 3 unless the Phasing Plan and Development Framework have first been resubmitted and approved for the whole site subject to this planning permission in principle and the impacts of the change to that phase outlined in the context of the whole development. For avoidance of doubt any new Development Framework or amendments thereto shall be submitted for the written approval of Fife Council as Planning Authority under the terms of this permission. However, the Council reserves the right to request an application for Matters Specified by Condition 3(k) if the Masterplan Suite of Documents or Phasing Plan changes require assessment or consultation or a new application for planning permission in the event that the change to the Development Framework has a significant impact on the terms of the Development Plan current at the time of the request.*

2.4.3 The proposed changes to the approved Development Framework are as follows:

- Increase in the number of residential units proposed within in Phase 1 from 340 to 389 (noting that the total number of units within the whole SDA site would remain at 1,400).
- The extent of Pod 4 has increased to the south.
- Junctions into the Pods from the rerouted Whitefield Road have been altered in order to achieve more appropriate junction spacings and visibility splays.



- Alterations to the proposed internal street layouts within Pods 1, 2, 3 and 4 to account for amendments to junction arrangements and the site levels within Pod 2.
- Alterations to the open spaces adjacent to Pod 3 and Pod 4 to accommodate updates to the internal road network. The total area of open space proposed remains the same.
- The open space and play area on the west side of the site has been reconfigured.
- The length of the daylighted section of the culvert has been reduced within the south western open space.
- Removal of structure tree planting along the south western open space within Phase 1 due to constraints of HV cables and associated wayleaves. Amendments to the landscaping along this southern boundary to create an appropriate edge to the adjacent existing woodland.
- Partial removal of structure planting around the northwestern edge of Pod 2 to allow for overlooking of B912. An area of landscaping, including trees, hedges, amenity grass and meadow is proposed to this edge.
- Minor alterations to Pods 5 and 7 to ensure tie in with Pods 3 and 4.
- Minor changes to the phasing timescales and the number of units within each phase.

2.4.4 Condition 9 requires development to be carried out in accordance with the Development Framework Report (August 2018) approved under 17/01677/EIA, where changes are to be made to the masterplan suite of documents or the phasing plan which require assessment or consultation these can be considered under an application for the approval of matters specified in conditions. As such, the amended Development Framework incorporating the above changes was submitted with this application for the approval of matters specified in conditions.

2.4.5 Looking at the changes proposed, an increase in the number of residential units could potentially have a significant impact on a range of the Development Framework components and therefore requires assessment. In this instance, the uplift in units from the previously approved Development Framework is 49. In terms of delivery, more units would be constructed within Phase 1 only, the number of residential units to be delivered within the whole SDA site would remain as 1,400 in total as per the previously approved Development Framework. Acceptability of this change cannot be considered in isolation purely on the basis of a numerical increase. The increase in units would result in an extension to the developable area of Pod 4, which in turn, would result in a reduction in the size of the south western open space. The overall quantum of useable open space across the SDA site would be maintained in accordance with the Fife Council standards which requires 60 sq.m of useable public open space per residential unit.

2.4.6 The reduction in the size of the open space would not impact on its function as a useable area of open space which would provide a connection along the south side of the site, linking into the green network within the wider SDA site. A reduction in the length of the daylighted section of the south western culvert is considered acceptable, allowing for an increase in the area of useable open space within this area and would also not have a significant impact in terms of the biodiversity benefits gained. This change would also not have a significant impact in terms of an increased flood risk. SEPA and the Fife Council Flooding, Shoreline and Harbours Team have not expressed any concerns in this regard. The structure tree planting proposed along the south western edge of Phase 1 has been removed from the proposal due to constraints associated with HV cables and associated wayleaves. There is an existing woodland strip which runs between the rear gardens of the houses on Buckyburn Place / Queen Margaret Fauld and the application site. It is considered that this would provide sufficient separation between the new development and existing residential properties in order to avoid any potential amenity issues. An alternative landscaping scheme is proposed along this southern boundary to create an appropriate landscaped edge to the existing woodland strip.

2.4.7 Changes are proposed to the landscaping around the northwestern edge of Pod 2. An area of structure tree planting was previously proposed within this area. It would now be replaced with a mix of trees, hedges, amenity grass and meadow. This change is considered to be positive, allowing for a great variety of planting and from a visual perspective, with glimpses of the buildings more visible, encouraging interaction with the B912.

2.4.8 The proposed alterations to the road junctions and the routes of the internal road layouts are not considered to result in any negative impacts to the previously approved road hierarchy or present obstacles to movement within the SDA. Fife Council Transportation Development Management (TDM) have no objection to these changes.

2.4.9 Overall, the proposed changes to the Development Framework are considered acceptable. They would not change the overall strategy, the related infrastructure requirements and the fundamental development principles established within the previous version of the Development Framework approved under 17/01677/EIA.

## **2.5 Development Brief**

2.5.1 Condition 3(l) requires a Development Brief to be submitted for each phase of the SDA development.

2.5.2 Condition 10 sets out the details which are to be included within each Development Brief as follows:

- a) *Character/ design themes, concepts, styles for the phase;*
- b) *Identification of character areas, sensitive locations and constraints;*
- c) *Set the design criteria for the character areas;*
- d) *Creation of a new north eastern boundary to Dunfermline in each phase. The north eastern boundary of each phase shall include high quality development and landscaping and act as an entrance to Dunfermline;*
- e) *Creation of view corridors to the south;*
- f) *Indicative heights of buildings;*
- g) *Hierarchy of streets and footpath network;*
- h) *Play area locations, form and age groups (including timescale for delivery);*
- i) *Final public art theme for phase including locations and contribution level to be spent on phase and timescales for delivery;*
- j) *Biodiversity enhancement locations and delivery;*
- k) *Strategic landscaping and advanced planting;*
- l) *Enhanced detailing locations including boundary treatment, gables and elevations;*
- m) *Bus route infrastructure (including timescale for delivery);*
- n) *Internal and external footpath and vehicular connections including the connections to the existing settlement;*
- o) *Hierarchy of open space.*
- p) *Temporary and permanent safe routes to school;*
- q) *Mixed use area within phase 2;*
- r) *Proposed crossing points on roads, watercourses and for Green Networks;*
- s) *Incorporation of utilities and any network associated with the on site energy generating facility (subject to a feasibility statement);*

- t) *Connections to the countryside and Country Park;*
- u) *Strategy for integrating new development with existing residential properties, including suitable buffers where necessary;*
- v) *Existing topography, gradients and landscape features;*
- w) *Design solution for the topography, gradients and landscape feature;*
- x) *Incorporation and protection of Rights of Way and Core Paths;*
- y) *Potential noise mitigation locations;*
- z) *Phasing for installation of ultrafast broadband;*
- aa) *Details of existing assets for retention and removal such as trees, hedgerow, walls;*
- bb) *Strategy for retaining access to Rights of Way and Core Paths during construction;*
- cc) *Direction of build and vegetation clearance;*
- dd) *Advanced planting;*
- ee) *Temporary haul route.*

2.5.3 Each of these requirements have been grouped and assessed under the relevant headings as set out in the various sections below.

## **2.6 Character Areas and Design Themes**

*10 a) Character/ design themes, concepts, styles for the phase;*

2.6.1 The submitted Development Brief sets out the overarching principles to be delivered in Phase 1. This includes:

- Housing Pods set within a landscape framework incorporating structure planting and open space.
- Formation of a landscape berm which would run from west to east creating a green link through Phase 1
- Permeable street network with the rerouted Whitefield Road (B912) as a central 'spine' through Phase 1 from which each development Pod is accessed.
- The existing route of Whitefield Road along the western edge of the site will be repurposed to serve as a pedestrian and cycle route.
- Two principal areas of open space on the east and south side of Phase 1. The eastern open space would include an equipped play area. The southern open space would include partial de-culverting of the existing watercourse as well as a SUDS basin.
- A character area is proposed in Pod 1.
- Gateway spaces are proposed at the site entrances along the rerouted Whitefield Road and in the northeast corner of the site. These will be overlooked by adjacent homes and will create welcoming arrival points into the site.

*10 b) Identification of character areas, sensitive locations and constraints;*

2.6.2 There is one Character Area identified within the Development Framework for Phase 1. This is to be located within Pod 1 of the Phase 1 development as established within the Development Framework approved under application 17/01677/EIA. The submitted Development Brief identifies three main potentially sensitive areas around the site including the approach to Dunfermline from the north, the approach to Dunfermline from the south and the area around the perimeters of Glenalmond House. The southern edge of the site is constrained by a number of electricity cables which run through the site. SPEN requires a 12 metre wayleave to

either side of these cables therefore, no development or structure planting can be located within this area. There is a lost Right of Way within the site and Core Paths R545 and R821 run along the B912 to the north and west. The route of the lost Right of Way would be reinstated within the proposal, connecting the Core Path along the western edge of the site to the Core Path to the east. The site is surrounded by a number of Green Network Assets. Townhill Wood is situated to the north west of the site, Bellyeoman Park is located to the west and the Buckie Burn Dean is located to the east. These assets are complemented by existing green infrastructure on and adjacent to the site. This includes an existing hedgerow running along the eastern site boundary and existing trees along the southern site boundary. The proposed landscape framework will retain and reinforce these existing features. New green infrastructure will be created within the site. The proposed landscape framework will create new green corridors and connections between existing Green Network Assets, extending and enhancing the green network within the area. The site housed a group of agricultural buildings which were associated with the former Wester Whitefield Farm. They were considered unsuitable for retention and have now been demolished with suitable materials salvaged for use within Phase 1.

*10 c) Set the design criteria for the character areas;*

2.6.3 The Development Brief aims to create a distinctive character area within Pod 1. This will be created around a central node with a palette of enhanced materials and elevational treatments creating a unique character. Cues will be taken from the character of the former agricultural buildings that sat within Wester Whitefield Farm. This would include tighter building positions, varied building lines and roof heights as well as a narrower street pattern. The former barns included red doors and window finishes. It is proposed that stone feature walls, reusing the stone (including an inscribed stone lintel) retained from the former Wester Whitefield Farm, would be created within the central pocket park. Houses within the character area would include a mix of materials, such as buff reconstituted stone cills and stone base courses, enhanced gables and stone elevations, dry-dash render and the use of alternative roof tiles such as a pantile style finish. The front doors within the Character Area would be coloured red, in reference to the former farm buildings. Buildings would sit forward, closer to the road, set behind a privacy strip at the entrances to the Character Area and building lines will vary within the area. 2.5 storey homes would be included within the character area layout to create local landmarks and dual frontage properties would be introduced at key entrance points and corners.

2.6.4 The Development Brief is considered to contain sufficient character area design objectives to successfully influence future detailed layouts through the assessment of detailed applications for future residential development in line with the PPP requirements, the Development Framework and the corresponding Development Plan policy and condition requirements.

## **2.7 Building Design and Boundary Treatments**

*10 f) Indicative heights of buildings*

2.7.1 The Development Brief identifies low/medium density development within the majority of site, generally comprising 2-storey development. Medium/higher density development (3-storey built form) is identified at the northern corner of Pod 2. 2.5 storey residential units are included within the Phase 1 Character Area and to mark entrances to Pods 3 and 4. Single storey properties are proposed along the eastern boundary of Pod 2, overlooking the rerouted Whitefield Road. The proposed building heights are considered to provide a suitable solution to the site topography. The 2.5 storey residential units within the Phase 1 Character Area would create a sense of enclosure around the proposed central node.

## *10 l) Enhanced detailing locations including boundary treatment, gables and elevations*

2.7.2 A variety of external finishes are proposed in the Development Brief for each Pod using a simple palette of high-quality materials. This creates a consistent design rationale that also allows for suitable variation to enhance the character of respective phases and the overall sense of place. To this extent, this applicant has worked with the Planning Authority, following advice from the Council's Urban Design Officer, to introduce a series of enhancements to external materials within key nodes, open spaces and gateways to improve the overall design and character across all phases.

2.7.3 This includes an aspiration to incorporate a mix of wetdash render, reconstituted stone, traditional slate and red pantiles into such areas. This enhancement treatment has been included within all tenures including the affordable housing within Pod 2, enhancing the overall design without creating any differentiation in the design rationale nor the external material palette. Enhanced detailing will be provided to homes within the Character Area.

