

West and Central Planning Committee

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



Wednesday 26 February 2025 - 2.00 p.m.

AGENDA

Page Nos.

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST**

In terms of Section 5 of the Code of Conduct, members are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.
3. **MINUTE** – Minute of the meeting of West and Central Planning Committee of 29 January 2025. 4 - 5
4. **24/03028/CON - ECU00004987- CONSULTATION ON APPLICATION TO INSTALL BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE (342MW) AT KINCARDINE POWER STATION SITE, KINCARDINE, FIFE** 6 - 25

A report by the Head of Planning Services to seek the Committee's agreement on the Council's proposed formal response to the consultation from Scottish Ministers under Section 36 of the Electricity Act, 1989.
5. **24/01277/FULL - LAND SOUTH OF PITDINNIE FARM PITDINNIE ROAD CAIRNEYHILL** 26 - 66

Erection of 256 residential units with associated engineering, infrastructure, landscaping and open space
6. **24/01432/FULL - LAND SOUTH OF PITDINNIE FARM PITDINNIE ROAD CAIRNEYHILL** 67 - 78

Formation of path and open space associated with Cairneyhill Phase 2 (24/01277/FULL) including landscaping, drainage and associated works.
7. **24/02361/ARC - LAND TO THE WEST OF CROSSFORD, CAIRNEYHILL ROAD, CROSSFORD** 79 - 99

Approval of matters specified in conditions (Conditions 1-4, 6, 8, 10, 11, 14, 15) of planning permission in principle 24/00792/PPP for residential development of 217 dwellings with associated landscaping, open space, access, drainage and other infrastructure.

8. **24/00406/FULL - COUNCIL DEPOT 6 ELGIN STREET DUNFERMLINE** 100 - 117
Erection of 41 no. affordable housing units (18 no. flatted units and 23 no. dwellinghouses with associated access road, parking, external works and SUDS.
9. **24/03072/FULL - TULLOHILL COTTAGE TULLOHILL BRIDGE STREET** 118 - 125
Proposed alterations and extension to existing detached dwellinghouse including dormer extensions at first floor level, and installation of new roof section to match existing roof line.
10. **24/03071/LBC - TULLOHILL COTTAGE TULLOHILL BRIDGE STREET** 126 - 132
Listed Building Consent for proposed alterations and extension to existing detached dwellinghouse including dormer extensions at first floor level, installation of rooflights and installation of new roof section to match existing roof line.
11. **24/01826/FULL - 19 AND 21 BRUCE STREET DUNFERMLINE FIFE** 133 - 143
Change of use from shop (Class 1A) and betting shop (Sui Generis) to restaurant (Class 3) and alterations to shopfronts including installation of flue.
12. **APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**
<https://www.fife.gov.uk/kb/docs/articles/planning-and-building2/planning/planning-applications/weekly-update-of-applications2>

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

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19 February, 2025

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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

29 January 2025

2.00 pm – 2.10 pm

PRESENT: Councillors Derek Glen (Depute Convener), Alistair Bain, John Beare, James Calder, Ian Cameron, Dave Dempsey, Lea Mcllland, Derek Noble, Gordon Pryde, Sam Steele and Andrew Verrecchia.

ATTENDING: Derek Simpson, Lead Officer, Development Management, Petra Surplus, Planning Assistant, Development Management, Planning Services; Steven Paterson, Solicitor and Elona Thomson, Committee Officer, Legal and Democratic Services.

APOLOGIES FOR ABSENCE: Councillors David Barratt, Altany Craik and James Leslie

220. DECLARATIONS OF INTEREST

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

221. MINUTE

The committee considered the minute of the meeting of the West and Central Planning Committee of 18 December 2024.

Decision

The committee approved the minute.

222. 24/02631/PPP - 82 THIMBLEHALL DRIVE DUNFERMLINE FIFE

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

Members were advised of the following amendments: -

Section 4.1 where it states that there have been 18 representations, this should have stated that there were 16 representations, all of which were objection comments.

Section 4.2.3 referred to a potential legal agreement being required; this was not required and a condition would be sufficient in covering this issue.

Decision

The committee agreed to approve the application subject to the 8 conditions and for the reasons detailed in the report.

223. APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS

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

26 February 2025
Agenda Item No. 4

24/03028/CON - ECU00004987- Consultation on application to install battery energy storage system and associated infrastructure (342MW) at Kincardine Power Station Site, Kincardine, Fife

Report by: Pam Ewen, Head of Planning Services

Wards Affected: West Fife and Coastal Villages

Purpose

The purpose of this report is to seek the Committee's agreement on the Council's proposed formal response to the consultation from Scottish Ministers under Section 36 of the Electricity Act, 1989.

Recommendation(s)

To agree with the conclusions set out in the report and make additional comments as appropriate to enable the submission of the consultation response as the formal position of Fife Council to Scottish Ministers.

Resource Implications

In terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 as amended, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission with conditions. The Planning Authority would be tasked with subsequently enforcing any conditions of the deemed planning permission, in a similar way to where conditions are imposed by a Reporter on appeal.

Consultation

Consultation was carried out with:

Consultee	Comments
Transport Scotland	No objections, subject to conditions.
Scottish Environmental Protection Agency (SEPA)	No objections.
Fife Council Natural Heritage	No objections.
Fife Council Structural Services	No objections.
Fife Council Land and Air Quality	Conditions recommended.
Fife Council Business and Employability	No objections.
Fife Council Policy and Place	No objections.
Fife Council Transportation Development Management	No objections, however, a vehicular crossing permit is required.
Fife Council Environmental Health (Public Protection)	Condition recommended.

1.0 Background

1.1 Site and Surroundings

- 1.1.1 This application relates to an approximately 10-hectare site which is located to the northwest of Kincardine, to the east of the A876 Clackmannanshire Bridge and to the immediate north of the River Forth. The Kincardine Power Station previously occupied this site; however, grassland, self-seeded shrubs and remnants of hardstanding are now the predominant features, following demolition of the power station in 2001. Access to the site is taken from the west of the A977. The area proposed for development is generally level, sloping slightly towards the River Forth to the south.
- 1.1.2 The site is allocated in the FIFEplan Local Development Plan as a Safeguarded Employment Area (Kincardine Power Station) but is outwith the settlement boundary.

1.2 Proposal

- 1.2.1 This application is for a battery energy storage scheme with a storage capacity of up to 342 megawatts. This would comprise of two linked but standalone parts including:

- A battery enclosure of 300MW with associated 132kV substation (substation measuring approximately 45m x 37m x 8.2m at the highest point)
- A battery enclosure of 42MW with associated 132kV substation (substation measuring approximately 30m x 20m x 6.4m at the highest point)
- A 400kV Compound which would measure approximately 70m x 100m x 14m at the highest point

- 1.2.2 The following ancillary infrastructure would be located to the east of the site:

- A pump room which would measure approximately 6.1m x 2.4m x 2.6m (H)
- 2 water tanks which would each be approximately 13.8m wide and 4.6m high.

- 1.2.3 An auxiliary transformer which would be approximately 2.2m x 1.8m x 1.7m (H) would be located to the east of the northern 132kV substation.

- 1.2.4 A detention basin would be located to the south of the site.

- 1.2.5 The batteries, transformers and inverters would be located on steel platforms which are required to raise the equipment out of the tidal and fluvial floodplain.

- 1.2.6 Access to the site would be taken from the existing access which passes to the northeast of the Kincardine substation and through the site gates onto the A977. A second emergency access would be reinstated from the northeast on Hawkhill Road. Various areas of parking and hardstanding would be located throughout the site.

1.3 Planning History

- 1.3.1 The planning history of the site is as follows:

- Planning permission for the temporary erection of emergency services training facility including a toilet block, 5 modular buildings and a fire training unit was approved in 2011 (10/04537/FULL)
- Planning permission for the temporary erection of emergency services training facility including a toilet block, briefing unit (5 module building) and a fire training unit was approved in 2013 (13/00003/FULL)
- Planning permission for the replacement of existing 275kV electrical switchyard with 275kV gas insulated switchgear substation. Application includes installation of proposed switchgear, new GIS building, installation of new steel palisade security fencing and a new access track was approved in 2018 (18/00296/FULL)
- Planning permission for the erection of an aggregate storage building (Class 6) including ancillary welfare unit and formation of car parking/hardstanding with associated loading areas was approved in 2024 (24/00979/FULL)

1.4 Application Procedures

- 1.4.1 Applications which relate to development contributing to 'Strategic Renewable Electricity Generation and Transmission' which have a capacity of greater than 50MW are made to the Scottish Ministers for determination under Section 36 of the Electricity Act 1989. These cases are administered by the Energy Consents Unit. In terms of Section 57 of the Town and Country Planning (Scotland) Act 1997 as amended, Scottish Ministers may, on granting consent under Section 36 of the Electricity Act, also grant deemed planning permission with conditions.
- 1.4.2 The applicant set out their intention to undertake an Environmental Impact Assessment, requesting a scoping opinion from the ECU under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. Fife Council was consulted and provided input to the scoping opinion. The ECU responded confirming that the development would not constitute EIA development, therefore the application was not accompanied by an EIA report.

2.0 Assessment

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

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

- Natural Heritage and Trees
- Decommissioning of the Proposal
- Economic and Community Benefit

2.2 Principle of Development

2.2.1 NPF4 (2023) Policies 1, 3, 11, 25 and 29 FIFEplan (2017) Policies 1, 3, 7, 11 and 13, Making Fife's Places Supplementary Guidance (2017) and Low Carbon Supplementary Guidance (2019) shall be considered in the assessment of the principle of development.

2.2.2 The proposed battery energy storage system would store energy for release back to the National Grid when renewable energy production is low and demand high, thus assisting in maintaining balance and stability in a National Grid increasingly reliant upon renewable sources. This is in line with national policy to address the declared Climate Emergency and slow down the impact of global warming and aligns with Fife Council's own declaration of a Climate Emergency in 2019. Given the drive towards a low carbon economy, the proposed development is generally supported, however further consideration of the principle of the specific land uses for each part of the proposal must be considered.

2.2.3 As directed by Policy 11 of NPF4, as a proposal for battery energy storage, the contribution the proposed development can make towards the renewable energy generation targets and greenhouse gas emissions reduction targets shall be given significant weight when considering the principle of development. Policy 11 of NPF4 also sets out that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The policy further states that project design and mitigation will demonstrate how various material impacts are addressed. The net economic and socio-economic benefits, design and how the development responds to material impacts shall be assessed in full under the relevant headings of this report.

2.2.4 The application site is located outwith any settlement boundary as identified within FIFEplan (2017). The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. It is accepted that this type of infrastructure may have a proven need for a countryside location. Policy 29 (a) of NPF4 provides support for essential infrastructure applications within the countryside, whilst Policy 11 of NPF4 provides support in principle to new and replacement transmission and distribution infrastructure providing the proposal is designed to address its impacts, with significant weight to be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Policy 7 of FIFEplan likewise provides support for developments which have a proven need to be located in the countryside.