2.7.4 The external hard landscaping and ground surface treatments are shown to be varied to create interest and indicative variations between public and private spaces across the development. It is therefore considered that the design aspirations within the Development Framework are promoted within the Development Brief with respect to external materials to create a simple palette of high quality finishes that would enhance final built form options within the site, complying with the PPP conditional requirements, the Development Framework and the corresponding Development Plan policy.

## **2.8 Green Network, Landscaping, Open Space and Play Areas**

2.8.1 NPF4 (2023) Policies 4, 14, 20 and 21; Policies 1 and 3 of FIFEplan (2017) and Making Fife's Places Supplementary Guidance apply.

*10 d) Creation of a new north eastern boundary to Dunfermline in each phase. The northeastern boundary of each phase shall include high quality development and landscaping and act as an entrance to Dunfermline;*

2.8.2 The northern edge of Phase 1 would temporarily be the main arrival point into Dunfermline from the north east until subsequent phases to the east of Phase 1 are constructed. New homes would look out over the B912 creating a welcoming approach to Dunfermline. These homes would be set behind small pockets of landscaped open space with structure tree planting proposed along the northern edge of Pod 2. Dual frontage properties would be situated at the site entrances and variations in building materials and boundary treatments would be used to create distinctive elements marking the entrances into development areas.

*10 e) Creation of view corridors to the south;*

2.8.3 The Development Brief confirms that the proposal would retain key views to the surrounding landscape from within the site. The eastern open space will allow for panoramic long distance views towards the Hill of Beath, Forth Bridges, the Edinburgh skyline and the Pentland Hills to the southeast. Further south, on the eastern edge of the site, views southwards to the Pentland Hills will be available. This view will be framed by new homes on the west and hedgerows / tree planting on the east of the path. The Southern Open Space allows for views eastwards to the Hill of Beath. This view corridor would be framed by the existing woodland on the southern boundary and new homes in Pod 4, overlooking the open space. A local view is available into the site from the existing property at Glenalmond. The streetscape will be aligned to maintain an open area at this point and lower level landscaping will be incorporated on the boundary to preserve the amenity

of existing residents. The important view corridors identified in the Landscape and Visual Assessment would be maintained and the approach outlined in the Development Brief is considered to be acceptable, reflecting the corresponding strategic landscape and visual objectives within the Development Framework.

*10 h) Play area locations, form and age groups (including timescale for delivery);*

2.8.4 The main play area for Phase 1 would be located within the eastern open space. The Development Brief confirms that the equipment provided will cater for a range of age groups from toddlers to older children. There would also be seating provided and public art incorporated within this area. In addition to the main play area, opportunities for informal play would be provided with spaces for micro play incorporated within the layout for each pod. These areas would include features such as logs, mounds, boulders and stepping stones as well as seating. The micro play areas would be provided in line with the direction of build for each pod. The timescales for delivery of the eastern play area were discussed with the applicant. Due to health and safety reasons, the applicant confirmed that it would not be possible for the eastern play area to be delivered until prior to the completion 150<sup>th</sup> private residential unit. This would avoid any potential conflict between pedestrians and construction traffic.

*10 k) and dd) Strategic landscaping and advanced planting;*

2.8.5 Within Phase 1, the principal areas of structure planting are proposed along the northern edge of Pod 2; along the eastern edge of Pods 3 and 4; around the perimeters of Glenalmond House; and within the berm which would run from west to east across Phase 1.

2.8.6 The southern open space, landscape gateway to the south of the site and structure planting around Glenalmond will be delivered in Stage 1 of Phase 1 (between 2024 to 2026), alongside the development of Pod 1. The Southern Open Space will be complete prior to the last occupation in Pod 1. The berm, eastern open space and play area, and landscaping edge to Pod 2 will be delivered in Stage 2 (between 2025 to 2028), alongside the development of Pod 2.

2.8.7 The eastern open space and play area will be complete prior to the 150<sup>th</sup> private occupation within Phase 1 to allow for safe access during construction. The southern half of the structure planting to the eastern boundary will be delivered in Stage 3 alongside the development of Pod 4 (between 2017 and 2029). The northern half, along with the northern gateway landscaping, will be delivered in Stage 4 alongside Pod 3 (between 2028 and 2031). This strategy accords with the wider aspirations for strategic landscape delivery within the Development Framework.

*10 o) Hierarchy of open space*

2.8.8 The Development Brief sets out a hierarchy of open space to be delivered across Phase 1. The main area of formal open space would be the eastern open space (incorporating an equipped children's play area) which is described as a 'formal amenity park'. The southern open space would be a more nature focused park, incorporating less formal landscaping, access routes and the partially de-culverted watercourse. Amenity gateways are proposed at the main entrances to the site at the north and south ends of the re-routed Whitefield Road. Pocket parks are to be distributed throughout the Pods. Figure 23 of the Development Brief shows the distribution of the various types of open spaces proposed across Phase 1. It demonstrates that the open space requirements as set out in Making Fife's Places (60m<sup>2</sup> per house) would be achieved, without including any SuDS basins/infrastructure within this calculation. Collectively, this would create a suitable mix of open space, and a clear open space hierarchy, within Phase 1.

#### *10 t) Connections to the countryside and Country Park;*

2.8.9 The proposal provides connections to the countryside via Core Path R545 along the northern edge of the site. Connections will be made to this route within Pod 2, the rerouted Whitefield Road and the path link along the eastern boundary. Connections to the Country Park to the west of the site will remain via access to Core Path R820 which can be accessed via the existing Whitefield Road adjacent to the western edge of Pod 1.

#### *10 r) Proposed crossing points on roads, watercourses and for Green Networks*

2.8.10 Crossing points will be provided within the proposal and surrounding the edges of the site at safe and convenient locations for pedestrians. Crossings will be provided at the junction between the B912 (road to Kingseat) and the rerouted Whitefield Road (B912) along the northern boundary. Crossing points will also be located at the junction between Robertson Road and Whitefield Road to the south of the site. These crossing points will take the form of signalised junctions. Crossing points within the site will be located internally within the layout at nodes. The delivery of such crossings within the Development Brief has been supported, in principle, by Transportation Development Management, with future specifications to be assessed via detailed design applications for such infrastructure.

#### *10 cc) Direction of build and vegetation clearance;*

2.8.11 The grouting works approved under 22/01557/EIA have been completed and therefore, the majority of the vegetation clearance has already taken place. The existing hedgerows along the eastern boundary will be protected during construction and enhanced as part of the proposed landscape framework. Figure 30 provides an indicative direction of build for each Pod. It is anticipated building will start from the rerouted Whitefield Road and continue through each Pod in a circuitous manner, following neighbourhood streets.

2.8.12 Overall, the proposed landscaping and open spaces are considered to be acceptable, with the creation of a new green network across Phase 1 which would link into the subsequent phases of the SDA and the surrounding area. Cumulatively, the proposed approach incorporating formal and informal play areas and the timings for delivery of play areas that meet the needs of children's play within the site, is considered to be in accordance with the requirements of the Development Framework and Making Fife's Places. The site is within suitable walking distances of existing green spaces, including Bellyeoman Park, a play park on Queen Margaret Fauld and the Country Park beyond therefore, residents would have access to these green spaces while Phase 1 is being built out. The provisions set out within the Development Brief in relation to open spaces and landscaped areas would ensure the timely delivery of acceptable green spaces that would meet the amenity and recreational needs of future residents in accordance with the condition and the Development Plan policy requirements in this regard.

## **2.9 Landscape and Visual Impact**

2.9.1 Policies 1 and 13 of FIFEplan (2017) and Making Fife's Places Supplementary Guidance apply. FIFEplan allocation DUN043 requires a landscape led development framework which capitalises on the site's landscape assets and panoramic views. Proposals should establish an appropriate landscape setting for the development, and the B912, defining the northern edge of Dunfermline and avoiding perceived coalescence with Kingseat.

*10 u) Strategy for integrating new development with existing residential properties, including suitable buffers where necessary;*

2.9.2 The Phase 1 land sits immediately adjacent to residential properties to the west and south. These include the Glenalmond House and Buckyburn Place / Queen Margaret Fauld respectively. Glenalmond House is largely enclosed by an existing tree belt which runs around the north, east and southern boundaries of the property. The submitted Development Brief confirms that additional woodland planting would be incorporated around these edges. This would help to preserve the occupiers amenity. The eastern gable of Glenalmond House overlooks the site through a gap in the tree belt. The Brief advises that lower level planting would be located at the Pod 1 boundary in this area to preserve the outlook from the house. The houses proposed at this location would be arranged to maintain a local view out from the existing house towards the neighbourhood street in Pod 1. Vehicular access to Glenalmond House will be maintained at all times, both during and post construction. There is an existing tree belt running along the southern site boundary, which provides separation between the site and the rear gardens of the houses on Buckyburn Place / Queen Margaret Fauld. No changes are proposed to this as part of the proposed development. Along this southern boundary, is where the Southern Open Space is proposed which would provide a further buffer between the new development and the existing houses. Pedestrian links would be provided through the Southern Open Space and the surrounding core path network, linking into Queen Margaret Fauld beyond the south east corner of Phase 1 and also from the south via the rerouted Whitefield Road.

*10 v) Existing topography, gradients and landscape features;*

2.9.3 The Phase 1 site slopes from north to south with steeper sections along an existing ridgeline which runs east to west across the site. Other notable features include a hedgerow which defines the eastern boundary. The land slopes down gradually from the tree belt which sits between the site and the rear gardens of the houses on Buckyburn Place / Queen Margaret Fauld.

*10 w) Design solution for the topography, gradients and landscape features;*

2.9.4 Development platforms would need to be created to enable construction of the proposal. This would involve earthworks including ground modelling and would create a berm running east to west through the middle of the site. The berm would be planted with native woodland species creating a green link that would extend beyond Phase 1 linking east to the Buckie Burn Dean as future phases come forward. The existing tree belts around Glenalmond House and to the rear of Buckyburn Place / Queen Margaret Fauld would be retained. The existing culvert running through the south of the site would be partially daylighted within the proposed Southern Open Space.

2.9.5 As required by Condition 4(m) a Landscape and Visual Impact Assessment Addendum (dated November 2023) by Geddes Consulting was submitted to provide an update to the previous landscape and visual impact assessment approved under 17/01677/EIA, with a focus on Pods 1 and 2 of Phase 1. The LVIA Addendum confirms that the photomontages in the LVIA Addendum include updated baseline photography as those set out in the previous LVIA are now out of date. The surrounding baseline condition for the current proposal remains similar to the baseline set out in the LVIA undertaken for application 17/01677/EIA. There have been some changes within the site which is reflected in the viewpoint photography, including demolition and removal of the agricultural buildings associated with the former Wester Whitefield Farm and also the site has been subject to grouting works associated with application 22/01557/EIA.



2.9.6 The LVIA Addendum presents two photomontages for each viewpoint (as agreed with Planning Services). The first photomontage illustrates the proposal at the completion of development, with no tree planting. This simulates the effect of the proposal in the short term, before planting has had sufficient time to mature. The second photomontage illustrates the proposal and the tree planting at 15 years establishment. This simulates the effect of the proposal once the structure planting is starting to mature.

2.9.7 A summary of the findings for each viewpoint are set out within the LVIA Addendum as follows:

**1. Viewpoint 1 Cycle path, SW of entrance to Deanpark (LVIA Addendum Figure 5.16)**

*The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8). The assessment of the visual effect remains the same as submitted for the PPP application as **Moderate/Minor**. The impact remains **Not Significant**.*

**2. Viewpoint 2 Kingseat Road (W) / Whitefield Road junction (LVIA Addendum Figure 5.17)**

*The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8). The assessment of the visual effect remains the same as submitted for the PPP application as **Major (neutral)**. The impact remains **Significant**.*

**3. Viewpoint 3 B912, Whitefield Road / Robertson Road roundabout (LVIA Addendum Figure 5.18)**

*The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8) to the extent of this application. The assessment of the visual effect remains the same as submitted for the PPP application as **Moderate**. The impact remains **Not Significant**.*

**4. Viewpoint 4 Western end of Pleasance Road (LVIA Addendum Figure 5.19)**

*The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8) to the extent of this application. It should be noted that this viewpoint location was selected to take account of the vegetation clearance required for the future path link to Pleasance Road joining at this location. The assessment of the visual effect remains the same as submitted for the PPP application as **Negligible**. The impact remains **Not Significant**.*

**5. Viewpoint 5 Pittsburgh Road by college (LVIA Addendum Figure 5.20)**

*The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8) to the extent of this application. The assessment of the visual effect remains the same as submitted for the PPP application as **Negligible**. The impact remains **Not Significant**.*

**6. Viewpoint 6 Long Row (LVIA Addendum Figure 5.21)**

*The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8) to the extent of this application. The assessment of the visual effect remains the same as submitted for the PPP application as **Negligible**. The impact remains **Not Significant**.*

**7. Viewpoint 7 Kingseat Road (E) (LVIA Addendum Figure 5.22)**

The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8) to the extent of this application. The assessment of the visual effect remains the same as submitted for the PPP application as **Minor/Negligible**. The impact remains **Not Significant**.

#### **8. Viewpoint 8 Kingseat Road (N) (LVIA Addendum Figure 5.23)**

The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8) to the extent of this application. It should be noted that the viewpoint now includes new buildings in the right of the view that have been constructed since the previous viewpoint photography was taken. The viewpoint has moved slightly to take account of the reduced visibility from the road. The assessment of the visual effect remains the same as submitted for the PPP application as **Negligible**. The impact remains **Not Significant**.

#### **9. Viewpoint 9 Hill of Beath (LVIA Addendum Figure 5.24)**

The photomontages illustrate the effect described in the LVIA for the PPP application (Annex 2, LVIA Table 5.8) to the extent of this application. The assessment of the visual effect remains the same as submitted for the PPP application as **Negligible**. The impact remains **Not Significant**.

2.9.8 The findings of the submitted LVIA Addendum have been reviewed and compared with the findings of the previously approved LVIA. While it is noted that the impact experienced from Viewpoint 2 could be Significant, this is inevitable given the close proximity of this localised view on approach to the development and looking directly into the site. Overall, the impacts are not considered to represent a significant departure to those accepted previously. These are considered acceptable for a development of this scale which would form an urban extension to the settlement of Dunfermline and introduce a visual change typical of such urban extensions, particularly as suitable offsets would be provided to maintain a suitable level of amenity for future residents. The extensive programme of tree planting and landscaping proposed would assist in mitigating any potential impact as demonstrated on the photomontages which show the viewpoints 15 years post-construction. Overall, the landscape priorities within the Development Brief accord with the conditional requirements of the PPP and the Development Plan policies in this regard.

### **2.10 Road/Street Hierarchy, Connectivity and Road Safety**

2.10.1 NPF4 (2023) Policies 13, 15 and 18; FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply.

10 g) *Hierarchy of streets and footpath network;*

2.10.2 The Development Brief sets out a clear hierarchy of streets and footpaths within Phase 1. The main 'street' through the site is the rerouted Whitefield Road which would run through the middle of the site from north to south. Neighbourhood streets would provide the main access roads into each pod from the rerouted Whitefield Road and provide the main connections into other phases of the SDA. Tertiary streets within each pod would be shared surface areas access from the neighbourhood streets. Within these streets, pedestrians would have priority over vehicles. A new footpath network would be created throughout the site which would connect into the existing footpath network in the surrounding area and provide ease of movement through the site. Nodes are to be provided within the streetscape at junctions to provide incidental spaces

and encourage a sense of place over vehicular movement. Cycle paths would be provided along the rerouted Whitefield Road and along the north and east side boundaries. A section of the existing Whitefield Road at the north west corner of the site would be restricted to pedestrian and cycle access only.

*10 m) Bus route infrastructure (including timescale for delivery);*

2.10.3 The rerouted Whitefield Road would be capable of accommodating a new bus route. New bus stops would be provided on either side of the rerouted Whitefield Road. The Development Brief shows that these bus stops will be delivered as part of the Phase 1 infrastructure works before the housing Pods are developed. This will ensure all new homes are within easy access of public transport. The works to accommodate the bus route will include bus stop markings on the carriageway, new bus shelters and boarder kerbs. As future phases come forward, this bus route would extend along the Northern Link Road, providing bus access to the rest of the SDA and the surrounding area.

*10 n) Internal and external footpath and vehicular connections including the connections to the existing settlement;*

2.10.4 Vehicular connections would be provided to the existing settlement to the south via the rerouted Whitefield Road which will tie into the existing alignment of the B912 on the southwestern edge of the site. Vehicular connections to future phases of the proposal would be provided along the eastern boundary in line with the Development Framework. The re-routed Whitefield Road would also connect to the Northern Link Road (NLR) to the north of Phase 1. The NLR will provide the main vehicular route through later phases of the proposal. Pedestrian crossing points would be provided within the proposal and surrounding the edges of the site at safe and convenient locations for pedestrians. Crossings would be provided at the junction between the B912 (road to Kingseat) and the rerouted Whitefield Road (B912) along the northern boundary. Crossing points would also be located at the junction between Robertson Road and Whitefield Road to the south of the site. These crossing points would take the form of signalised junctions. Crossing points within the site would be located internally within the layout at nodes. A pedestrian link would be provided through Pod 3, connecting the eastern open space to the rerouted Whitefield Road. A pedestrian link would also be provided along the southern edge of the southern open space. This would connect to future phases to the east as well as the Core Path Network.

*10 p) Temporary and permanent safe routes to school;*

2.10.5 The primary school pupils from the Phase 1 development would initially attend Townhill Primary School, safe routes to school would be provided throughout the Pod layouts which would connect into the existing safe route network including Core Path R594 to the west of the site. A new primary school is to be provided within Phase 2 of the SDA, new safe routes would be created through the southern open space and along the eastern edge of Phase 1 upon completion of the new school in addition to those previously established.

*10 x) Incorporation and protection of Rights of Way and Core Paths;*

2.10.6 The Development Brief confirms that Core Paths R545 and R820 would be retained in their current alignment as part of the proposal.

2.10.7 Core Path R820 runs along the existing Whitefield Road, a section of this road to the north west corner of the site would be restricted to pedestrian and cycle access only which would improve pedestrian safety on the Core Path.

2.10.8 Core Path R545 runs along the northern edge of the site. This will be retained in its existing alignment. A new cycle connection will be provided onto the Core Path via the rerouted Whitefield Road. Homes on the western edge of Pod 2 will overlook the Core Path, set behind a landscape corridor. Homes within Pod 3 will also front out along the Core Path.

2.10.9 Core Path R821 is located to the southeast of Phase 1. A future footpath link is proposed to this Core Path from the southern open space. The area of land required to deliver this path link is within the applicant's ownership but outwith the approved PPP application boundary. As such a separate planning application will be submitted in due course to secure the delivery of this link.

*10 bb) Strategy for retaining access to Rights of Way and Core Paths during construction;*

2.10.10 Objections were raised regarding the potential impact of the development on the existing core paths. The Development Brief confirms that access to the Core Path Network would be retained at all times during construction. Temporary diversions would be put in place along Kingseat Road to ensure the Core Path network and NCR1 connections are maintained to/from Whitefield Road by way of temporary footpaths within the site, within the carriageway or via the re-routed Whitefield Road when it is safe to do so.

2.10.11 As required by Condition 4(t) a Construction Traffic Management Plan was submitted, including details of any temporary haul routes as required by Condition 10 ee). The Construction Traffic Management Plan confirms that all construction traffic would be directed to access the site via Halbeath Road and Whitefield Road. The existing access road to the former Wester Whitefield Farm (before the T junction of the B912 and Kingseat Road) would be used initially as the construction site access / egress. A Banksman would be present on site to direct construction traffic. The traffic management plan would be updated as construction within Phase 1 progresses and the road network is developed in a manner which facilitates alternative access points. A haul road has been constructed to the compound location as approved under application 22/01557/EIA. This will be reused during the construction of Phase 1. It includes passing places to ensure that there is no waiting on public roads to access the site. The Construction Traffic Management Plan confirms that vehicular access to the neighbouring Glenalmond House would be maintained at all times. As the re-routing of Whitefield Road is completed, a new access road off the spine road will be constructed and will become the new access to Glenalmond and beyond that looping into Pod 1 of the development. The applicant has committed to providing regular updates to the local community including the community councils, councillors, MP, MSPs and the immediate neighbours at Glenalmond House and Queen Margaret Fauld.

2.10.12 As required by Condition 4(dd), details of the wheel washing facilities which will be in place for the duration of the construction period have been submitted as set out in the Construction Traffic Management Plan. This confirms that all construction vehicles will be washed before leaving the site. Steps will include the cleaning of all wheels and the undercarriage of each vehicle where necessary. Where the deposition of dust or dirt on the highway is unavoidable, the appointed contractor will instruct additional street cleaning vehicles as required to ensure the surrounding public roads are kept clean. The applicant will carry out regular checks to site to ensure the area is kept clean and instruct any additional measures as deemed required.

2.10.13 Conditions 20, 26, 27, 28 and 30 require the submission of various road infrastructure details with the first application for matters specified by Condition 3(a) for residential development and associated infrastructure. The infrastructure items noted in Conditions 20, 26, 27, 28 and 30 include / relate to visibility splays and carriageway widths for each road type within the development; car parking; crossings; bus infrastructure; electric vehicle charging points; footpaths / cycleways; upgrading of the Robertson Road mini roundabout; conversion of the existing

Whitefield Road/ Queen Margaret Fauld (North) junction to a mini-roundabout; realignment of Whitefield Road; and stopping up of the Whitefield Road/B912 junction. Fife Council Transportation Development Management (TDM) has reviewed the technical drawings submitted and has confirmed that Documents 02 and 03A – 08A and 11A – 16A address the requirements of these conditions. TDM has also confirmed that the details contained within the updated Development Framework and the Development Brief are acceptable with regard to transportation matters.

2.10.14 Overall, the proposed development is considered to be acceptable with regard to road infrastructure, connectivity and road safety. The submitted updated Development Framework, Development Brief and technical details for the infrastructure-related works comply with the requirements of the aforementioned PPP conditions; NPF4 Policies 13, 15 and 18; Policies 1, 3 and 10 of the adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018).

## **2.11 Flooding and Drainage**

2.11.1 NPF 4 Policy 22 (Flood Risk and Water Management) and FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 12 (Flooding and the Water Environment) and Making Fife's Places Supplementary Planning Guidance apply.

2.11.2 Conditions 4(u) and 44 require submission of an updated Flood Risk Assessment. The submitted Flood Risk Assessment by Kaya Consulting dated May 2024 found that the site is not predicted to lie in the 200-year + climate change floodplain of the Buckie Burn that flows to the east of the site. The site is also not predicted to lie in the floodplain of the West Tributary. The South Tributary will be de-culverted for part of its length within the site. Post-development, the de-culverting and management of site runoff will reduce downstream flood risk. In terms of channel design, a CAR license from SEPA will be required to support this. The proposed channel is predicted to be able to pass the 1 in 200-year plus climate change design flow, with no overtopping of the banks during high flow. The site is considered to be at low risk from surface water runoff, subject to mitigation measures.

2.11.3 The objections received raised concerns regarding the potential flood risk resulting from the grouting works. This matter was addressed under the planning application for the grouting works (ref: 22/01557/EIA). This confirmed that as long as the mitigation measures outlined in the Environmental Statement submitted with the application adhered to that the risk would be negligible. Implementation of these measures was secured via condition. No objections were received to application 22/01557/EIA from SEPA or The Coal Authority in relation to flood risk with regard to the grouting works. The objections received also raised concerns regarding the use of historic data used by the applicant in order to establish the potential flood risk. The original version of the Flood Risk Assessment submitted in support of application 17/01677/EIA used the most up to date data available at that time, specifically the Flood Estimation Handbook version FEH13. The Flood Risk Assessment submitted with this application for matters specified in conditions used the updated version of the data as contained within the Flood Estimation Handbook version FEH22 and therefore, any conclusion regarding flood risk have been drawn on the basis of current data.

2.11.4 In accordance with Conditions 4(q) and 43 a Drainage Assessment by Indev Consult dated October 2023, was submitted in support of the proposal. SUDS are incorporated in the form of an end of line detention basin and end of line swale before discharging to the de-culverted south tributary. Foul drainage will discharge to the existing foul sewer to the south of the site along the B912. This solution requires pipes to be laid outwith the red line site boundary defined by 17/01677/EIA and therefore, this modest part of the future connection is subject to a separate application for full planning permission (24/00142/FULL). As part of the proposed infrastructure-

related works, a foul pumping station will be located close to the SUDS basin for potential future development works. From here the future phases will be pumped to a break pressure manhole at the access road to the SUDS before connecting via gravity to the new foul sewer in the re aligned Whitefield road. Future finished floor levels of residential units will require to be set at least 600mm above banks of adjacent watercourses as recommended by the submitted Flood Risk Assessment.