2.2.5 In terms of site selection, the Planning Statement (Aardvark EM Limited, 2024) notes that the site was specifically chosen due to its proximity to the grid connection, allocation for employment/industrial land and the surrounding industrialising features such as the Kincardine substation, railway line, disused industrial land and the overhead power cables and pylons. Noting the above and giving significant weight to the global climate crises and contribution of the proposal to renewable energy generation targets, it is considered that the

principle of locating the proposed development in the chosen countryside location has been established.

2.2.6 The proposal would also operate for a temporary period and a condition is proposed to be attached requiring that on expiry of the temporary period, the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

2.2.7 Fife Councils Policy and Place team was consulted on the proposal and noted that there were no objections.

2.2.8 Taking all of the above into account, the principle of the proposed development accords with the Development Plan policy framework covering the site as identified in NPF4 (2023) and the adopted FIFEplan Local Development Plan (2017). This is subject to compliance with other elements of the planning policy framework covering the site, and these matters are considered in the following sections of this Committee Report.

2.3 Design and Layout/Visual Impact

2.3.1 NPF4 (2023) Policies 4, 7, 11, 14 and 20, FIFEplan (2017) Policies 1, 10, 11, 13 and 14, Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019), The Landscape Institute and Institute for Environmental Management and Assessment's Guidelines for Landscape and Visual Impact Assessment (3rd Edition, 2013) and NatureScot's Landscape Character Assessment of Scotland (2019).

2.3.2 A Landscape and Visual Impact Assessment (LVIA) (Landscape Visual, 2024) has been submitted with this application which sets out the proposed development and the landscape, visual and cumulative effects. The topography is influenced by the coastal location, sloping very gently from north to south, from approximately 3.4 m Above Ordnance Datum (AOD) to 2.4 metres AOD. The surrounding topography is flat and low-lying on either side of the Firth of Forth, becoming more undulating as it rises towards the Ochil Hills (to the north) and Devilla Forest (to the north-east).

2.3.3 The LVIA demonstrates the surrounding land from which the development would be seen and is informed by a 5km Zone of Theoretical Visibility (ZTV). The preliminary bare ground ZTV plan indicates that the site is visible from some areas out to approximately:

- 2-3 km from the site to the north;
- 2 km to the east;
- 5 km to the south-east
- 5 km to the south;
- 4-5 km to the west; and
- 5 km to the north-west.

2.3.4 With woodland and built form taken into account, these views are further restricted to:

- Areas out to the edge of the wider power station site (approximately 100 m from the site) to the north, with occasional very restricted areas of visibility from higher ground beyond this, out to approximately 2-3 km;
- Areas out to the edge of the wider power station site (approximately 400 m from the Site) to the east;

- Areas out to approximately 2-2.5 km to the south and south-west (beyond the Firth of Forth, and as far as the edge of Airth), with limited visibility extending beyond this along the Firth of Forth to the south-east;
- Areas out to the edge of the wider power station site (approximately 25 m from the Site) to the west. Views beyond this are restricted by the landform and tree planting of the northern approach road to the Clackmannanshire Bridge.
- A very limited area on slightly rising ground within the southern part of Dunmore Park, approximately 3 km to the west of the Site. This area is arable farmland, rather than traditional parkland, and any visibility is likely to be heavily restricted by planting alongside the northern approach road to the Clackmannanshire Bridge.

2.3.5 The potential visual receptors include settlements/local residents, users of nearby roads and users of nearby recreational routes. The effects on local visual amenity of these receptors has been assessed at both the completion phase (Year 1) and the medium-long term phase (Year 15) of development. In terms of settlements/local residents, for the properties on the north-east edge of Airth (high sensitivity) the significance of effect would be negligible. Similarly, the properties in Kincardine (high sensitivity) would experience no discernible effect. For road users of the A876 Clackmannanshire Bridge and approach roads, the significance of the effect would be moderate due to the proximity to the site. However, this is a low/medium sensitive receptor. Similarly, for road users of the A985 Kincardine Bridge (low/medium sensitivity), the significance of the effect would be minor. For core path users and other recreational receptors, the significance of effect would be minor/negligible for the core path R476 on Hawkhill Road to the north east of the site and core path R745 to the north west of the site (high sensitivity). In the medium-to-long-term, the growth and development of proposed planting in the northern part of the site would further reduce the visibility of the proposed development to negligible. For the core path R746 (medium sensitivity) the significance of the effect would be moderate for the section to the south of the site and negligible for the core path as a whole. Lastly, the Core Paths 010/100, 010/121 & 010/88 on the south side of the Firth of Forth (high sensitivity), the significance of effect would be minor to the east of the bridge and negligible to the west of the bridge.

2.3.6 An assessment of the significance of cumulative landscape effects has also been undertaken, with the receptors being the site itself, the site environs within the wider power station site and the wider local landscape out to 1 kilometre. This demonstrates that there would be no effect within the site itself, minor to negligible effects within the wider power station site and minor to negligible effects on the wider local landscape.

2.3.7 The LVIA concludes that the brownfield nature of the site, and the presence of the operational substation to the south-east of the site, means that effects on landscape character would be no greater than minor adverse, even within the site. Landscape character effects beyond the wider power station site, mainly experienced within the Firth of Forth to the south of the site, would be negligible. Whilst there would be some visibility of the development from a limited number of locations in the surrounding landscape, the strong tree cover on the western, northern and north-eastern boundaries of the wider power station site means that there would be only limited effects on local visual amenity. Such effects would be no greater than moderate adverse, and would only be experienced from the Clackmannanshire Bridge and a short section of Core Path R476 on the north bank of the Firth of Forth immediately to the south of the site.

2.3.8 While some effects would be noticeable in the immediate vicinity of the site, there is capacity for the landscape to accommodate the proposed development without causing

unacceptable landscape or visual harm to the wider surrounding area. The proposal, would therefore, be visually acceptable, would have no significant detrimental impact on settlements/local residents, users of nearby roads and users of nearby recreational routes in visual terms and would therefore comply with NPF4/the Development Plan in this respect.

2.4 Residential Amenity

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

2.4.2 The application site is located within the countryside, on an area of brownfield land which was previously occupied by Kincardine Power Station. The surrounding area is largely industrial in nature, with the closest Noise-Sensitive Receptors (NSRs) to the site being the residential dwellings off Hawkhill Road approximately 340m to the northeast of the site and a residential property approximately 600m to the southeast.

2.4.3 A Noise Impact Assessment (NIA) (Inacoustic, 2024) has been submitted alongside this application. The NIA considers the potential noise generation from the proposed plant and equipment, with respect to existing sound levels in the area, including the proposed mitigation. It is concluded that the development would give rise to sound levels that do not exceed the measured background sound level in the area, which would therefore create a 'Low Impact'.

2.4.4 Fife Councils Environmental Health (Public Protection) team was consulted on this application and confirmed that there are no objections, subject to a condition which would ensure that the Noise Rating (NR) levels would be acceptable. This has been added accordingly, along with a condition to ensure that all other aspects of the NIA are adhered to.

2.4.5 In conclusion, the proposed development would not give rise to adverse residential amenity impacts. The proposed development is thus deemed to be acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and 23 of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017).

2.5 Transportation/Road Safety

2.5.1 NPF4 (2023) Policies 1, 2, 13, 14 and 15, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.5.2 A Construction Traffic Management Plan (Transport Planning Associates Limited, 2024) has been submitted with this application, which notes that during the construction phase, all vehicles will access the site via the Scottish Power Kincardine access to the west of the A977. The site layout has been designed to ensure that there are two means of access into the site for emergency vehicles, with a secondary access to be located in the north east corner of the site. An internal access track would be constructed throughout the site allowing for the movement of construction and maintenance vehicles, which would be retained as part of the operational layout.

2.5.3 The Planning Statement (Aardvark EM Limited, 2024) notes that a maximum of 1,608 deliveries (3,216 two-way movements) could be made during the construction of the BESS facility, at an average of approximately four deliveries per day (based on an 18 month construction period). During the operational phase, the development would generate one van (two vehicle movements) per month.

2.5.4 Fife Councils Transportation Development Management (TDM) team has been consulted on this application and confirmed that the information contained within the CTMP report and appendices shows the route for construction traffic will predominantly utilise the Trunk Road Network, via A876 and A977. This does not affect any roads within control of Fife Council. There would be a vehicular access formed on the north west boundary of the site to Hawkhill Road, however, which is within the responsibility of Fife Council. As such, a vehicular crossing permit should be obtained from the Roads Network section of Transportation Services.

2.5.5 In conclusion, the proposed development would have no significant adverse impact on the surrounding road network and would comply with the aforementioned policies, subject to obtaining the aforementioned vehicular crossing permit.

2.6 Flooding and Drainage

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

2.6.2 Policy 22 of NPF4 outlines the flood risk considerations for new developments. This includes strengthening the resilience of development by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. This Policy sets out that development proposals at risk of flooding or in a flood risk area will only be supported if they are for, amongst other criteria, essential infrastructure where the location is required for operational reasons. The glossary of NPF4 (which reflects SEPA guidance) sets out that 'all forms of renewable, low carbon and zero emission technologies for electricity generation and distribution' are considered to be 'essential infrastructure' and therefore it is considered there is policy support in principle for locating the proposed development within a flood risk area.

2.6.3 In such cases, it must be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

2.6.4 Scottish Environmental Protection Agency (SEPA) flood maps indicate that the site is at risk of river, coastal and surface water flooding, therefore a Flood Risk Assessment (FRA) (RMA Environmental Limited, 2024) has been submitted in support of this application.

2.6.5 The FRA confirms that the battery storage infrastructure would be erected with supports which would be adequately spaced to allow for the free flow of water between them. As a precautionary approach, the battery storage containers and all electrical equipment on site would be elevated on supports at least 600mm above the tidal flood levels and depths to provide a significant freeboard. The proposed layout has been informed by the flood risk, with the most vulnerable parts of the development to be located in the areas at lowest risk of flooding.

2.6.6 SEPA was consulted on this application and confirmed that there were no objections. In particular, SEPA noted that the location of the most vulnerable parts of the proposal in areas of least flood risk was welcomed. SEPA also agree that compensatory storage in tidal areas is not required and is satisfied with the compensatory storage proposals that are presented for the fluvial flood risk area to offset any loss of floodplain capacity through landscaping. Lastly, SEPA noted that pedestrian access/egress is only a recommendation where no overnight accommodation is proposed. As such, SEPA confirmed that the first three bullet point requirements of NPF4 Policy 22 as noted above were satisfied, however advised that the final two bullet point requirements were for the planning authority to consider.

2.6.7 Given that the development is of a temporary nature, it is considered by the case officer that the final two bullet point requirements can be set aside in this instance.

2.6.8 Fife Councils Structural Services (Flooding, Shoreline and Harbours) team was also consulted on this application and confirmed that there were no objections.

2.6.9 In conclusion, the proposed development would be acceptable with regard to flooding and drainage considerations, complying with the relevant policies of the Development Plan and related guidance.