2.11.5 In accordance with Condition 4(w) maintenance details of SUDS, water courses, drains, and culverts have been confirmed within the Drainage Assessment as follows: gullies and gully tails proposed for adoption by Fife Council; main line sewers and disconnecting tails for adoption by Scottish Water; proposed detention basin for adoption by Scottish Water; end of line swale for adoption by Scottish Water; culvert and daylighted section of watercourse will be maintained by the site factor. The applicant has completed and signed a copy of Appendix 5 – Confirmation of future maintenance of SuDs Apparatus as per the requirements of the Fife Council Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021). This addresses the information required by Fife Council Flooding, Shoreline and Harbours in order to withdraw their holding objection set out in their consultation response dated 16<sup>th</sup> August 2024.

2.11.6 Concerns were raised by Bellyeoman Community Council regarding the proximity of the proposed pumping station to the daylighted culvert and the risk of contamination should the pumping station fail. In their response to the objection by Bellyeoman Community Council the applicant confirmed as per the relevant standards, there are specific requirements which must be incorporated into the design of the pumping station. These include an alarm system (which would alert Scottish Water that there is an issue with the pumping station) and additional upstream storage, which would be available in the event of failure. This would provide approximately 24-48 hours of storage until any issue is resolved. In addition, the pumping station would be regularly inspected and maintained. The Community Council also expressed concerns regarding the potential noise impact and atmospheric venting from the proposed pumping station. The applicant has confirmed that the pumping station would need to be designed to meet the Scottish Water guidance which requires the night-time ambient noise level (i.e., the combined noise level from the pumping station plus the residual noise level) shall not be more than 3 dB(A) above the residual noise level (i.e., the noise level with the pumps switched off). There should not be any discernible increase in noise levels resulting from the proposed pumping station. The operation of the pumping station is subject to separate environmental regulations which would prevent any potential atmospheric venting.

2.11.7 Safety concerns were raised by Bellyeoman Community Council in relation to the proposed SUDS basin and noted that there is no risk assessment for the SUDS in relation to public safety within the application submission. They queried whether fencing around the basin would provide the most appropriate solution. The applicant has confirmed that the SUDS basin within Phase 1 would be a dry basin and therefore, would not comprise a permanent water feature. There is no specific mandatory requirement for fencing around SUDS basins from Scottish Water or SEPA. Signage and suitable safety equipment would be provided. There is no requirement within the Development Plan policy for an applicant to provide a public safety risk assessment for SUDS basins.

2.11.8 SEPA initially raised a holding objection to the proposal requesting further information regarding the potential flood risk which could result due to the daylighting of the southern tributary. In May 2024 they confirmed withdrawal of their objection on flood risk grounds and that they were satisfied that the methods used in the FRA are appropriate and that the 1 in 200-year plus climate change event flood level will be several metres below the lowest part of the site. SEPA were re-consulted in August 2024 following changes by the applicant to the extent of the section of the southern tributary to be daylighted. This resulted in another objection from SEPA who expressed

concerns regarding the potential for an increase in flood risk to downstream receptors due to the volume of flows and blockage risks. In response to these concerns the applicant submitted a Technical Memo by Kaya Consulting Limited (dated 11<sup>th</sup> September 2024) and met with SEPA the Memo and discussions confirmed that:

- A hydrologically similar culvert would be one that would pass the same flow.
- Once the culvert has been dug up and any constraints found then the applicant will replace this with a hydrologically similar culvert in the sections upstream and downstream of the proposed open section. This will result in no increase in flow passing south from the culvert inlet or through the new culvert / open section.
- Additional modelling to that already provided would not provide any additional information without the digging up the existing culvert at this stage. It was agreed that digging up the culvert was not appropriate at this stage and that efforts had been made by the applicant to CCTV the culvert. It was noted that blockage runs were done in the original FRA and no further runs would be required until the culvert have been opened.

2.11.9 In their final consultation response (dated 8<sup>th</sup> October 2024) SEPA withdrew their objection and confirmed their position on the matters as follows:

- Following our previous objection it has now been confirmed that the plans for hydraulically similar culverts upstream and downstream of the proposed open channel will ensure that there will be no additional flow taking this flowpath through the site when compared to the current situation.
- The blockage scenarios for the lower section of culvert have been modelled pre and post development with less detail than we had requested. However, we recognise that there is likely to be significant uncertainty in any modelling of these scenarios. Given flows entering the open channel from upstream will be limited from the proposed hydraulically similar upstream culvert, we agree that should any blockages occur, the proposed open channel will have an insignificant impact on flooding.
- Additionally, the open channel section will provide increased storage and slowed velocities; and surface water runoff from the site should be attenuated more than at present. It is the responsibility of Fife Council, in its capacity as the Flood Risk Management Authority, to review plans for surface water attenuation – this is particularly important given the scale of this development and the potential impacts on downstream receptors.

2.11.10 Fife Council Flooding, Shoreline and Harbours were also reconsulted following the changes by the applicant to the extent of the section of the southern tributary to be daylighted and confirmed that they have no objection to the proposal in relation to flood risk.

2.11.11 As required by Conditions 4(v) and 37 the submitted Construction Environmental Management Plan by Taylor Wimpey (dated 23<sup>rd</sup> October 2023) includes a range of measures to prevent and minimise any potential pollution to the water environment including the watercourses within the site. All relevant licenses and consents would be obtained from SEPA.

2.11.12 Taking the above in to account, it is concluded that the proposed development would not increase the risk of flooding within the site or elsewhere, all rain and surface water could be managed via the sustainable urban drainage system proposed and impermeable surfaces would be minimised all in accordance with the condition requirements, NPF4 Policy 22, FIFEplan Policies 1, 3 and 12 subject to a condition requiring submission of the relevant certification to confirm that the SUDS scheme has been constructed in compliance with the approved details.

## 2.12 Contaminated Land, Remediation and Air Quality

2.12.1 Policy 23 of NPF4, Policies 1 and 10 of the adopted FIFEplan (2017), PAN 33: Development of Contaminated Land (2000) and PAN 51: Planning, Environmental Protection and Regulation (2006) apply.

2.12.2 Condition 3(j) requires details to be submitted in relation to the engineering operations associated with the carrying out of the remediation, ground stabilisation works or preventative measures associated with decontamination on site. Condition 4(r) requires submission of Site investigations and a remediation strategy.

### Remediation

2.12.3 The submitted Report on Site Investigations by Mason Evans, dated May 2018 advised that additional site investigation is recommended on completion of demolition of the farm buildings. A letter titled 'Relocation of Made Ground Soils – Wester Whitefield, Halbeath, Fife' dated 25<sup>th</sup> April 2023 confirmed that a pre-demolition asbestos survey of the farm buildings was conducted by Central Demolition Ltd in September and November 2021. This survey found that asbestos was present within the farm buildings in the form of cement board, insulating board and cement roof sheeting. This was removed prior to the demolition of the farm buildings. During demolition works, Central Demolition encountered waste asbestos cement material which had been placed below the foundations and concrete slabs of the farm building in the north-eastern site area. The letter confirmed that the farm buildings were demolished in early 2022 and site investigations within this area of the proposed development site were completed in July 2022. These investigations found limited toxic lead, phytotoxic zinc, and Polycyclic Aromatic Hydrocarbons (PAHs) were recorded to be above guideline values within one sample collected from the made ground soils (demolition rubble), and one sample from the natural soil from across the area the former farm buildings. In addition, asbestos was encountered within four samples of the made ground soils. One instance of asbestos at hazardous waste levels was encountered in TP07 at 0.5mbgl. In order to allow for safe access to the site undertake the grouting works an area of made ground approximately 1727m<sup>2</sup> (Volume: 864m<sup>3</sup>) would need to be excavated and relocated to a bund (for a temporary period of time), underlain by an impermeable membrane and capped with a membrane and top soil. This bund was to be located within a less sensitive area of the site, outwith the area to be stabilised. The submitted Remediation Method Statement Pod 1 and Pod 2 by Mason Evans (dated December 2023) provides the most up to date position in relation to remediation required on the site, confirming that this has taken place and that the excavated material will be removed off site to a suitable licensed facility during future phases of the Wester Whitefield development.

2.12.4 The submitted Remediation Method Statement confirms that within the site area no elevated contaminants were identified within the soils and no asbestos fibres were identified within any of samples analysed. Therefore, the risk to human health at the site was considered to be low. The risk assessments and modelling exercise indicated that the ground conditions posed a low risk to the Water Environment. It should also be recognised that no significant shallow groundwater was present beneath the site. Samples analysed for pH and sulphate are generally below BRE thresholds. No phytotoxic contaminants were identified within the natural soils on site. Therefore, the phytotoxic risk within these areas of the site was considered to be low

2.12.5 In relation to gas monitoring, the Remediation Method Statement confirms that gas monitoring was been undertaken on 12 occasions during 2018 and has been ongoing since then. The Remediation Method Statement recommends gas preclusion measures conforming to 'Characteristic Situation 2' should be installed within the proposed development. It notes that the



most recent gas monitoring has shown no significant changes which would change this conclusion. The Remediation Method Statement was written in 2023. The applicant has recently confirmed that the gas monitoring which has taken place following completion of the first phase of grouting works has also shown no change and therefore, the 'Characteristic Situation 2' still applies.

2.12.6 The above is all in accordance with Condition 3(j) and 4(r) subject to a condition regarding remediation and verification.

### **Mine Stabilisation**

2.12.7 Condition 3(j) requires details to be submitted in relation to the engineering operations associated with the carrying out of mine stabilisation. Condition 4(cc) requires submission of a coal mining site investigation and remediation strategy. These matters were addressed under a separate planning application (ref: 22/01557/EIA) for ground remediation works to stabilise shallow mine works associated with Phase 1 which was approved in September 2022. Further to the approval of application 22/01557/EIA the required grouting works were undertaken and completed on the land which would be covered by the infrastructure proposed within this application for matters specified in conditions and residential Pods 1 and 2. Grouting works are still to take place on land covered by Pods 3 and 4. A Consolidation of Abandoned Mine Workings Completion Report by Mason Evans, dated February 2024 has been submitted which confirmed that on completion of the grouting works, 40 test grout holes were drilled at selected positions, independently testing each seam encountered. Mason Evans confirmed that they are satisfied that the results confirmed the adequacy of the treatment at these locations and that based upon the results of the supervision and testing, that the consolidation works have been completed in accordance with the specification required.

2.12.8 In their initial consultation response to this application for matters specified in conditions The Coal Authority noted that the submitted Report on Site Investigations (May 2018, prepared by Mason Evans Partnership), identified shallow mine workings which require remediation. The Report confirmed investigation of four recorded mine entries, which could either be within the site or in very close proximity to it, although the entire departure area of one of the shafts was unable to be investigated due to overhead services. Whilst two of the recorded mine entries were not definitively located, with investigations undertaken appearing to be appropriate having regard to the evidential source of the mine entries positioning, further investigations will be required to be undertaken for the remaining two, one of which showed signs of made ground, which could indicate a shaft feature. The Coal Authority confirmed that they concur with the recommendations of the Report on Site Investigations, that the coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works and remediation should be undertaken prior to development. The Coal Authority recommended conditions requiring submission of a further scheme of intrusive investigations to establish the risks posed to the development by two recorded mine entries; details of any remediation works to address the land instability arising from the coal mining legacy and a signed declaration that the site is, or has been made, safe and stable for the approved development.

2.12.9 Further to this response, the applicant confirmed the extent of the grouting works undertaken to date as approved under application 22/01557/EIA and the findings of investigations with regard to the mine shafts noted in The Coal Authority consultation response as follows:

- Shallow mining within 'Phase1 at Halbeath has been stabilised under Permit 26249 and reported in our *P17-570 - Halbeath Pod 1, Pod 2 and Infrastructure - Grouting Completion Report, February 2024*. No mine entries are indicated within the area stabilised, and no evidence of unrecorded mine entries was found.