2.7 Contaminated Land and Air Quality

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

2.7.2 A Contamination Statement (DRM Consulting Engineers, 2024) was submitted, which notes that detailed site investigation measures to sample soils and groundwater and gas monitoring would be required to allow risk assessment and design of suitable remedial measures. The report concludes that if contamination is present, the adoption of remedial measures would ensure that the development would not have any adverse impact on identified human (construction personnel during development and site contractors and visitors during the operational life span of the development) or environmental receptors (groundwater and surface water).

2.7.3 Fife Councils Land and Air Quality team was consulted on this application. No comments were made with respect to air quality; however the team noted the content of the Contamination Statement and recommended conditions to ensure that any potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

2.7.4 In conclusion, whilst the site is potentially subject to contamination, planning conditions are proposed to ensure the site is investigated and remediation measures are put in place for safety reasons. Additionally, the proposed development would not give rise to adverse air

quality concerns. The proposed development is therefore considered to comply with NPF4, the Development Plan and associated guidance and is thus acceptable with regard to land and air quality.

2.8 Natural Heritage and Trees

2.8.1 NPF4 (2023) Policies 1, 2, 3, 4, 6, 11 and 20, Policies 1, 10 and 13 of FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance Document (2018), Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), Wildlife and Countryside Act 1981 (as amended), Wildlife and Natural Environment (Scotland) Act (2011) and Nature Conservation Scotland Act 2004 (as amended) apply in this instance with regard to natural heritage protection.

2.8.2 An Ecological Impact Assessment (BSG Ecology, 2024) was submitted with this application. The report noted that eight protected species groups were identified as having potential to be on site. However, once assessed, there was no signs of badger within/immediately adjacent to the site. For bats, there was negligible potential for roosting and low potential for foraging, with no records of bats recorded within the last 10 years. The site itself does not provide any suitable features to support otter. The potential effects on great crested newt, breeding birds, non-breeding birds and reptiles was considered to be negligible.

2.8.3 A mix of two open habitats were identified as the habitat baseline in the Ecological Impact Assessment, Open Mosaic Habitat on Previously Developed Land (OMH) and semi-improved neutral grassland (including some marshy grassland components) which have naturally formed since the site was cleared of buildings in 2001. These are proposed to be maintained, with measures to enhance the OMH area. This, together with the planting of 63 native trees and shown on the Landscape Proposals plan, would both increase the site biodiversity value and retain the site's value to a range of birds identified to be making use of the area.

2.8.4 Fife Council's Natural Heritage Officer was consulted on this application and confirmed that the environmental considerations for the BESS have been identified and appropriate mitigation has been selected. As such, it is noted that there are no natural heritage issues which would prevent the development as described.

2.8.5 Taking all of the above into account, the proposed development would therefore accord with NPF4, the Development Plan and other guidance in the context of ecology and the natural environment, subject to conditions.

2.9 Decommissioning of the Proposal

2.9.1 NPF4 (2023) Policies 1, 2, 11 and 14, FIFEplan (2017) Policies 1, 10, 11 and 14, Making Fife's Places Supplementary Guidance (2018) and Low Carbon Fife Supplementary Guidance (2019) apply when considering the lifespan and decommissioning of the proposed development.

2.9.2 The Planning Statement (Aardvark EM Limited, 2024) submitted by the applicant indicates that the proposed development would operate for a temporary period of 40 years, after which the land would then be returned to the original condition. The 40-year temporary permission applied for generally accords with the accepted industry standard for the expected effective operating lifespan of battery energy storage equipment. A condition has

been proposed requiring that on expiry of the temporary period (40 years), the battery storage facilities (and ancillary equipment) shall be dismantled, removed from the site and the ground fully reinstated to the satisfaction of Fife Council as Planning Authority.

2.9.3 To ensure that sufficient funds are available to decommission and restore the site, a condition requiring a financial bond has also been proposed.

2.9.4 The proposed development, subject to the aforementioned conditions would therefore be acceptable and would comply with the Development Plan in this respect.

2.10 Economic and Community Benefit

2.10.1 Policies 11 and 25 of NPF4, Policy 11 of FIFEplan (2017) and Low Carbon Supplementary Guidance (2019) applies in regard to community and economic benefits.

2.10.2 NPF4 (2023) Policy 11(c) states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Policy 11 of FIFEplan (2017) states that permission will only be granted for new development where it has been demonstrated that the net economic impact, including local and community socioeconomic benefits such as employment, associated business and supply chain opportunities have been demonstrated. NPF4 Policy 25 states that proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.

2.10.3 A Planning Statement (Aardvark EM Limited, 2024) has been submitted with the application, which states that the development would provide substantial investment into the local economy and provide a number of construction and longer-term job opportunities (through scheduled maintenance visits and landscape management). The Statement goes on to note that due to the site's location in both tidal and fluvial flood plains, only a limited number of employment/industrial developments are capable of being located in this area. The development would build out part of the long-standing employment allocation in this location.

2.10.4 Fife Councils Economic Development team has been consulted on this application and has confirmed that there are no objections.

2.10.5 Based on the submitted information, it is considered that the proposal would provide economic and community benefits as required by the Policy 11 of NPF4 and Policy 11 of FIFEplan. The proposals would also be supported by Policy 25 of NPF4 in that they would ensure the use of local supply chains and services, and aid in local job creation. The proposal would, therefore, be acceptable and would comply with NPF4 and the Development Plan in this respect.

3.0 Conclusion

Fife Council, as Local Planning Authority, is supportive in principle of the proposed battery energy storage system within the former Kincardine Power Station site, subject to conditions.

There are no concerns with regard to the principle of development, design and layout/visual impact, residential amenity, transportation/road safety, flooding and drainage, contaminated land/air quality, natural heritage/trees, decommissioning of the proposal and economic and community benefit.

4.0 Recommendation

It is recommended that Fife Council, as Local Planning Authority, advise the Scottish Government that planning permission should be granted, subject to the following conditions.

5.0 Conditions

1. The commencement of development shall be no later than three years from the date of this consent. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 and to ensure that the permission is implemented within a reasonable period and to allow the Planning Authority to monitor compliance with obligations attached to this planning permission as appropriate.

2. Except as otherwise required by the terms of this planning permission, the Development shall be undertaken in accordance with the Application, the planning drawings and all documentation lodged by the Company or its appointed agents on behalf of the Company in support of the Application. For avoidance of doubt this includes any recommended or proposed measure to avoid, minimise or offset any identified potential impact of the Development which is committed to or recommended in the Application and its constituent assessments.

Reason: To ensure that the Development is carried out in accordance with the approved details.

3. The Development will disconnect from the grid and cease to import or export electricity no later than the date falling forty years from the date of Final Commissioning. The total period for operation, decommissioning and restoration of the Site in accordance with this condition shall not exceed forty-two years from the Date of Final Commissioning without prior written approval of the Planning Authority.

Reason: To ensure the decommissioning and removal of the development and restoration of the site in the interests of safety amenity and environmental protection

4. No Development shall commence until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The strategy shall, without limitation, detail proposals for:

- a. The removal of all above and below ground elements of the development;
- b. The treatment of all ground surfaces, including any sub surface areas, hard standing and access tracks which would restore the site to its former condition or other such condition as agreed in writing by the Planning Authority;

- c. The phasing and timing of the works, including any environmental management provisions; and
- d. Details relating to how and when the strategy will be reviewed.

Reason: To ensure the decommissioning and removal of the development and restoration of the site in the interests of safety amenity and environmental protection

5. No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration, and aftercare plan, based upon the principles of the approved outline decommissioning, restoration, and aftercare strategy, shall be submitted to the Planning Authority for written approval.

The detailed decommissioning, restoration and aftercare plan shall include (but not be limited to the) provisions in respect of the following matters:

- a. Decommissioning and removal of the battery energy storage system units including treatment of liquid bearing components;
- b. Removal of any in-situ foundations including removal to a depth of at least 1m underground;
- c. Removal of above ground infrastructure extending to Substations, PV panels and mountings, inverters / inverter containers, fencing, lighting masts, internal tracks, equipment and hard standings;
- d. Cable removal;
- e. Provision of Decommissioning Environmental Management Plan (DEMP) to be based on relevant elements of the Construction Environmental Management Plan (CEMP);
- f. A Traffic Management Plan (TMP) related to activities for decommissioning, demolition, and removal of infrastructure
- g. Locations of temporary stockpiles for decommissioned materials and equipment
- h. Treatment of disturbed ground surfaces resulting from decommissioning of infrastructure including cable removal and any sub-surface elements to restore the land to its pre-construction status or such condition as agreed in writing with the LPA
- i. Restoration proposals including ecological and biodiversity enhancement works such as (but not limited to) provision of bird boxes, insect refuge and use of native seed mixes to deliver biodiversity gains and measures to safeguard all landscaping on the site which for the avoidance of doubt shall be retained.
- j. An aftercare plan to monitor success of restoration measures with scope for interventions if required
- k. A Decommissioning Timetable

Thereafter the detailed decommissioning, site restoration and aftercare shall be undertaken in accordance with the approved plan, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

6. 12 months prior to the decommissioning of the development, an ecological survey, carried out by a suitably qualified ecologist, shall be submitted for the prior written approval of Fife Council as Planning Authority, identifying any ecological constraints arising from decommissioning activities. Any areas where new habitats that may have established shall

be retained unless unavoidable. Any unavoidable loss of new habitat occasioned by decommissioning activities shall be compensated for in agreement with Fife Council as Planning Authority; compensation may be provided on or offsite.

Reason: In the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established over the period of planning permission.

7. The operator shall provide to the Planning Authority an annual written report confirming that the battery energy storage facility is importing and exporting electricity to the grid. If the battery storage facility fails to import or export electricity to the grid for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, the operator shall no later than one year after the last day of this 12-month period submit the site Decommissioning, Restoration and Aftercare Plan to the Planning Authority for approval and implement it in accordance with Condition 5.

Reason: To ensure that if the Development becomes redundant the equipment is removed from the site, in the interests of safety, amenity and environmental protection.

8. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the local planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the local planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the local planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures. All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at www.fifedirect.org.uk/contaminatedland.

Reason: To ensure potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

9. NO PLANT/EQUIPMENT SHALL BE OPERATIONAL UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to 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.

10. IN THE EVENT THAT CONTAMINATION NOT 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 local 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 local planning authority or (b) the local 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 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 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.

11. Prior to the commencement of any works on site, either enabling works or construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include (but not be limited to) provisions in respect of:

- a. Introduction – Project overview, site description, scope of proposed works, programme of works, details of any previous environmental assessments;
- b. Roles and Responsibilities – Organisational Chart of project personnel and key contacts plus training and competencies and communication procedures;
- c. Environmental Management Policy Statement – To include any accreditations or EM Systems followed;
- d. Regulations and Requirements – Legislation, Regulations and Technical Guidance applicable to the nature and scope of the development;
- e. Identification of Environmental Assets and Impacts;
- f. Emissions to air – dust, noise, vibration, traffic / vehicle movements on site and to / from site;
- g. Land and Water (extends to surface and ground water) – discharges from construction activities, i.e. pollution, substance contamination, damage, waste management;
- h. Archaeology and heritage features;
- i. Ecological features including habitats and species;
- j. Environmental Mitigation Measures and control plans with regard to identified environmental assets and the potential impacts arising from construction; to take

- cognisance of relevant Legislation and Regulations and follow appropriate Technical Guidance / best practice;
- k. Inclusion of an Emergency / Incident Response Plan; and
 - l. Monitoring and Auditing – Procedures for audits (internal and external), monitoring and inspections, environmental performance monitoring e.g. KPIs, monitoring / inspection reporting

The measures set out within the approved CEMP shall thereafter be implemented on site during the construction phase.

Reason: To ensure environmental impacts are mitigated during the construction phase, and that the construction phase is undertaken safely

12. Prior to the commencement of the Development hereby approved, a bond to cover the costs of decommissioning, site restoration and aftercare as required by Condition 5 of this consent shall be submitted for the written approval of the Planning Authority. The acceptability of such bond shall be at the sole discretion of the Planning Authority. The bond must:

- a. be granted in favour of the Planning Authority and shall be maintained in favour of the Planning Authority throughout the duration of this consent and until the completion of all decommissioning, site restoration and aftercare obligations as required by Condition 5;
- b. be granted by a bank or insurance company (whose identity and covenant strength shall firstly have been approved by the Planning Authority and shall have at least an A rating) and who shall be capable of fulfilling the obligations under the guarantee;
- c. be for an amount which covers the value of all decommissioning, site restoration and aftercare liabilities such amount to be determined by the Planning Authority at the commencement of Development;
- d. be subject to a review every five years from the date of this consent, or other such intervals as agreed by the Planning Authority. Each review shall be undertaken by a suitably qualified independent professional who has relevant experience in such matters and who has been agreed in writing beforehand by the Planning Authority. The review shall be submitted no later than three months prior to the expiry of the existing bond, for the written approval of the Planning Authority; and
- e. come into effect on or before the date of commencement of Development, and expire no earlier than 24 months after the end of the aftercare period.

Thereafter and at least 28 days prior to the expiry of the existing bond, a replacement bond in favour of and in terms acceptable to the Planning Authority and for the value advised by the review noted above, shall be submitted for the written approval of the Planning Authority.

Reason: To allow the planning Authority to retain effective control in the interests of protecting local amenity and the environment

13. No work shall begin at the site until both:

- a. written approval of the Planning Authority has been given to the terms of such bond and;
- b. the validly executed guarantee has been delivered to the Planning Authority.

Reason: To allow the planning Authority to retain effective control in the interests of protecting local amenity and the environment

14. In the event that the bond becomes invalid for any reason, no operations will be carried out on site until a replacement bond completed in accordance with the terms of this condition is lodged with the Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control

15. No construction work associated with the Development shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to 13:00. Unless such work:

- a. does not cause the existing ambient background noise levels to be exceeded at any of the noise sensitive receptors identified in the application; or
- b. is associated with essential maintenance / testing; or
- c. is associated with an emergency; or,
- d. is approved in advance in writing by the Planning Authority

Reason: In the interests of local amenity.

16. The total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in bedrooms, during the night; and NR 30 during the day in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, day time shall be 0700-2300hrs and night time shall be 2300- 0700hrs.

Reason: In the interests of residential amenity; to ensure nearby residential dwellings are not subjected to adverse noise from the development.

17. No HGV movements associated with construction of the Development (excluding abnormal loads) shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to 13:00. Unless such movement:

- a. is associated with an emergency; or
- b. is approved in advance in writing by the Planning Authority

Reason: In the interests of local amenity.

18. Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

19. Prior to the movement of any abnormal load, any accommodation measures required on the trunk road network, including the removal of street furniture, junction widening and traffic

management must be approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

20. Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

Reason: To ensure that the transportation of any components/materials will not have any detrimental effect on the road and structures along the route.

21. A Construction Traffic Management Plan (CTMP) shall be submitted for approval by the Planning Authority in consultation with Transport Scotland as trunk road authority and, thereafter, implemented prior to the commencement of development. The CTMP shall include (but not be limited to) details in respect of:

- a. Details of the design, layout, geometry and surface finish of the site access including geometry for the construction and post construction phase of the development;
- b. The additional signage on public roads where access will be taken to inform drivers of the construction vehicles;
- c. Details of proposed temporary site compound for storage of materials, machinery, and designated car parking; and
- d. A timetable for the construction phase including confirmation of site operating times on each day of the week

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road.

22. PRIOR TO THE OPERATION OF THE DEVELOPMENT, the recommendations within the Preliminary Ecological Impact Assessment shall be established in full unless otherwise agreed in writing by the Planning Authority. A verification report, confirming that the approved biodiversity enhancement measures have been established, shall be submitted for the written approval of this Planning Authority prior to the operation of the development.

Reason: In the interests of protecting natural heritage and securing biodiversity enhancement.

23. BEFORE ANY WORKS START ON SITE, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. This scheme shall specify that any plants which are dead, damaged, missing, diseased or fail to establish within 5 years of the date of planting shall be replaced annually with the same species or an alternative species agreed in writing by Fife Council as Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details.

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

Background Papers

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)

PAN 1/2011: Planning and Noise

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

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

British Standard (BS) 5837:2012 Trees in relation to Design, Demolition and Construction

Supplementary Guidance: Making Fife's Places (2018)

Supplementary Guidance: Low Carbon Fife (2019)

Planning Policy Guidance: Development and Noise (2021)

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

Wildlife and Countryside Act 1981 (as amended)

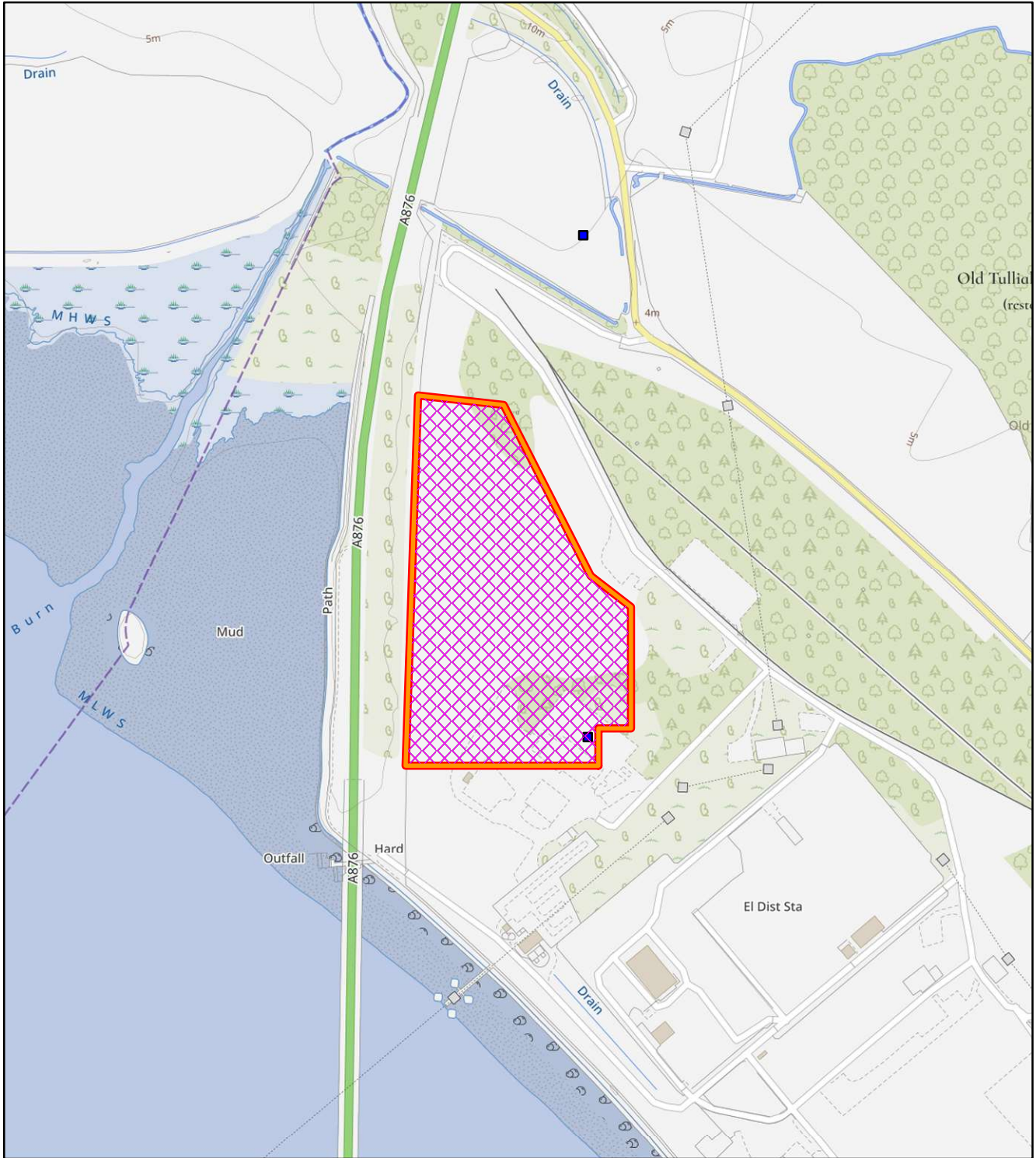
Wildlife and Natural Environment (Scotland) Act (2011)

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24/03028/CON

Kincardine Power Station



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Legend			
	Application Boundary		

0 25 50 100 150 m

26 February 2025

Agenda Item No. 5

Application for Full Planning Permission
Ref: 24/01277/FULL**Site Address: Land South Of Pitdinnie Farm Pitdinnie Road Cairneyhill****Proposal: Erection of 256 residential units with associated engineering, infrastructure, landscaping and open space****Applicant: Avant Homes And Mr R E Forrester, 1 Lochside Avenue Edinburgh****Date Registered: 4 June 2024****Case Officer: Natasha Cockburn****Wards Affected: W5R01: West Fife And Coastal Villages**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Major Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application has also attracted six or more separate individual representations which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional Approval requiring a legal agreement