- A permit is in place for the remaining 'Pod 3 and Pod 4' stabilisation works, due to start imminently (Permit 28894). Four mine entries are indicated within Pod 3 and Pod 4 or immediately adjacent.
- The Coal Authority Report recorded up to four. mine entries to be present within the proposed development site (Pod 3 and Pod 4). An area of approximately 60m x 60m was excavated over the suspected mine entries, over three occasions.
- For the two indicated shafts north of the farm buildings (now demolished) (311689-017 and 311689-011) no indication of any mining related features has been encountered. Rockhead was encountered at relatively shallow depths in this area and a ridge of rock strikes approximately east west across the site through the excavated areas. In the original excavation a small area of made ground was encountered however it was underlain by natural superficial soils and rock. It should also be noted that shaft 311689-011 is recorded on the mine plans as "*Burts Pit – Could not be sunk for water*".
- At the indicated position of possible mine entry 311689-019, located to the east of the farm, no indication of any mining related features has been encountered. In this area it was noted that the gravelly clay contains coal fragments, however no significant made ground or indications of mining activity was indicated.
- Mine entry 311689-018 is located out with the current site boundary to the east and no excavations have taken place in this area. The presence of vegetation and overhead services also prevents any excavation within the site boundary in proximity of this Coal Authority position. This will be investigated during future works as part of separate planning applications and permits.
- Given that in all areas of historical mining, the presence of unrecorded entries may exist vigilance will be maintained during all future site works for features that may represent mine entries. A specific watching brief will be in place during any excavations at the locations of mine shafts 311689-017, 311689-011, 311689-019 and 311689-018.

2.12.10 In their final consultation response, The Coal Authority confirmed that on the basis that the required remediation works could be ensured as part of a separate application (future application for approval of matters specified in conditions for Pods 3 and 4), the Coal Authority would raise no objections should the Planning Authority be minded to discharge Condition 50, specific to the shallow workings. This is further reinforced in that the applicant has confirmed that the works are imminent and that on occasions such works can only be undertaken in combination with schemes as a whole. Regarding the situation with the recorded mine entries within the site, the applicant has confirmed that there are four recorded mine entries within Pods 3 and 4 (-011, -017, -018 and -019). However, we note that from the information provided by the applicant, only three have the potential to implicate on the proposed infrastructure (-011, -017 and -019). The applicant has confirmed that all three of these mine entries have been investigated but were not located. Consequently, and with the remaining mine entry to be investigated during future works as part of a separate planning application and permit, which would relate to subsequent residential layouts for Pods 3 and 4, the Coal Authority has withdrawn its objection to 23/03127/ARC.

## **Air Quality**

2.12.11 The Air Quality Impact Assessment undertaken as part of the EIA for the whole SDA found that the combined effects from the road traffic forecast to be generated by the proposed

development would be of negligible significance in terms of the IAQM non-statutory professional guidance. As required by Condition 4(s) an update to this by The Airshed (dated 6<sup>th</sup> November 2023) was submitted. While there would be a small increase in the number of residential units proposed within Phase 1 (49 units), the updated assessment advises that it is highly improbable that the impacts arising from the Phase 1 development would have any significant adverse impact within the study area. The assessment also noted that since 2016, the results of air quality monitoring across Fife in general and within Dunfermline in particular, show that air quality has improved. The Fife Council Land and Air Quality Team have not objected to these conclusions.

2.12.12 In conclusion, the proposed development is considered to be acceptable and in accordance with the noted conditions; NPF 4 Policy 23; FIFEplan Policies 1 and 10; PAN 51 and PAN 33 in relation to contamination, remediation and air quality subject to a condition regarding remediation and verification.

## **2.13 Natural Heritage and Trees**

2.13.1 NPF4 (2023) Policies 1, 3, 4, 6 and 20 and FIFEplan (2017) Policies 1, 10 and 13 and Fife Council's Making Fife's Places Supplementary Guidance (2017) apply.

2.13.2 As required by Condition 4(k) a Landscape and Habitat Management Plan by JDC Ecology Limited dated October 2023 (LHMP) has been submitted. This includes an updated Ecology Survey; Landscape and Habitat Plan; Biodiversity Enhancement Plan; Woodland Management Plan; and details of future management and maintenance.

2.13.3 In accordance with Condition 4(l) an updated ecology survey was undertaken in August 2023. This found no evidence of any new protected species including nesting birds, badgers, otters or water voles within and around the site boundaries. A bat survey recorded five pipistrelle bats foraging at the southern woodland strip and minimal evidence of commuting. While there is limited evidence of protected species within the site, particularly given that the old farm buildings have now been demolished and grouting works undertaken, a condition is required in order to ensure that further pre-works ecology checks are undertaken prior to the commencement of development of each Pod.

2.13.4 The Biodiversity Enhancement Plan within the LHMP confirms that a range of biodiversity measures are proposed across the four Pods within Phase 1. This includes formation of a berm which would run from west to east creating a habitat corridor through Phase 1, linking into the existing woodland to the west of the site. This green link will extend east to the Buckie Burn Dean as future phases come forward. Structure planting is also proposed along the eastern edge of Phase 1, providing a north-south habitat linkage. Structure tree planting is proposed to the north of Pod 2 and around the existing tree belt around the perimeters of Glenalmond House. Measures such as bug hotels, hedgehog highways, log piles and bird and bat boxes attached to the houses will be installed throughout the site. Daylighting of a section of the south west culvert would also present a significant biodiversity gain. Extensive landscaping throughout the site including hedgerow planting, street trees, shrubs and a range of native species will also contribute to biodiversity. The planting schedule and grass mixes would provide a native species mix to benefit a range of invertebrates (including pollinators), birds and small mammals. The selected species would provide for species-rich hedgerow, grassland and tree/shrub habitats, that provide a range of forage resources at different stages throughout the year, including sap, pollen, nectar, berry, seeds, nuts, leaves, bark and a species-rich humus in due course.

2.13.5 The Fife Council Natural Heritage Officer has confirmed that he is content with the findings of the updated ecology information provided subject to a condition requiring pre-works ecology checks prior to the commencement of development. The proposed biodiversity enhancements

are sufficient. He requested further information on soil storage including location, protection, maintenance, drainage / pollution prevention. The applicant subsequently submitted a soil bund location plan and proposed soil management details. The Fife Council Natural Heritage Officer advised that these details were sufficient to ensure that any earthworks and soil storage required would be appropriately managed and would not have a detrimental impact on natural heritage. He confirmed that he has no objection to the proposed development subject to a condition requiring pre-works ecology checks.

2.13.6 Condition 4(x) requires tree surveys to be submitted of any trees to be removed and details of protection measures for those to be retained. An arboricultural impact assessment has been undertaken as part of the LHMP, this confirms that there are only a small number of extant trees within the site boundary which may be potentially impacted by development works, these are situated around the periphery of Glenalmond House. These trees will be protected by fencing, which is sufficient regarding BS5837 guidelines. Tree removals required in order to facilitate development is limited to a group of hawthorn which is of moderate condition and is only 2m tall. The Fife Council Tree Officer has confirmed that he is satisfied with the proposed tree protection measures and that the ecological and amenity impact of the loss of hawthorn will be minimal. The LHMP and Woodland Management Plan are comprehensive and in line with conservation objectives. The proposed new planting throughout the site will consist of a diverse species range; indigenous conifers and broadleaves including fruiting and flowering trees. A mixture of trees have been selected with a range of shade tolerances, requirements in terms of water and nutrients, and hardiness. This diversity will help to build resilience, which is important regarding climate change.

2.13.7 The proposed development is in accordance with the NPF4 (2023) Policies 1, 3, 4, 6 and 20 and FIFEplan (2017) Policies 1, 10 and 13 and Fife Council's Making Fife's Places Supplementary Guidance (2017) plus the noted conditions. This is subject to a condition requiring pre-works ecology checks.

## **2.14 Sustainability**

2.14.1 NPF4 (2023) Policy 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) apply in relation to sustainability.

2.14.2 An Energy Statement and a Sustainability Statement (including a Low Carbon Checklist) accompany this application in accordance with Conditions 4(o) and 4(z), FIFEplan Policy 11 and the Low Carbon Supplementary Guidance. These documents confirm that the required 20% reduction in carbon emissions would principally be achieved within the proposed development via the installation of PV panels on each property. Within Pods 3 and 4 of Phase 1, air source heat pumps are likely to provide the most appropriate heating solution. With respect to other matters within the above SG, timber frame construction is proposed to improve overall carbon saving in comparison to masonry build with locally sourced building materials or sustainable sources where possible. Water conservation techniques would be introduced including dual flushing WCs and restricted flow taps. Surface water discharge would be via SUDS to ensure that there would be no increase in the rate of surface water run-off in peak conditions or detrimental impact on the ecological quality of the water environment. Energy efficient appliances would also be provided within each dwelling including highly efficiency boilers within Pods 1 and 2. Sufficient external space would be provided within the curtilage of each house for recycling bin storage. Communal bin store areas would be provided for each of the proposed blocks of flats. Finally, the site is located within a sustainable location in close proximity to existing bus stops and with scope for a new bus route to be provided along the re-routed Whitefield Road. New bus stops would be provided along this route as required by Conditions 10(m) and 20. Walking and cycling would be promoted throughout the site with the creation of shared pedestrian and cycle paths and connections to the surrounding footpath and core path

network. The site is within walking distance to a range of local amenities, including green spaces.

2.14.3 As required by Condition 12, the submitted Energy Statement by RSP Consulting Engineers LLP (dated 26<sup>th</sup> October 2023 which was further updated on 18<sup>th</sup> September and 8<sup>th</sup> October 2024) examined the feasibility of connecting to a local heat network or provision of a district heat network through on-site heat generation. It found that the provision of a district heat network would not be feasible given limited opportunity to connect to any nearby networks and given the lack of non-domestic development proposed within Phase 1 of the SDA development. In addition, the Energy Statement explains that the higher fabric standards required of new developments to achieve sustainability and net zero carbon standards reduces heat demand and therefore, the feasibility of district heating schemes also reduces.

2.14.4 Nonetheless, the Energy Statement sets out the measures which would be incorporated now to allow for a heat network to be installed in the future should such an option be feasible at that time and for any part of the development. The Statement confirms that land would be safeguarded for a district heat energy centre. Within Phase 1, the most suitable location is identified to the south east corner of Pod 4, to the north of the proposed SUDS basin. Based on the predicted annual heat demand calculations for the development (circa 3,200 MWh/annum) as set out within the Energy Statement, the extent of the land required to accommodate an energy centre is likely to be in the region of 600 sq.m. The general location for an energy centre has been selected due to its close proximity to proposed infrastructure which could support routes into Pods 3 and 4 as needed and may utilise, if required, road infrastructure in subsequent phases. It is noted that the extent of land required and the development's annual heat demand may change as future advances are made in the reduction of energy consumption of new buildings. In addition, space is to be reserved within service corridors to accommodate any future distribution pipework which may be required as part of the heat network. The Statement emphasises that the proposed solution would not prohibit Pods 1 and 2 from connecting into any future district heat network. The above approach is considered acceptable, given that the provision of a new heat network within the proposed development or connection to an existing heat network are not viable options at this time. The proposed approach would allow for flexibility to safeguard a district heat network within Phase 1 should either of the above options become viable in the future.

2.14.5 Objections were received concerning the use of gas boilers across Phase 1 and the lack of measures to future proof houses against climate change. In accordance with the New Build Heat Standards, the installation of gas boilers is permitted where the building warrant for the development was lodged prior to the new Standards coming into force on the 1<sup>st</sup> April 2024. As the applicant lodged their building warrant application prior to this date, the use of gas boilers is accepted for Pods 1 and 2 of the SDA. For the subsequent phases of the SDA, the new New Build Heat Standards will apply and therefore, for all new buildings (domestic and non-domestic) all heating must be from compliant Zero Direct Emission Heating Systems (ZDEHS). Such systems include heat pumps, heat networks, electric heating, hydrogen boilers or solar thermal systems. The submitted Energy Statement includes an analysis of potential renewable technology options, this confirms that the most appropriate heating solution for Pods 3 and 4 of Phase 1 is air source heat pumps.

2.14.6 Overall, the proposed development addresses the aforementioned PPP conditions and meets the requirements of NPF4 (2023) Policies 1, 2, 12, 13, FIFEplan (2017) Policy 11 and Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) in relation to sustainability and energy requirements.