1.0 Background

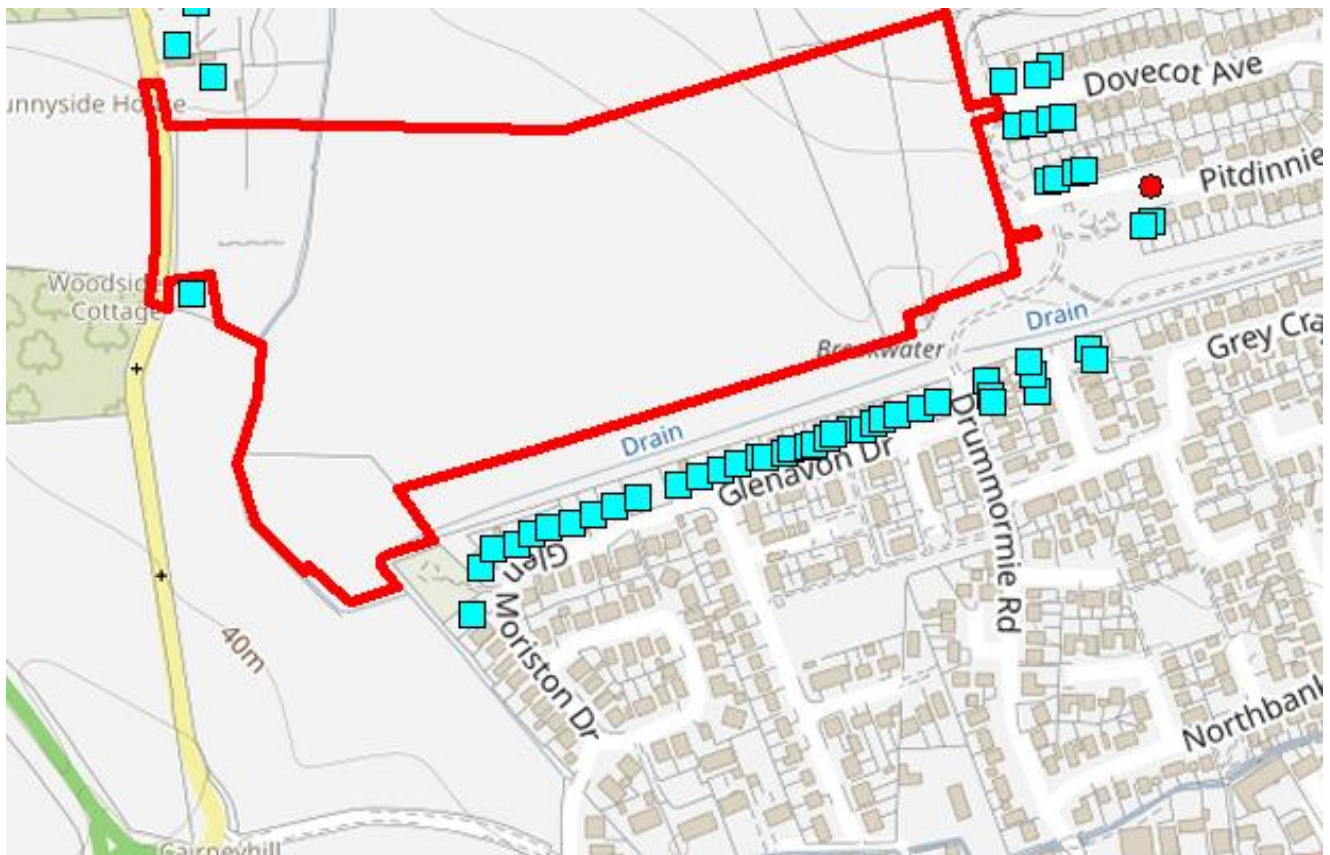
1.1 The Site

1.1.1 The application site extends to approximately 10.6 hectares. The site is located to the northwestern edge of Cairneyhill. Directly to the east of the site is a housing development which is now complete and is Phase 1 of the wider housing site allocated in FIFEplan (2017). To the west of the site, the Rushy Burn runs north-south through the site and the A985 runs further west, north-south. To the north of the site is agricultural land and to the southwest is a playground and existing residential properties of Cairneyhill. Between the site and the existing housing is a drainage swale as a result of this area being in a High-Risk Flooding Area. A Core Path runs along Pitdinnie Road to the east of the site, adjacent to the Phase 1 development, which connects to the wider Core Path Network. The properties in Phase 1 to the east of the site are modern, including a mix of detached and semi-detached houses ranging between one to two storeys and finished in white render and buff brick, with a mix of grey and red roof tiles. There is currently no formal vehicular or pedestrian access into the site.

1.1.2 There are no listed buildings within the application site and the site does not lie within a Conservation Area. The site is within the Wemyss Castle Inventory Garden and Designed Landscape. The land within the application site is classified as prime agricultural land in the latest Hutton Institute Soil Survey of Scotland (Land Capability Code 3.1). The Rushy End Burn flows in a southerly direction through the site. The burn is approximately 1.5 m wide. The Rushy End Burn is part of the The Cairneyhill Flood Prevention Scheme and is used as a flood diversion channel for the Torry Burn. The Torry Burn flows in a southerly direction approximately 550 m to the east of the site before flowing through the village of Cairneyhill. There is a small drainage ditch running along the southern boundary of the site, sloping towards the Rushy End Burn, approximately 0.5 m deep and less than 1 m wide.

1.1.3 The application site is allocated for housing in the adopted FIFEplan 2017 (site ref: CNH005: Land north of Cairneyhill) which states that the site has an estimated capacity for 250 units.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 The application seeks planning permission for the erection of 256 residential units with associated engineering, infrastructure, landscaping, and open space.

1.2.2 The proposed houses would be a mix of private and affordable residential units comprising a mix of semi-detached, terraced, and detached homes, cottage flats and bungalows. The materials proposed comprise of a mix of white render and anstone with red and buff brick base courses. A mix of red and grey roof tiles are proposed throughout the site.

1.2.3 A new access is proposed from the west side, via the existing road. The access would comprise of a crossing over the Rushy End Burn taken from a new roundabout, leading to a primary avenue with a 6m wide carriageway, grass verges and tree planting. The main access would lead to secondary and shared streets throughout the development, running west – east, with a secondary connection into Phase 1 to the east. Shared surfaces are proposed throughout. A 3m wide footpath and cycle path is proposed out with the boundary of the site, to the south, which connects the proposed development to the existing development at Phase 1 to the east and the community to the south, including the playground (which will soon be removed and replaced with an area of open space). A footpath connection is proposed to the north east and south east, connecting into Phase 1 to the east. The development would contain a central spine, including pockets of open space and landscaping leading east to west. The development would include a mix of parking throughout, including on street parking, parking courts, private driveways, and detached garages.

1.2.4 The proposed landscaping includes avenue tree planting along the primary access into the site from the west. Tree and shrub planting is proposed between the burn and the housing to the west of the site. A SUDS basin would sit in the south west corner of the site, overlooked by housing, containing tree and shrub planting around the basin which would form an area of greenspace with informal, natural play features. Trees, hedges, and informal natural play features would be formed throughout the central spine of the site east to west. The proposed site boundary treatments include a mix of feature brick walls with piers at key locations throughout the site; low level hedgerows; and some shrub planting. 1.8m high timber fences would be used between gardens and 750mm fencing between plots. An acoustic barrier is proposed to the west of the site.

1.3 Relevant Planning History

1.3.1 The relevant planning history for the site and surrounding area is as follows:

Application reference 14/04038/PPP for Planning Permission in Principle for residential development, serviced site for community hall and MUGA with associated engineering, landscaping and infrastructure works was approved in July 2016. An associated Application required by Condition (16/02529/ARC) was approved in February 2017 for the erection of 100 houses with associated engineering, landscaping and infrastructure works. This development is immediately east of the application site and is fully completed, referred to as Phase 1.

Associated planning application reference 24/01432/FULL is also on this agenda, for the formation of path and open space associated with Cairneyhill Phase 2 (24/01277/FULL) including landscaping, drainage, and associated works.

13/02879/PAN - Proposal of application notice for residential development at Cairneyhill . PAN agreed on 01/10/13 and associated 13/03397/SCR - Screening opinion for residential development with associated greenspace and infrastructure. EIA not required on 20/12/13

14/01946/PAN - Proposal of application notice for residential development with associated engineering and infrastructure works. PAN agreed on 23/06/14.

17/03501/ARC - Approval required by condition for the erection of 25 affordable units and associated infrastructure (14/04038/PPP) (Amendment to 16/02529/ARC). Permitted, subject to conditions on 15/02/18

20/01895/PAN - Proposal of Application Notice for residential development with associated engineering and infrastructure works. PAN agreed on 14/01/21

21/00465/SCR - Request for Screening Opinion for residential development. EIA not required, on 25/02/21

21/00974/FULL - Erection of 156 residential units with associated engineering, infrastructure, landscaping, and open space. Withdrawn on 22/05/24

23/01072/PAN - Proposal of Application Notice for residential development with associated engineering, infrastructure, landscape, and open space. PAN agreed on 05/05/23

1.4 Application Procedures

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

1.4.2 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of NPF4 and a provision of the LDP, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.4.3 The proposed development comprises more than 50 residential units and therefore, falls within the Major Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. The applicant has carried out the required pre-application consultation through holding a public information event (ref: 23/01072/PAN). A Pre-Application Consultation Report outlining comments made by the public has been submitted as part of this application. The manner of the consultation exercise, including the notification and media advertisement process, complied with the relevant legislation. Two public engagement exhibitions were held on 25th May 2023 and 18th June 2023, and they were advertised in the Dunfermline Press on 18th May and 8th June, respectively.

1.4.4 The application was advertised in The Courier on 13th June 2024 for neighbour notification purposes and notification letters were sent out to all physical premises within 20 metres of the application site boundary on 5th June 2024.

1.4.5 Fife Council was asked by the applicant to adopt a Screening Opinion under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (21/00465/SCR). As the proposed site exceeds 0.5 hectares, this triggered the requirement for a Screening opinion to be adopted. Following a review of the submitted documents, and an assessment of the extent and significance of the potential impact of the development proposal on the natural environment, built heritage, road network, landscape and residential amenity issues identified in the Screening Opinion the Planning Authority concluded

that the development did not constitute a significant enough effect in environmental impact assessment (EIA) terms and therefore an EIA was not required.

1.4.6 A physical site visit was undertaken for this application on 13th November 2024. All other necessary information has been collated digitally, and drone footage has also been produced to allow the full consideration and assessment of the proposal.

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 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 21: Play, recreation and sport

To encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

Policy 22: Flood risk and water management

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

Policy 23: Health and safety

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

Policy 24: Digital infrastructure

To encourage, promote and facilitate the rollout of digital infrastructure across Scotland to unlock the potential of all our places and the economy.

Policy 25: Community wealth building

To encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels.

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 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

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

Supplementary Guidance

Supplementary Guidance: Affordable Housing (2018)

Supplementary Planning Guidance on Affordable Housing sets out requirements for obligations towards affordable housing provision from housing 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.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Customer Guidelines

Daylight and Sunlight

Garden Ground

Trees and Development

Minimum Distances between Window Openings

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Other Relevant Guidance

New Hierarchy of Development

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land and Air Quality
- Natural Heritage and Trees
- Sustainability
- Developer Contributions
- Affordable Housing
- Education
- Open Space and Play Areas
- Public Art
- Strategic Transport Interventions
- Other Infrastructure Considerations

2.2 Principle of Development

2.2.1 Policies 1 and 16 of NPF4 and Policies 1 and 2 of FIFEplan Local Development Plan (LDP) apply.

2.2.2 A Planning Statement has been submitted with this application. The statement sets out the policies of FIFEplan (2017) and NPF4 (2023) relating to the proposed development. The statement sets out that the proposal would comply with policies relating to design and placemaking, infrastructure, transportation, natural environment, historic environment, resources and waste and flooding and drainage. It states that the proposal is in accordance with the allocation of the site for residential development and is therefore supported in principle by the LDP and accords with the LDP development strategy. The statement sets out that there are no material considerations that indicate a need to deviate from the development plan and the recently declared local and national housing emergencies are significant material consideration in favour of the proposal.

2.2.3 Objections to this application raise concern that the proposal would result in the loss of green space and the loss of greenbelt. Objection comments also state that the proposals would adjoin two villages. The nearest village to Cairneyhill would be Crossford, which is to the east of the site, at a distance of approximately 1,700m. There is no coalition between the two villages as a result of this development, which is located within the settlement boundary of Cairneyhill. The application site is not within the Green Belt, although it is greenfield land. However, the majority of the site is located within the settlement boundary for Cairneyhill as defined on the adopted FIFEplan Proposals Map and it is also allocated for housing in the adopted FIFEplan 2017 (site ref: CNH005: Land north of Cairneyhill) with an estimated capacity for 250 residential units. NPF4 Policy 9 states that proposals on greenfield sites will not be supported unless the site has been allocated for development, or the proposal is explicitly supported by policies in the LDP. The proposal for housing on greenfield land is therefore supported given it is allocated for housing. The FIFEplan (2017) allocation sets out the following requirements:

Together, with CNH002 and CNH004 the site will form a northern extension of the village. Development proposals will be subject to preparation of a masterplan for the whole area covered by these sites to ensure a well-planned development. The masterplan exercise will be carried out by the appropriate landowners and developers, in consultation with the council. A Transport Assessment in support of a planning application will be required and the following access solutions must be provided:

- The existing Pitdinnie Road/A994 junction shall be upgraded, prior to house building commencing. Pitdinnie Road, between the A994 and the site shall be upgraded in accordance with the Fife Council Transportation Development Guidelines and a layout agreed by Fife Council, before building starts.
- Provision of a vehicular access from the A994 via CNH 002. A vehicular access from the D13 (by means of a 3-arm roundabout) shall be provided if CNH002 does not progress. The vehicular access shall be provided prior to occupation of the 100th dwelling.
- Provision of pedestrian/cyclist links with Grey Craigs, Drummormie Road and Glen Moriston Drive via the playground.

A Flood Risk Assessment requires to be undertaken prior to development on this site. A 6m buffer strip between the development and the watercourse is required. This site along with site CNH002, CNH004 and CNH006 will contribute to providing settlement wide improvements to the local flooding and drainage network and provide new Sustainable Urban Drainage Scheme (SUDS) solutions to resolve issues associated with localised flooding. The development shall also make provision for a multi use community facility.

No development should be within 10m of wetland habitat and hedgerow/boundary trees.

The allocation also sets out the following Green Network Priorities :

- Establish a high quality landscape frontage and strong landscape framework along Oakley Road and the A994, through appropriate planting and boundary solutions, which reflects the strong rural character of the approach to Cairneyhill from the west and north.
- Establish a high quality development edge with the un-named burn, which delivers landscape and habitat enhancements, alongside access and high quality SUDS provision.

2.2.4 In terms of the allocation requirements, a masterplan exercise was completed for the adjacent site within the same allocation, with this part of the site being the only remaining part to be developed. A masterplan was therefore not required as part of this proposal, but it was

important that the masterplan and relationship and links between the completed phase 1 and the proposed phase 2 have been indicated within the submission, which has been done. The proposals also mostly accord with the indicated masterplan set out as Option 1 with the roundabout access from the west. A Transport Assessment (TA) has been carried out however, although CNH002 is progressing currently, there is no vehicular access between CNH002 and CNH005. This is discussed further within the Transportation section of this report, but overall, the proposed access from the D13 in the form of a 3-arm roundabout, is accepted. Pedestrian and cycle links are proposed to the south. The submission includes a Flood Risk Assessment (FRA) and a buffer to the watercourse. SUDS is also proposed within the site. A multi-use games area has already been provided, with Phase 1 of the development facilitating the funding of this. This was agreed to be provided in place of a community facility, as it was considered that there was no demand for a community facility in the area. The LDP allocation states that no development should be within 10m of wetland habitat and hedgerow/boundary trees. An Arboricultural Assessment and surveys have been provided which fully assess appropriate boundaries to existing trees and habitat, rather than taking a blanket approach to required buffers. The relevant Green Network Priority for this part of the site would be to establish a high-quality development edge with the un-named burn, which delivers landscape and habitat enhancements, alongside access and high-quality SUDS provision. It is considered that this has been achieved.

2.2.5 Around 1 hectare of the site, where the proposed entrance would be located to the west, is located outside of the settlement boundary of Cairneyhill. This area of land is required to provide the primary access route through the site. The proposal does not include any built development within this area of land, apart from the access. This area of land is not Prime Agricultural Land, unlike the land allocated for housing to the east side. These works are required to provide the remainder of the primary access route into the site from Oakley Road (D13), which runs to the west of the site. The provision of access from Oakley Road (via a 3-arm roundabout) is identified within the LDP's site-specific requirements for CNH005, if an access route from CNH002 is not established. Policy 7 of FIFEplan LDP sets out criteria for instances in which development in the countryside will be supported. Policy 7 does not explicitly provide for the delivery of essential infrastructure required to serve an allocated site. Policy 7 also requires all development within the designated countryside to: be of a scale and nature compatible with surrounding uses; be well-located in respect of available infrastructure and contribute to the need for any improved infrastructure; and be located and designed to protect the overall landscape and environmental quality of the area. NPF4 Policy 29 sets out that proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including essential infrastructure. The Glossary of NPF4 defines essential infrastructure as: digital communications infrastructure; telecommunications infrastructure; all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations; water and waste water infrastructure; and transport proposals and travel networks identified in the local development plan. The access is therefore not considered to be essential infrastructure and therefore does not comply with Policy 29 of NPF4. It states that Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location. Policy 17 (rural homes) states that Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of area and it lists developments which would be accepted, which does not include infrastructure associated with a housing development on an allocated site. The proposal does not include any built development within the area outside of the settlement boundary, other than the roundabout and access road. The proposed access road and associated 3-arm roundabout have been designed to meet the requirements as set out within the LDP. It is considered that this part of the development, whilst outwith the settlement boundary, is essential to deliver the allocated housing site as there are no alternative access

options into the site. The access route is, therefore, essential infrastructure required to assist in the delivery of the development strategy for Cairneyhill. In terms of the visual impact, a Landscape and Visual Appraisal has been submitted which assesses the potential impacts of the proposed roundabout and access road on the existing landscape setting. The Landscape and Visual Appraisal sets out mitigation measures, including the introduction of structural avenue tree planting and post and wire fencing. These measures would ensure that the proposed access will not adversely impact the landscape quality of the area.

2.2.6 The allocation within the LDP advises that the site has an estimated capacity for 250 dwellings overall, including Phase 1 and Phase 2. This proposal is for Phase 2 of the wider site, with 100 dwellings already approved and constructed through the first phase (16/02529/ARC). This proposal therefore takes the overall number to 356 dwellings, which is 106 dwellings over the anticipated number of dwellings set out within the LDP allocation. The increase in numbers represents around a 42 percent increase in the number of dwellings proposed compared to the number of dwellings estimated within the LDP allocation across the wider allocated site, including Phase 1. A planning application for 156 dwellings was submitted in 2021 on the same site and was subsequently withdrawn in May 2024 (21/00974/FULL) after it was found that a bridge would be required to cross the burn to the west of the site to form the access into the site. It was due to the requirement of the bridge infrastructure that the application was withdrawn and re-submitted with an increase in the number of dwellings proposed to off-set the cost of the bridge. Notwithstanding the costings, it is considered that the development has been designed in such a way that it has been demonstrated that it can accommodate the number of dwellings proposed, whilst still recognising the constraints of the site and providing areas of open space, planting, a connected development and natural play. The house types proposed are varied across the site, including smaller terraced units and larger detached units. The increase in density allows for character areas across the site; to bring areas of visual interest and it allows for an increase in the number of affordable homes to be delivered, with 65 units being proposed within this site. In addition to this NPF4 seeks to achieve higher density neighbourhoods with a lower carbon footprint, ensuring that future communities are properly supported. The density proposed at 24 homes per hectare is suitable for the settlement. For these reasons, there would be no reason to refuse this application based on the density of the proposed development and the increase in the number of units proposed compared to the estimation for the site is acceptable.

2.2.7 The applicant's Planning Statement mentions that there is a housing shortfall within the Dunfermline and West Fife Housing Market Area, which this development would help to address. However, it should be noted that the concept of a 'shortfall' in housing land as referred to in FIFEplan LDP Policy 2 does not feature in NPF4. Given there is a conflict between NPF4 and FIFEplan LDP in this regard, NPF4 prevails, as per the recent appeal and Court of Session Case of May 2024, Miller Homes vs Scottish Government. The statement that there is a housing shortfall in the area is therefore not relevant and it is the NPF4 reference to a deliverable housing land pipeline which is relevant, which is to be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained. NPF4 requires a Minimum All Tenure Housing Land Requirement (MATHLR) set out in Annex E of NPF4. NPF4 is clear that the Local Housing Land Requirement (LHLR) should exceed the MATHLR set for Fife. figures set by NPF4. For Central and South Fife, the 10-year unconstrained supply is 226 percent of the MATHLR, and for North Fife, the 10-year unconstrained supply is 158 percent of the MATHLR. The Dunfermline and West Fife Housing Market Area therefore has sufficient housing land. However, it should be noted that Fife Council declared a housing emergency on 21st March 2024 and 64 (25 percent) of the proposed dwellings would be affordable which would contribute towards the alleviation of this housing emergency.

2.2.8 The proposed development comprises residential development on an allocated housing site within the adopted FIFEplan (ref: CNH 005) which would deliver housing on site which is effective within the Housing Land Audit (2023). The number of houses proposed is higher than the estimated capacity for the site noted in FIFEplan. However, the increase in the number of units is accepted in this instance. Overall, the principle of residential use on the application site is acceptable in accordance with NPF4 Policies 1 and 16 and FIFEplan Policies 1 and 2 in this regard.

2.3 Loss of Prime Agricultural Land

2.3.1 Policies 1 and 5 of NPF4 and policies 1 and 7 of the LDP apply.

2.3.2 Objections raise concern that the proposals would result in the loss of Prime Agricultural Land. The Planning Statement submitted by the agent states that the site is not Prime Agricultural Land, however this is not the case. The area of land to the east side of the site is categorised as 3.1 (Prime Agricultural Land) and the area to the west is categorised as 3.2 (Non-Prime Agricultural Land).