## **2.15 Public Art**

2.15.1 Policy 4 of the Adopted FIFEplan (2017) and the Fife Council Planning Obligations Framework Guidance (2017) and sets out when public art is required and ties to the Making Fifes

Places SG (Appendix F) which provides further details on how public art should be integrated into a site and when and where this should be provided.

2.15.2 As required by Conditions 4(p) and 14 a Public Art Strategy has been submitted, dated October 2023 by Ginkgo Projects Ltd. The strategy focuses on three key projects.

- Project 1: Open Spaces -Artist commission to contribute to the detailed design of key open spaces, including play provision.
- Project 2: Living with nature - Strategic positioning of artworks will support arrival at and movement through the site.
- Project 3: Admiring the view - Seating will create destination points at key locations with panoramic views including Hill of Beath, Forth Bridges, Pentland Hills and Edinburgh.

2.15.3 Each project will aim to celebrate the unique and natural assets of the site and adjacent communities; foster and enhance the sense of place, cohesion and legibility between development areas, newly accessible public routes and green infrastructure; Engage with local people and groups to build creative capacity and develop a sense of wellbeing. The projects will be developed with artists finding ways of working with local organisations and individuals to build and capture local creative skills and knowledge. The strategy identifies a range of local groups are likely to contain or signpost possible stakeholders amongst the local community to work with artists.

2.15.4 The applicant has confirmed that the costs for the proposed artwork would meet the terms of Making Fifes Places SG (£300 x 389 homes = £116,700), however, evidence will be required to demonstrate this. The applicant is also required to outline any consultation undertaken with respect to the proposed art installations. Both matters can be addressed via condition to ensure community involvement, where available, prior to final approval of the respective art strategy. The submitted Development Brief identified the delivery of the first artwork within Phase 1 of the proposed development. Therefore, to allow time for sufficient consultation and delivery prior to occupation of each Pod, the updated public art strategy, final design and maintenance arrangements should be submitted for approval prior to the occupation of the 50<sup>th</sup> dwelling.

2.15.5 The Development Brief confirms that the public art commissions within Phase 1 will be delivered between 2024-2030 in line with the direction of build and phasing plans for the construction of the Phase 1 Pods 1 to 4. The art would be installed at the same time as the relevant landscaped or open space area which the art work will sit within. The first public art commissions are expected to be delivered during infrastructure delivery in 2024/2025.

2.15.6 Subject to the condition noted above, the proposed development would accord with Conditions 4(p) and 14 and the Development Plan policies with respect to public art.

## **2.16 Amenity**

2.16.1 NPF4 (2023) Policies 14 and 23, FIFEplan (2017) Policies 1 and 10, Planning Advice Note (PAN) 1/2011: Planning and Noise apply in terms of the amenity of residents.

2.16.2As required by Conditions 4 (bb) and 5(e) the submitted Noise Assessment by The Airshed dated 6<sup>th</sup> November 2023 confirms that while the noise levels within the majority of outdoor garden areas within Phase 1 are predicted to fall below 55dB and therefore, would not require any

mitigation, there are private gardens at a small number of properties where the noise levels generated by road traffic could be above 55dB. These properties are situated on the north west side of the site adjacent to the B912 and fronting the rerouted Whitefield Road. The Noise Assessment confirms that the most appropriate mitigation would be the installation of acoustic fences of varying heights (1.8m, 2m and 3m) in to achieve noise levels below 55dB within these garden areas. Acoustic barriers immediately adjacent to these public roads would not be an appropriate solution from a visual impact perspective. As such, the Development Brief confirms that a variety of potential measures would be considered which may include setting buildings back from the road, bunds, planting and fences. The final details of the noise mitigation measures is a matter for applications for matters specified in conditions for the residential pods. This approach is acceptable. Figure 28 shows the indicative locations where noise mitigation would be required within Phase 1. This is in accordance with Condition 10 (y)

2.16.3 As required by Conditions 4(v) and 37 the submitted Construction Environmental Management Plan by Taylor Wimpey (dated 23<sup>rd</sup> October 2023) includes a scheme of works. It advises that the site construction hours would be 8am to 6pm Monday to Friday; 8am to 1pm on Saturdays and no working on Sundays and Public Holidays. If any changes are required to these hours then the applicant would discuss with Fife Council Environmental Health. The CEMP sets out a range of measures in order to control any potential dust, dirt and odours during construction. These include haul roads will be located away from any sensitive areas (including residential properties); regular sweeping of roads to prevent a build up of dust, dirt and debris; any materials being removed or delivered to site will be covered by tarpaulins; soil bunds will be dressed and bladed; and traffic management including speed restrictions to prevent excessive generation of dust. To minimise any potential impact on air quality the use of diesel powered generators would be minimised; all plant would be well maintained and engines on vehicles and plant would not be left running unnecessarily. In relation to noise and vibration the CEMP sets out measures that would be taken to prevent and mitigate noise and vibration as far as possible. It confirms that a plan showing the location of noise sensitive receptors shall be maintained and displayed within the site offices, and any works that may give rise to noise or vibration on the site, shall be considered against these areas. In the event that there will be any works that will give rise to prolonged noise or vibration, such as piling, Taylor Wimpey will notify local residents in advance, identifying the works that will be undertaken, the reason for the works, and the duration of the works. Noise generating activities shall, where possible, be undertaken away from noise sensitive receptors, and having due regard to wind direction. All drivers on site will undergo site inductions and tool box talks during which the impacts of noise generation through driving and vehicle operation shall be addressed. The CEMP provides a commitment to community engagement throughout the construction process.

2.16.4 Overall, the proposed development identifies varied measures to mitigate noise impacts to residential units that will be explored as part of detailed designs for each Pod. The principles set down within the Development Brief are acceptable and the CEMP provides suitable control of construction related noise impacts. Cumulatively, this accords with PPP conditions and the Development Plan policies with respect to amenity.

## **2.17 Phasing for installation of ultrafast broadband**

2.17.1 The Development Brief confirms that fibre broadband will be installed in line with development phasing to ensure the service is available to each property upon occupation. The applicant is working with their multi-utility partner, GTC, to ensure the infrastructure requirements are fully installed to support this. This is in accordance with Condition 10 (z).

## 3.0 Consultation Summary

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|  |   |
|--|---|
| Climate Change and Zero Waste, Planning Services       | No objection.   |
| Land and Air Quality, Protective Services              | No objection subject to conditions.   |
| The Coal Authority                                     | No objection.   |
| Natural Heritage, Planning Services                    | No objection subject to conditions.   |
| Trees, Planning Services                               | No objection.   |
| Urban Design, Planning Services                        | No objection.   |
| TDM, Planning Services                                 | No objection subject to conditions.   |
| Structural Services - Flooding, Shoreline and Harbours | No objection.   |
| Community Council                                      | Object on a number of matters relating to impact on infrastructure and facilities; flood risk; risks from coal mining legacy; drainage; traffic impact; road safety; SUDS safety; impact on core paths; use of gas boilers. |
| Scottish Environment Protection Agency                 | No objection.   |
| Scottish Water   | No objection.   |

## 4.0 Representation Summary

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4.1 There were five representations received, consisting of five letters of objection, including one objection from Bellyeoman Community Council.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| Issue             | Addressed in Paragraph |
|-------------------|------------------------|
| a. Drainage       | Section 2.11           |
| b. Traffic impact | Section 2.10           |
| c. Road safety    | Section 2.10           |
| d. SUDS safety    | Section 2.11           |



|   |              |
|---|--------------|
| e. Unsustainable use of gas boilers   | Section 2.14 |
| f. Lack of measures to future proof houses against climate change commitments   | Section 2.14 |
| g. Flood risk resulting from the grouting works   | Section 2.11 |
| h. Impact on core paths   | Section 2.10 |
| i. Use of historic data used to establish potential flood risk  | Section 2.11 |
| j. Concerns regarding the proximity of the proposed pumping station to the daylighted culvert and risk of contamination should the pumping station fail     | Section 2.11 |
| k. Potential noise impact and atmospheric venting from the proposed pumping station. Not taken into account in the submitted Air Quality Impact Assessment. | Section 2.11 |

#### 4.2.2 Support Comments

None

#### 4.2.3 Other Concerns Expressed

| Issue  | Comment   |
|--|---|
| Lack of clarity on the provision of public transport / school / infrastructure   | Impacts on education provision and infrastructure were assessed as part of the application for planning permission in principle. Any impacts are to be mitigated via developer contributions which are secured via a Section 75 legal agreement attached to planning permission 17/01677/EIA.     |
| The applicant has not consulted the community since the PPP was submitted  | The application is for the approval of matters specified in conditions. There is no legislative requirement for the applicant to consult the community for this type of application and therefore, the planning authority cannot require the applicant to undertake pre-application consultation. |
| Little detail provided in terms of how easy or difficult it would be for homeowners to install air source heat pumps later | Section 2.14  |

## 5.0 Conclusions

This application for the approval of matters specified in conditions seeks to address 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) of 17/01677/EIA which are relevant to the infrastructure

required as part of Phase 1 of the overall mixed use development as permitted under the original PPP. The information submitted is in accordance with the condition requirements and the Development Plan subject to the noted conditions.

## 6.0 Recommendation

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

### **PRE-COMMENCEMENT CONDITIONS:**

1. PRIOR TO ANY WORKS COMMENCING ON SITE, a pre-construction survey for protected species shall be undertaken to inform any updated mitigation measures required within the Landscape and Habitat Management Plan. The results of the protected species survey and any updates to the Landscape Habitat Management Plan shall be submitted to and approved in writing by Fife Council as planning authority before the commencement of works on site, unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of protecting the ecology of the site.

### **CONDITIONS:**

2. Prior to occupation of the 50th dwelling within Halbeath Strategic Development Area, an updated public art strategy including the details of the proposed items of work relating to this strategy shall be submitted for the written approval of Fife Council as Planning Authority. The strategy shall demonstrate that the value of the works contributing to the public art strategy shall meet the terms of the Council's Guidance on Public Art in terms of the financial value of the items of work. The strategy shall propose a scheme of public consultation which shall involve a local community group or groups (if available) and implementation strategy showing delivery timescales for Public Art within the site. Thereafter the public art works shall be carried out entirely in accordance with the details approved under this condition and will be maintained in perpetuity by the applicant or other agreed party.

Reason: In the interests of good placemaking; to ensure a strategy for deploying the financial contribution towards public art is agreed.

3. Prior to operation of the approved surface water drainage infrastructure, certification (Appendix 6 – Confirmation of SUDS Constructed to Current Best Practice of the Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements) shall be submitted to Fife Council as planning authority from a chartered engineer confirming that the SUDS infrastructure has been constructed in compliance with the details approved through this application.

Reason: To ensure the SUDS basin is constructed in accordance with the self-certification process in the interests of ensuring adequate drainage for the site.

4. IN THE EVENT THAT CONTAMINATION OR COAL LEGACY FEATURES 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.

5. NO PART OF THE DEVELOPMENT SHALL BE BROUGHT INTO USE UNTIL remedial action at the site has been completed in accordance with a Remedial Action Statement approved pursuant to this condition. 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 work on site (save for site investigation work) shall cease immediately and the local 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 local 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 local 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.

6. The development shall be implemented in accordance with the culvert design requirements set out within the Technical Memo by Kaya Consulting Limited (dated 11th September 2024) unless otherwise agreed in writing with Fife Council as planning authority.

Reason: In the interests of protecting the site from flood risk.

## 7.0 Background Papers

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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](#)

Report prepared by Katherine Pollock, Lead Professional and Chartered Planner

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

Committee Date: 23/10/2024

Agenda Item No. 5

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**Application for Full Planning Permission**

**Ref: 24/00142/FULL**

**Site Address:** Land at Halbeath, North of Fife Circle Rail Line, Pleasance Road, Halbeath

**Proposal:** Engineering operations comprising the installation of a foul sewer connection and outfall system associated with proposed residential development (reference 23/03127/ARC)

**Applicant:** Taylor Wimpey East Scotland, 1 Masterton Park South Castle Drive

**Date Registered:** 4 March 2024

**Case Officer:** Katherine Pollock

**Wards Affected:** W5R02: Dunfermline North

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### **Reasons for Referral to Committee**

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

### **Summary Recommendation**

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The application is recommended for:

Conditional Approval

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## **1.0 Background**

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### **1.1 The Site**

1.1.1 The application site extends to approximately 0.32 hectares, comprising a section of Whitefield Road (B912), Dunfermline. It is situated to the south of the northerly junction with Queen Margaret Fauld and extends south beyond the southern entrance to Queen Margaret Fauld. It is bound by a grass verge and the rear gardens of residential properties to the east, Queen Margaret Hospital to the west and Whitefield Road to the north and south. The site is located within the settlement boundary of Dunfermline as defined on the adopted FIFEplan 2017 Proposals Map.