2.3.3 Policies 1 and 5 of NPF4 and policies 1 and 7 of the LDP apply. Policy 7 of the LDP states that the loss of Prime Agricultural Land will not be supported except where it is essential as a component of the settlement strategy or necessary to meet an established need. Policy 5 of NPF4 also states that proposals on Prime Agricultural Land will only be supported where it is for essential infrastructure and there is a specific locational need and no other suitable site; small scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; the development of production and processing facilities associated with the land produce where no other local site is suitable and/or the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration. This policy further requires that in all of the aforementioned exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

2.3.4 A portion of the land within the application site (approximately 4.6 hectares) is designated as Category 3.1 as per the James Hutton Institute. Land designated as Category 3.1 has the potential for a moderate range of crops, with good yields for some (cereals and grass) and moderate yields for others (potatoes, field beans, other vegetables). The proposal would, therefore, result in the loss of an area of approximately 4.6 hectares of Prime Agricultural Land. Policy 7 of the LDP allows for the development of Prime Agricultural Land where it is essential as a component of the settlement strategy, however, Policy 5 of NPF4 only allows for proposals on Prime Agricultural Land under specific exceptions. Policy 16 of NPF4 also states that proposals for new homes on land allocated for housing in LDPs will be supported. The proposal would not comply with the terms of Policy 5 of NPF4 as it does not meet any of the exceptions listed, however, as the site is allocated for housing within the LDP and is a deliverable site as set out within the Fife Housing Land Audit 2023 (site code: WFV102), it would contribute towards meeting the minimum all-tenure housing land requirement as set out within Annex E of NPF4. It should also be noted that Fife Council declared a housing emergency on 21st March 2024 and 64 (25 percent) of the proposed dwellings would be affordable which would contribute towards the alleviation of this housing emergency. As the majority of the site is specifically allocated for housing development and the proposal is also considered to be essential as a component of the settlement strategy it would comply with Policy 7 of the LDP and Policy 16 of NPF4. The allocation of the site by the LDP would also have considered that some of the land within the allocated site is Prime Agricultural Land and the LDP allocation process would have therefore considered that the loss of this land would be acceptable. The loss of this area of

Prime Agricultural Land contrary to Policy 5 of NPF4 is therefore outweighed by the need to secure the delivery of housing, particularly in this case as the housing will be delivered on a site allocated for housing within the LDP and would contribute to alleviating the declared housing emergency, complying with Policy 7 of the LDP and Policy 16 of NPF4.

2.3.5 The proposal is therefore acceptable in terms of the loss of Prime Agricultural Land.

2.4 Design And Layout / Visual Impact

2.4.1 Policy 14 of NPF4, Policies 1, 10 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.4.2 Objection comments raise concern that the number of houses is too large, and the scale of development is inappropriate. Comments also raise concern that this phase prepares for a third phase of development in future.

2.4.3 Proposal CNH005 states that a masterplan should be developed for this site along with proposal CNH002 and CNH004 to form a co-ordinated approach to the northern extension of Cairneyhill. Two masterplan options were approved for the wider area covered by proposal CNH005 as part of planning application 14/04038/PPP. The land to the east of this site (part of site CNH005) has now been developed. Masterplan Option 2 included connections to site CNH002 to the southwest of this site however due to Forrester Road being used as the preferred access from Phase 1 it has been agreed that the most southerly route should now have a pedestrian/cycle connection rather than vehicular.

2.4.4 In terms of connectivity, a path was requested to provide a future link to site CHN 002. This has been considered and shown on the site plan, which is welcomed. Another connection that is required from this site is between the site and through open space at the western end of Glen Moriston Drive, into the wider existing community at the western end of Glen Moriston Drive. This would allow people living to the west of this development more direct access to public transport links along the A994. This footpath connection has been discussed with the applicant. Fife Council maintain the area of open space, which currently contains a footpath but is being removed by Fife Council however, the land is not owned by Fife Council and has multiple landowners, so it is not possible for the applicant to gain control over this area of land in order to provide a footpath at that location. To address this, the applicant suggested that this is dealt with through a Legal Agreement with the developer paying a contribution to pay for the Council to deliver this footpath link in future. The developer has provided details and costings for this proposal. However, Transportation Development Management are not supportive of this way of delivering the link because of the burden that this requirement would place onto Fife Council Roads and Transportation to carry out these works. Additionally, the same ownership issues would occur as the Council would still require permission from all landowners to construct a footpath across the land. After reviewing all potential options, the applicant has advised that they cannot provide a footpath link through the play park/open space due to land ownership issues, so an alternative solution has been found to address this issue, which the developer has agreed to. This would involve the provision of a footpath from the west of the site down along the D13, along the adopted road, joining the adjacent housing site to the south. This would still provide the desired link between the proposed new housing on this site and the transport links along the A994. This option can be required through a planning condition, as this land is Council-owned. The applicant would still provide footpath links up to the boundary of their site, to the south at the play park, however the link would end where the ownership of the land changes. Taking the above into account, it is recommended that the best solution in this

instance is for a footpath link to be secured along the adopted road, with the provision secured through a planning condition.

2.4.5 Any proposal which incorporates shared surface streets should include principles to address how the design of those shared areas balances out the needs of people (for walking, socialising, play etc) with vehicular movements – through design, materials, street furniture etc. It is expected that shared surface streets will help facilitate these varying needs. Within tertiary or shared surface streets, the place should be designed principally for people as well as vehicles, street design/street furniture/landscaping should help facilitate social interaction, and play. It is considered that the proposals achieve this by providing areas of planting, green space and parking courts throughout the site. There are various footpath connections across the site, and a central 'green spine' which includes planting and natural play features.

2.4.6 Within development sites of the scale proposed, it is expected that a number of movement 'nodes', as well as entrance features, across the site would have the potential to be interesting spaces, helping to provide definition to the place and provide spaces that are more than just for movement for example, landscaping, informal play or natural traffic calming. To the northern boundary, a footpath was previously proposed, however this was relocated to create a central 'green spine' road in the middle of the site, to concentrate the green space within central areas of the site, rather than on the periphery and to create character areas that introduce community spaces and increase the useability of the space. This is intended to create an environment in which pedestrians can walk or stop in without feeling intimidated by motor traffic. This central space is also more overlooked and therefore more useable, safe and attractive to use than at the northern part of the site. The avenue of trees proposed to the western entrance would create an attractive approach into the development, which is welcomed, and informal play is incorporated within areas of green space across the site, alongside natural traffic calming in the form of winding roads, planting, and strategically placed build-outs.

2.4.7 Developments of this scale should present several character areas which can make a development area more legible/easy to move around in, avoid uniformity of design/layout/materials and overall appearance, and contribute positively to the place and its distinctiveness, visual quality and ease of movement. A range of street typologies should be referred to within a Design and Access Statement (DAS), with drawings and cross sections provided to demonstrate the general principles that may be employed for each street type within the development. Key areas, including the site entrance, key nodes along the 'green spine' that creates a safe and healthy environment, shared spaces that create feature junctions, the setting to the SUDS and open spaces have been considered as key character areas. These areas incorporate enhanced materials on house types, tree planting, additional landscaping and a mix of hard and soft boundary treatments. This will promote easy navigation and pedestrian movement. Varied elevational and roof forms will provide variety along streetscapes and enhance the identity of the development. Housing is positioned to maximise street frontage, with the addition of enhanced gables and dual frontages on prominent corners. In addition, the prominence of parked cars has been reduced by landscaping and tree planting to the street edge and between parking spaces to break up long runs of parking. Parking courts located to the rear and dwellings with side parking further remove the prominence of the car on the street scape. The entrance into the site is characterised by avenue tree planting to the west, which is distinctive and key house types have been pulled forward to on the east entrance to create a gateway into the development. The nodes through the site have been made distinctive using street trees and landscaping, and a path connection is proposed from the houses at the western edge of the site to connect to the path around the SUDS.

2.4.8 In terms of parking, in order to ensure the proposed development is not dominated by car parking, the longer stretches of parking bays have been broken up with landscaping and street trees, which will make the development more attractive.

2.4.9 In regards to building fronts and private and public space, front gardens would include a privacy strip formed from railings, hedging or walls. Open plan front gardens are generally an unacceptable design response as there should be a clear definition between public and private space. Hedging is proposed to the front of most of the houses throughout the development, which would provide some privacy, enhance biodiversity and make the development more attractive. In terms of boundary treatments, the proposals include a mix of stone cairns at the entrance, to provide a gateway feature into the site.; feature brick walls with piers at key locations throughout the site; low level hedgerows; and some shrub planting; 1.8m high timber fences between gardens and 750mm fencing between plots. At visually prominent locations, appropriate boundary treatments are proposed which would ensure the development is attractive and visual quality is high. Further details of the proposed retaining walls, which would be required in some locations along the south and north boundaries and within the site itself, have been provided including sections and elevations. To the northern edge of the site, where there is a countryside edge, hedgerows are proposed along this boundary to ensure a softer transition between the development and the countryside, which will also provide biodiversity enhancement.

2.4.10 The architectural strategy considers the surrounding context in terms of materials, including the new developments in the area. The Design and Access Statement sets out the palette of materials proposed, and these are similar to those used in the adjacent development - a mix of white render and cream, with red and buff brick base courses and a mix of red and grey roof tiles. The proposals therefore relate well to the surrounding context and there is a good variety across the site. Around key character areas, feature plots are included to provide a sense of place and an attractive feature within key areas of the site.

2.4.11 Objection comments note concern that they were sold plots within Phase 1, with promise that there would be a landscape buffer between the two sites. In this regard, there would be a gap between the two sites, with Phase 1 containing a strip of land with a footpath connection running north/south which was shown as the buffer approved through planning application reference 14/04038/PPP so this has already been provided through Phase 1 and would not change as a result of Phase 2. There would also be an area of open space within Phase 2 to the northeast of the site which would create a further buffer between the two sites. The site allocation within FIFEplan (2017) notes that the northern part of the site should contain a buffer between the development and the countryside. This has not been provided; however, the layout has been amended to create gaps between the houses along the edge, which provides glimpses through the site towards the countryside, along with appropriate boundary treatments to ensure there is a suitable transition between the development and countryside in the form of a hedge. It is therefore considered acceptable that no buffer has been provided in this location.

2.4.12 Areas of open space have footpath connections running to, and through, them. To ensure they are appropriately overlooked and safe and attractive places which will be used, houses with active frontages are orientated to face these spaces. The footpath to the south is also appropriately overlooked by active gables.

2.4.13 In conclusion, the proposed development offers a high-quality addition to Cairneyhill which demonstrates the six qualities of successful places and would have a positive impact on visual amenity. The development complies with FIFEplan Policies 10 and 14.

2.5 Residential Amenity

2.5.1 PAN (Planning Advice Note) 1/2011, Policies 14 and 23 of NPF4, Policies 1 and 10 of the LDP, Fife Council's Planning Customer Guidelines on Daylight and Sunlight and Dormer Extensions, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply. Fife Council's Planning Customer Guidelines on Garden Ground and Dormer Extensions requires a 9-metre set back from neighbouring garden boundaries to ensure that acceptable privacy levels are achieved between properties.