## 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 The application is for full planning permission for engineering operations comprising the installation of a foul sewer connection and outfall system required to serve the residential development proposed as part of the approved Halbeath Strategic Development Area (ref: 17/01677/EIA). The proposed sewer pipe and associated infrastructure is outwith the planning application red line boundary for 17/01677/EIA and therefore, constitutes development in its own right. As the applicant is not a statutory undertaker, the proposal does not benefit from permitted development rights under Class 38 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) and therefore planning permission is required for the works.

## 1.3 Relevant Planning History

1.3.1 As referred to above, planning permission in principle was granted in February 2023 for residential development (approximately 1,400 residential units) including land for education, retail, employment and community facilities, with new roads and associated infrastructure, and including demolition of existing buildings at Wester Whitefield Farm subject to conditions and a legal agreement (ref: 17/01677/EIA).

1.3.2 There are two associated applications for matters specified in conditions currently under consideration which the proposed sewer connection would serve. These are as follows:

- 23/03127/ARC - 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). This application is also before Committee for determination.
- 23/03164/ARC - Erection of 161 residential units and associated works within Pods 1 and 2 of Phase 1 of the Halbeath Strategic Development Area (Application Ref: 17/01677/EIA). Approval of Matters Specified in Conditions 3 (Part a - Residential Development and Associated Infrastructure), 4 and 5 (Application Requirements) and 12 (Energy Statement). This application is currently being assessed by officers.

## **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 National Planning Framework 4 (2023) and FIFEplan Local Development Plan (2017).

1.4.2 The application was advertised in the local press on 14<sup>th</sup> March 2024 for neighbour notification purposes.

1.4.3 A site visit was carried out on 1<sup>st</sup> October 2024.

## **1.5 Relevant Policies**

### **National Planning Framework 4 (2023)**

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 22: Flood risk and water management

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

### **Adopted FIFEplan (2017)**

Policy 1: Development Principles

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 12: Flooding and the Water Environment

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

### **Supplementary Guidance**

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.

### **Other Relevant Guidance**

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements (2021)

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Transportation/Road Safety
- Flooding and Drainage

### **2.2 Principle of Development**

2.2.1 The proposal will not change the use of the land and relates to operational development for the installation of a sewer pipe which forms part of the wider foul drainage scheme for the approved residential led, mixed use development for the neighbouring SDA site. The site is located within the settlement boundary of Dunfermline as defined on the adopted FIFEplan 2017 Proposals Map. It is within the urban area where development and installation of such services is generally accepted.

2.2.2 Accordingly, the principle of the sewer pipe on the site is compatible with NPF4 Policy 18 and Policies 1 and 3 of the adopted FIFEplan (2017).

### **2.3 Transportation/Road Safety**

2.3.1 Given the proposed sewer pipe would be situated underground, it is considered the proposal would have no impact on the local road network once operational.

2.3.2 The objections received raised concerns regarding the potential disruption which the works to install the pipe would have on Whitefield Road and the local road network. As noted in the consultation response received from Fife Council's Transportation Development Management Team any road occupation, temporary traffic management arrangements etc would be dealt with under The Roads (Scotland) Act 1984 and therefore, such matters are outwith the scope of the planning legislation. It is acknowledged that any potential impacts



would be temporary. Fife Council's Transportation Development Management raised no objection to the proposal.

2.3.3 The proposed development is considered acceptable in terms of road safety and would be in compliance with Policy 18 of NPF4 and Policies 1, 3 and 10 of the Adopted FIFEplan (2017).

## 2.4 Flooding and Drainage

2.4.1 The submitted Drainage Assessment by Indev Consult dated October 2023 confirms that there is an existing 225mm diameter combined sewer on Whitefield Road which would provide a connection point for the SDA site. This solution requires pipes to be laid to allow the foul drainage to discharge to this existing foul sewer to the south of the SDA site along the B912. As part of the infrastructure works (applied for under application 23/03127/ARC) a foul pumping station would be required within Phase 1 of the SDA site, located close to the SUDS basin on the south side of the site. From here the discharge from future phases will be pumped to break pressure manhole at the access road to the SUDS before connecting via gravity to the new foul sewer in the realigned Whitefield Road. In terms of future maintenance, the Drainage Assessment advises that the main line sewers and disconnecting tails would be adopted by Scottish Water.

2.4.2 Scottish Water and the Fife Council Flooding, Shoreline and Harbours confirmed that they have no objection to the planning application.

2.4.3 In accordance with NPF4 Policy 22 of NPF4; FIFEplan (2017) Policies 1, 3 (Infrastructure and Services), 12 (Flooding and the Water Environment); and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management, the proposed development would not increase the risk of flooding and would ensure suitable arrangements are in place for foul drainage from the Halbeath SDA.

## 3.0 Consultation Summary

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|  |   |
|--|---|
| Community Council                                      | Object on a number of matters relating to validation, drainage and potential road disruption. |
| Structural Services - Flooding, Shoreline and Harbours | No objection.   |
| TDM, Planning Services                                 | No objection.   |
| Scottish Water   | No objection.   |

## 4.0 Representation Summary

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4.1 There were two representations received, consisting of two letters of objection, and including one objection from Bellyeoman Community Council.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| <b>Issue</b>                          | <b>Addressed in Paragraph</b>   |
|---------------------------------------|---|
| a. Noise impact during construction   | Any potential noise impact would be temporary until the pipe is laid and any works would be undertaken within the normal working hours. |
| b. Traffic impact during construction | Section 2.3   |

#### 4.2.2 Support Comments

None

#### 4.2.3 Other Concerns Expressed

| <b>Issue</b>  | <b>Comment</b>  |
|---|---|
| This application's consideration appears to be isolated from the wider application 23/03127/ARC   | The application has been assessed alongside application 23/03127/ARC and the planning permission in principle for the SDA. This application has been brought to committee for determination at the same time as application 23/03127/ARC. |
| Construction should align with, and no consent should be issued, which would result in the SP Energy Works cable laying project on Townhill Road taking place at the same time. | The cable laying project is being undertaken by a statutory undertaker. This application cannot seek to control the timings of works which are outwith the scope of this planning application.  |
| Question why two documents relating to the SUDS have been submitted with the planning application and the relevance of these documents to the application.                      | These documents were uploaded in error by the agent and are not relevant to the determination of this application.  |
| There are items quoted in the invalid letter which have not been submitted but the application has been issued for public review.   | Following further discussions with the applicant after the issue of the invalid letter, it was deemed that these items were not required to enable the officer's consideration of the planning application.                               |

## 5.0 Conclusions

The proposed development was assessed against the provisions of the Development Plan and other guidance in relation to the principle of development; impact on the road network and; flooding and drainage, the proposal is acceptable and in accordance with the Development Plan and relevant guidance subject to the noted conditions.

## 6.0 Recommendation

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

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

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

2. 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.

## 7.0 Background Papers

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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](#)

Report prepared by Katherine Pollock, Lead Professional and Chartered Planner

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

Committee Date: 23/10/2024

Agenda Item No. 6

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**Application for Full Planning Permission**

**Ref: 24/01770/FULL**

**Site Address:** 173 Dunnikier Road Kirkcaldy Fife

**Proposal:** Change of use from dwellinghouse (Class 9) to HMO (6 persons) (Sui Generis) (Retrospective)

**Applicant:** Mr Asif Hussain, 38 Victoria Road Kirkcaldy

**Date Registered:** 12 July 2024

**Case Officer:** Lauren McNeil

**Wards Affected:** W5R11: Kirkcaldy Central

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### **Reasons for Referral to Committee**

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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**

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The application is recommended for: Conditional Approval

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## **1.0 Background**

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National Planning Framework 4 was formally adopted on the 13th of February 2023 and is now part of the statutory Development Plan. NPF4 provides the national planning policy context for the assessment of all planning applications. The Chief Planner has issued a formal letter providing further guidance on the interim arrangements relating to the application and interpretation of NPF4, prior to the issuing of further guidance by Scottish Ministers.

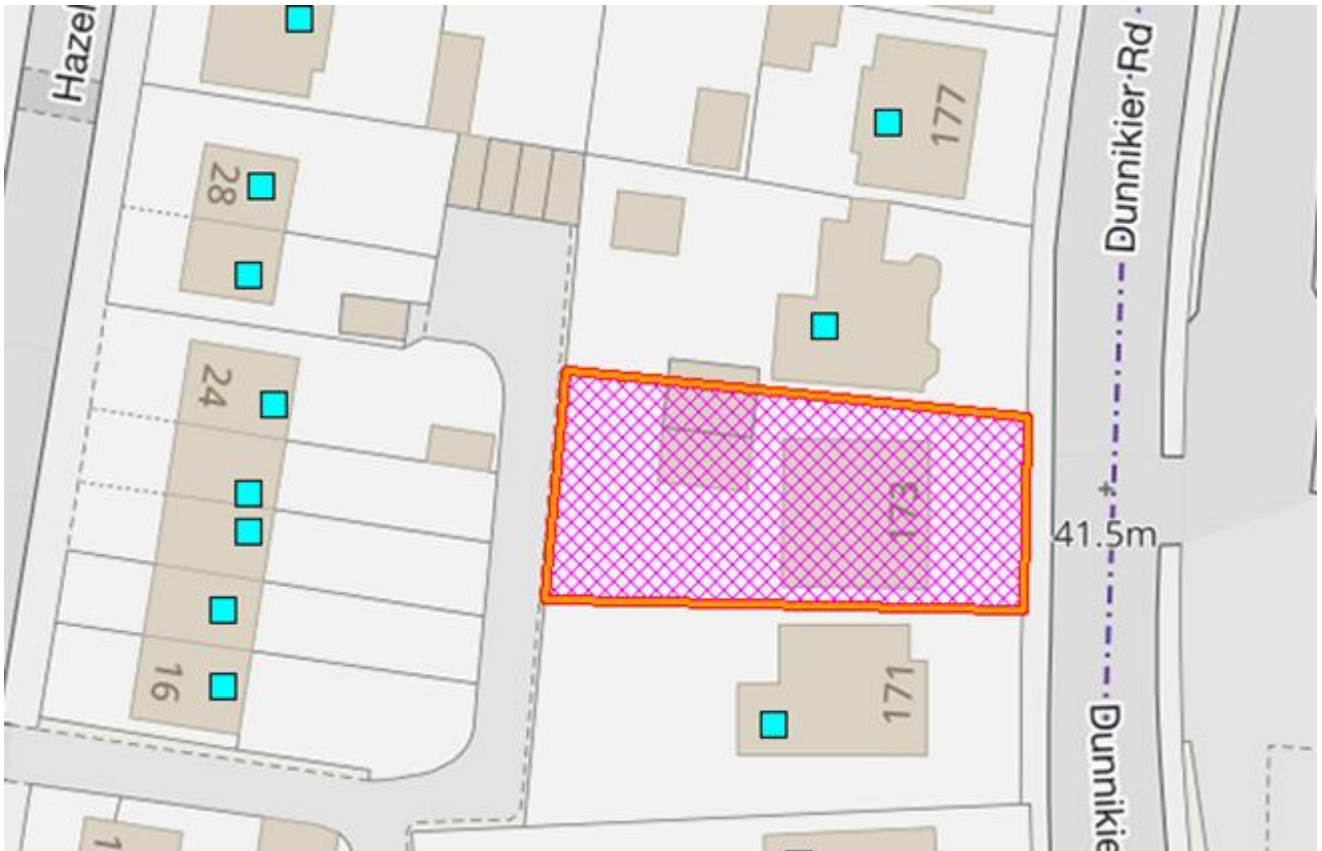
The Adopted FIFEplan LDP (2017) and associated Supplementary Guidance continue to be part of the Development Plan. The SESplan and TAYplan Strategic Development Plans and any supplementary guidance issued in connection with them cease to have effect and no longer form part of the Development Plan.

In the context of the material considerations relevant to this application there are no areas of conflict between the overarching policy provisions of the now adopted NPF4 and the adopted FIFEplan LDP 2017.

## 1.1 The Site

1.1.1 This application relates to a 1.5 storey detached dwellinghouse situated within the Kirkcaldy and Dysart settlement boundary. The property is situated within a predominately residential area to the East of Victoria Hospital. The property comprises of a traditional bungalow design and is externally finished with a stone façade, roughcast rendered walls, concrete roof tiles and UPVC windows and doors. The applicant has confirmed that over the recent summer period the dwellinghouse has been advertised as a short-term let. However, given only two bedrooms within the four-bedroom dwellinghouse were let out at any given time, this would constitute Permitted Development under Class 9 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended.

### 1.1.2 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This application seeks retrospective planning permission for the change of use of the existing four-bedroom dwellinghouse (Class 9) to a House in Multiple Occupation (HMO) (Sui Generis) for up to 6 persons. The application form provided details that works to convert the property to HMO use, began in September 2023, however the proposed material change of use has not yet taken place.

### **1.3 Relevant Planning History**

23/02950/FULL - Change of use from dwellinghouse (Class 9) to HMO (6 persons) (Retrospective) – Withdrawn - 24/01/2024.

### **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 physical site visit has not been undertaken in relation to the assessment of this application. All necessary information has been collated digitally to allow the full consideration and assessment of the application. 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, and
- Site photographs provided by the applicant/agent.

Given the scale and nature of the proposal, it is considered 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 3: Biodiversity

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

##### 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 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.

## **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 2: Homes

Outcomes: An increase in the availability of homes of a good quality to meet local needs. The provision of a generous supply of land for each housing market area to provide development opportunities and achieve housing supply targets across all tenures. Maintaining a continuous five year supply of effective housing land at all times.

### 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 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.

## **National Guidance and Legislation**

The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended.

Planning Circular 2/2012- Houses in Multiple Occupation: Guidance on Planning Control and Licensing.

## **Supplementary Guidance**

Making Fife's Places Supplementary Guidance (2018)

## **Planning Customer Guidelines**

Garden Ground

Transportation Development Guidelines

Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements

# **2.0 Assessment**

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## **2.1 Relevant Matters**

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

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

## **2.2 Principle of Development**

2.2.1 Whilst Houses in Multiple Occupation (HMO's) are not specifically referenced within NPF4 the intention of Policy 16 (Quality Homes) is 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.

2.2.2 Policies 1 and 2 of the Adopted FIFEplan (2017) also apply with regards to the principle of the development. 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. Policy 2 of the Adopted FIFEplan (2017) states that Houses in multiple occupancy (HMO) will not be supported if it is a new dwelling, unless



purpose built for HMO use; or it is the conversion of an existing building in an area where restrictions on HMOs are in place.

2.2.3 Planning Circular 2/2012- Houses in Multiple Occupation: Guidance on Planning Control and Licensing also applies in this respect and advises 'HMOs provide a vital source of accommodation, and planning authorities should seek to ensure that an adequate supply is available to meet demand'.

2.2.4 Objections 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. Secondly, given the residential nature of the proposed use it is considered the proposal would be compatible with its surrounds in simple land use terms. Moreover, given that the existing dwellinghouse could accommodate up to 5 unrelated residents under Class 9 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended it is therefore considered the proposed HMO would be comparable to that of the existing residential use. Furthermore, the proposal would introduce an additional offering in terms of choice of housing tenure thus reducing inequalities in terms of access to housing which would be supported by Policy 16 of NPF4. There are also no HMO restrictions currently in place within Kirkcaldy.

2.2.5 In light of the above, the principle of the development is in compliance with the general provisions of Policy 16 of NPF4 and Policies 1 and 2 of the Adopted FIFEplan (2017) and is considered acceptable, subject to compliance with the detailed policies of the development plan.

## **2.3 Visual Impact**

2.3.1 Policy 14, Part A of NPF4 states development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Whilst not wholly applicable in this case, Policy 16, Part 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 Objections received raised concern regarding the visual impact of the proposal. To clarify, no external alterations are proposed to the main property. The key changes include the removal of the existing domestic garage to the rear which would not require planning permission, and the creation of a parking area to the rear of the property. The proposed parking area to the rear would consist of a gravel finish similar to that of the front garden which was historically used for parking. Moreover, there are other residential properties within the surrounding environment which benefit from parking arrangements to the front, side and in some cases rear.

2.3.4 In light of the above, on balance the proposal would be considered acceptable and would not have a significant detrimental impact on the visual amenity of the surrounding residential

area. 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 Whilst not wholly applicable in this case, Policy 16, Part G of NPF4 states that householder development proposals will be supported where they do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking. In addition, Policy 23, Part E of NPF4 states that development proposals that are likely to raise unacceptable noise issues will not be supported.

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, including shadow flicker from wind turbines; or the loss of privacy, sunlight and daylight.

2.4.3 Objections received raised concerns regarding general residential amenity, loss of privacy, and noise. It should be noted that Planning Circular 2/2012- Houses in Multiple Occupation: Guidance on Planning Control and Licensing advises that the behaviour of HMO tenants is not a material planning consideration. As previously detailed, given the residential nature of the proposed use it is considered the proposal would be compatible with its surrounds in simple land use terms. Also, given that the existing dwellinghouse could accommodate up to 5 unrelated residents under Class 9 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, as amended it is therefore considered the proposed HMO would be comparable to the existing residential use and would not introduce significant additional noise concerns. Furthermore, the proposal would not introduce any additional window openings therefore the proposal would not have a detrimental impact on overlooking. The proposal would also maintain more than 100m<sup>2</sup> of usable garden ground to the rear which would comply with Fife Council's Garden Ground Guidelines.

2.4.4 In light of the above, the proposal would be considered acceptable and would be in compliance with Policies 16 and 23 of NPF4 and Policies 1 and 10 of the Adopted FIFEplan (2017) with regard to residential amenity.

## **2.5 Road Safety**

2.5.1 Policy 13, Part B states 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 that 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 that development must be designed and implemented in a manner that ensures it delivers the required level of infrastructure and functions in a sustainable manner. Where necessary and appropriate as a direct consequence of the development or as a consequence of cumulative impact of development in the area, development proposals must incorporate measures to ensure that they will be served by adequate infrastructure and services. Such infrastructure and services may include local transport and safe access routes which link with existing networks, including for walking and cycling. Policy 10 states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to traffic movements.

2.5.3 Objections received raised concerns regarding the proposed parking arrangements, increased vehicular movements resulting from the proposal, and visibility. The proposal would involve the provision of six off-street parking spaces, two to the front and four to the rear which would comply with Fife Council's Parking Standards for a HMO property of this scale. In addition, in line with Fife Council's Parking Standards the existing four-bedroom dwellinghouse would require the provision of 3 off-street parking spaces which historically would have been located within the front and side curtilage, therefore on balance it is considered the proposal would introduce 3 additional off-street parking spaces which could comfortably be accommodated within the rear curtilage of the property. Thus, the proposal would not increase on-street parking along Dunnikier Road. Furthermore, there are various bus services running along Dunnikier Road with the nearest bus stop being situated less than 100m from the property, therefore it is considered the proposal would be accessible via public transport. There are also various core paths within an appropriate walking distance from the property, thus providing opportunities for active travel.

2.5.4 Fife Council's Transportation Development Management Team (TDM) were consulted on the proposal and confirmed that the proposed off-street parking layout would be considered acceptable. However, TDM recommended that the existing vehicular access be widened to provide comfortable manoeuvring space for drivers when accessing and leaving the site. This issue can be appropriately addressed through the imposition of planning conditions.

2.5.5 Considering the above, the proposal subject to conditions would be considered acceptable in terms of road safety and would be in compliance with Policy 13 of NPF4 and Policies 1, 3 and 10 of the Adopted FIFEplan (2017).

## **2.6 Flooding**

2.6.1 Policy 22, Part C of NPF4 states that development proposals will not increase the risk of surface water flooding to others, or itself be at risk. Also, development proposals will seek to minimise the area of impermeable surface.

2.6.2 Policies 1 and 12 of the Adopted FIFEplan (2017) and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management Plan Requirements also apply in this respect. Policy 1 Part B of FIFEplan (2017) states that development proposals must address their development impact by complying with the following relevant criteria and supporting policies, where relevant including avoid flooding and impacts on the water environment. Policy 12 of FIFEplan (2017) states that development proposals will only be supported where they can demonstrate that they will not, individually or cumulatively increase flooding or flood risk from all sources (including surface water drainage measures) on the site or elsewhere.

2.6.3 Objections received raised concerns regarding the potential flooding impact resulting from the proposed parking areas. The proposed parking areas would comprise of a permeable surface material (gravel) and as such would not increase the risk of surface water flooding.

2.6.4 In light of the above, the proposal would be considered acceptable and would be in compliance with Policy 22 of NPF4 and Policies 1 and 12 of the Adopted FIFEplan (2017).

## **2.7 Biodiversity**

2.7.1 Policy 3, Part C of NPF4 states that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

2.7.2 Policies 1 and 13 of the Adopted FIFEplan (2017) and Making Fife's Places Supplementary Guidance (2018) also apply in this respect. Policy 1 Part B states that development proposals must safeguard the character and qualities of the landscape. Policy 13 states that development proposals will only be supported where they protect or enhance natural heritage and access assets including biodiversity in the wider environment.

2.7.3 Objections received raised concerns regarding the proposals impact on biodiversity. The proposal would involve the removal of a small portion of garden ground to the rear of the property to accommodate the new parking area. Given the site is situated within an established built-up area it is considered the removal of this small portion of garden ground would be considered acceptable. Moreover, should the property remain a Class 9 dwellinghouse these works would constitute Permitted Development under Class 3C of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, therefore on balance the proposal would not have a significant detrimental impact on biodiversity.

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

## **3.0 Consultation Summary**

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TDM, Planning Services

No objections, subject to conditions

## 4.0 Representation Summary

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4.1 A total of 10 letters of objection have been received raising the following concerns.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

| <b>Issue</b>                         | <b>Addressed in Paragraph</b> |
|--------------------------------------|-------------------------------|
| a. The principle of the development  | 2.2.4                         |
| b. The visual impact of the proposal | 2.3.3                         |
| c. Residential amenity               | 2.4.3                         |
| d. Road safety                       | 2.5.3 and 2.5.4               |
| e. Flooding                          | 2.6.3                         |
| f. Impact on biodiversity            | 2.7.3                         |

#### 4.2.3 Other Concerns Expressed

| <b>Issue</b>  | <b>Comment</b>                                       |
|---|--|
| a. The proposal's impact on the value of the neighbouring properties.         | This is not a material planning consideration.       |
| b. The property's use as a short term let.                                    | This has been addressed within paragraph 1.1.1.      |
| c. Matters relating to the suitability of the accommodation for HMO purposes. | This would be controlled under separate legislation. |

## 5.0 Conclusions

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On balance, the proposal, subject to conditions is considered acceptable given the change of use would not have a significant detrimental impact on visual amenity, residential amenity, road safety, flooding or biodiversity. As such, the proposal would be in compliance with Policies 3, 13, 14, 16, 22, and 23 of NPF4 and Policies 1, 2, 3, 10, 12, and 13 of the Adopted FIFEplan (2017) as well as all other relevant guidance.

## 6.0 Recommendation

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

### **CONDITIONS:**

1. Within 3 calendar months of the date of this planning permission, the existing vehicular access at its junction with the rear of the public footway shall be widened to a minimum width of 4 metres at its junction with the public footway.

Reason: In the interest of road safety; to ensure the provision of adequate access width.

2. Within 3 calendar months of the date of this planning permission, there shall be provided within the curtilage of the site 6 parking spaces for vehicles in accordance with the current Fife Council Making Fife's Places Appendix G and as per the layout shown on Drawing No 300. 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.

3. Within 3 calendar months of the date of this planning permission, visibility splays of 2m x 43m 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 and the public road, in accordance with the current Fife Council Making Fife's Places Appendix G. The visibility splays shall be retained for the lifetime of the development.

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

## 7.0 Background Papers

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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](#)

Report prepared by Lauren McNeil, Planner and Case Officer.

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