2.5.2 Objection comments have raised concerns regarding noise to the garden at Sunnyside House. The objection notes that no access has been requested to assess noise so the assessment has not been carried out properly and a full assessment of the property and recommendations of sound mitigation which should be installed should be provided at the cost of the developer. The proposal would be a compatible use with the adjacent existing residential uses in terms of noise impact and would, therefore, have no significant impact on the surrounding area in terms of noise. The D13 road (a 60mph road) which runs past the site to the west, has been assessed as a potential noise source which may potentially affect the proposed dwellings. The impact of the proposed new access has also been assessed in terms of noise to existing dwellings, including the former Woodside Cottage to the west should this plot come into use as a house again in future.

2.5.3 The REHIS Briefing Note 017 Noise Guidance for New Developments advises that only in exceptional circumstances should satisfactory internal noise levels only be achievable with windows closed and other means of ventilation provided. Predictions of internal noise levels within noise sensitive premises must be calculated based on an open window scenario. For the purposes of this guidance exceptional circumstances are considered to be proposals which aim to promote sustainable development and transport within the local authority area and which would provide benefits such as:

- (a) reducing urban sprawl
- (b) reducing uptake of greenfield sites
- (c) promoting higher levels of density near transport hubs, town and local centres
- (d) meeting specific needs identified in the local development plan

2.5.4 Exceptional circumstances will, therefore, generally apply only to sites, which are small to medium in scale, within urban areas. This may include sites in established residential areas; brownfield sites; town and village centres, and sites near public transport hubs. The proposed development is on a site allocated for residential development in the adopted FIFEplan Local Development Plan and is included within the Housing Land Audit 2024. It would meet specific housing demand. Development of the application site would contribute towards reducing urban sprawl by proposing development on an allocated site. The proposal would result in an extension to an established residential area. It is considered to provide a sustainable development making best use of the land resource available. As confirmed in the submitted Transport Assessment, the site is well located to benefit from a range of transport modes. There is a wide range of local facilities within walking distance of the site. The proposed development is therefore, considered to be an exceptional circumstance.

2.5.5 In regards to the impact of the new proposed road to adjacent existing residential properties, the former Woodside Cottage is closest to the proposed new road therefore the impact on this property was assessed. Due to the distance between the site and Sunnyside Cottage, there was no assessment of the noise impact on this property. The NIA shows that there would be an increase in noise by 1 dBA at the west facing elevation of Woodside Cottage from the new access. This effect would be of negligible adverse significance. To mitigate

against this increase, a 2.5m high acoustic barrier is proposed along the north and east boundaries of the cottage to ensure a residual impact of negligible adverse significance.

2.5.6 In terms of noise impacts to the proposed new dwellings, the NIA sets out that the predicted noise levels at the most exposed plots to the west of the site would require mitigation at ground and first floor levels due to noise from road traffic. The most exposed elevations would have noise levels of 56dB during the day and 52dB at night without any mitigation. Acoustic insulation is proposed to reduce noise levels inside noise-sensitive rooms using standard specifications where all windows to habitable rooms would be fitted with double glazing with a minimum sound reduction index of 25dB Rw and trickle vents with a minimum sound reduction index of 30dB Dne. With the mitigation measures in place, the day and night noise levels would be acceptable inside all habitable rooms provided all windows would be fitted with acoustic glazing and trickle vents.

2.5.7 In terms of external noise levels, it is considered that all proposed new gardens would be predicted to meet Fife Council's criterion for outdoor living areas, complying with the lower range of WHO's criterion of between 50 – 55dB in all outdoor living area without any mitigation measures being required.

2.5.8 Daylight/Sunlight

2.5.9 Objection comments note concern that the proposals would have an adverse impact on sunlight to neighbouring existing properties. The nearest existing neighbouring properties to the development would be located to the south at Glendavon Drive, and to the west (Woodside Cottage). The properties at Glendavon Drive would be over 30 metres to the south of the proposed new dwellings, to the south of the application site. The boundary of Woodside Cottage would be over 30 metres to the boundary of proposed plots 43 – 52. The window-to-window distance would be greater, at over 50 metres. Proposed plots 155, 156, 179 – 183 and plot 184 would be located adjacent to the existing properties to the east, within Phase 1 of the development at Dovecot Avenue. The garden of Plot 155 would be located at a distance of 17 metres from the garden boundary of the adjacent existing garden, and the gable of the proposed dwelling would be located at a distance of 20 metres. The gable-to-gable distance between proposed Plot 156 and the existing adjacent 20 dwelling to the east would be 19 metres, and the garden boundaries would have a distance of 20 metres. Plots 179 – 184 would have a distance of between 28 metres and 31 metres between the garden boundaries and the frontages, with a greater distance between the properties themselves. As such, the proposed dwellings would have no significant impact on the daylight/sunlight levels for other neighbouring residential properties due to the distances involved and the orientation of the proposed dwellinghouses in relation to neighbouring properties, with the sun rising in the east, setting in the west and at its highest point when due south. The proposed dwellinghouses within the application site have also been designed to ensure that no properties would significantly overshadow or block daylight/sunlight to any other adjacent proposed properties within the site itself. The proposal would, therefore, be acceptable and would comply with the Development Plan and relevant Guidance in this respect.

2.5.10 Privacy

2.5.11 Objections state that the proposal would result in a loss of privacy for the surrounding area.

2.5.12 The proposal would have no significant impact on the privacy levels of the surrounding area due to the distances involved between neighbouring residential properties and those

proposed, with the minimum 18 metre window to window distance being achieved between all existing and proposed properties as outlined in paragraph 2.5.9 above. All plot layouts have also been designed to ensure that proposed dwellings would be acceptable in terms of the proposed privacy levels achieved. The proposal would, therefore, be acceptable and would comply with the Development Plan and relevant Guidance in this respect.

2.5.13 Construction Impacts

2.5.14 Objection comments note concern regarding disturbance during construction.

2.5.15 Any construction disturbance caused as a result of the proposal would be temporary in nature and developers should also work to the best practice contained in British Standard 5228: Part 1: 2009 "Noise and Vibration Control on Construction and Open Sites" and BRE Publication BR456 - February 2003 "Control of Dust from Construction and Demolition Activities". This is in order to mitigate the effects on sensitive premises/areas (i.e. neighbouring properties and road) of dust, noise and vibration in relation to construction works. It should also be noted that Fife Council's Public Protection Team can deal with any complaints should they arise, and they can control noise and the operating hours of a construction site by serving a notice under the Control of Pollution Act 1974. There would, therefore, be no significant impact on the surrounding area due to any associated construction works. A condition is, however, recommended requiring that a Construction Method Statement and Management Plan, including an Environmental Protection Plan and Scheme of Works are submitted for approval before any works commence on site. The proposal, subject to this condition, would therefore be acceptable and would comply with the Development Plan in this respect.

2.6 Garden Ground

2.6.1 Fife Council's Guidelines on Garden Ground advise that all new semi-detached and detached dwelling houses should be served by a minimum of 100 square metres of private useable garden space.

2.6.2 The proposals include private garden ground for each residential plot which varies in size throughout the development, depending on the house type. In most instances the provision of garden ground is generous and exceeds the minimum standard. In some instances, the garden ground provision falls below the minimum set out within the guidance. These breaches of minimum standard are predominantly to terraced or semi-detached properties, where a smaller areas of garden ground are common, due to the nature of the proportions of such a house type. It is accepted that smaller gardens are desirable to occupants who have no interest in maintaining a large garden, or who are unable to. Smaller garden plots can be part of larger mix of house types in order to cater for a diverse market. Therefore, in this instance the provision of garden ground when reviewed across the development as a whole, is acceptable.

2.6.3 The submitted detailed landscaping plans show extensive areas of landscaping and open space throughout the site, which is welcomed. This includes tree planting throughout the site, and hedging. A tree lined avenue is proposed at the entrance to the site, a tree buffer to the west and northeast, as well as throughout the areas of open space. This is in accordance with FIFEplan Policy 3 which requires development to provide green infrastructure. Conditions are proposed to ensure that suitable measures will be put in place for the future management and aftercare of the landscaped areas.

2.7 Transportation/Road Safety

2.7.1 Policies 1, 13, 14 and 15 of NPF4, Policies 1, 3 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply. The LDP allocation requires the submission of a Transport Assessment in support of a planning application and the following requirements:

- The existing Pitdinnie Road/A994 junction shall be upgraded, prior to house building commencing. Pitdinnie Road, between the A994 and the site shall be upgraded in accordance with the Fife Council Transportation Development Guidelines and a layout agreed by Fife Council, before building starts.
- Provision of a vehicular access from the A994 via CNH 002. A vehicular access from the D13 (by means of a 3-arm roundabout) shall be provided if CNH002 does not progress. The vehicular access shall be provided prior to occupation of the 100th dwelling.
- Provision of pedestrian/cyclist links with Grey Craigs, Drummormie Road and Glen Moriston Drive via the playground.

2.7.2 Objection comments raise concerns regarding construction traffic using Dovecot Avenue and Pitdinnie Road, stating that they are unsuitable for construction traffic. Objection comments raise concerns regarding an increase in traffic as a result of the proposals. Objection comments note concern that public transport does not meet demands in all directions. Objection comments note concern that there are no amenities within the immediate area, leading to increasing need for car journeys. Objection comments note concern that this phase prepares for a future phase 3. Objection comments note concern that the proposed access from the D13 is dangerous. Objection concerns note that there is a missing crash within the assessment and unrealistic data has been used to show traffic volume and accidents, with data taken from a Thursday when most people do not travel. Objection comments note concern that the main road is not fit for purpose and is not safe for children walking to school, it is difficult to see traffic when crossing to Rose Gardens. The existing access to the east side of Pitdinnie Road is already unsuitable for children to use. The road solution is overly complicated due to drainage burns, which will impact on the village. Objection comments note concern that no consideration has been taken of the use of access to get to the golf course.

2.7.3 A Transport Assessment (TA) (Modus Transport Solutions, April 2024) has been submitted in support of this application, carrying out an assessment for 256 dwellings with access onto the D13 Oakley Road and connections through to the Phase 1 development. The Transport Assessment includes updated 2023 traffic counts, an assessment of the site in relation to National Planning Framework 4 (NPF 4) and a review of the walking, wheeling, cycling and public transport access for the site.

2.7.4 The option set out within the LDP allocation, to deliver an access linking with Pitdinnie Road via Dovecot Avenue and Pitdinnie Avenue, would have been the preferred option (as per Option 2 of the masterplan approved through the PPP). However, this cannot be achieved due to the adjacent landowners and developers not being in the position to achieve this alignment, due to varying timescales and the lack of planning and road legislation to compel this alignment to happen. It is also noted that there was no input from the developer or owner of the adjacent site at CNH002 during the preparation of the initial masterplan in the first instance.

2.7.5 The TA has followed the Transport Scotland 'Transport Assessment Guidance' and has considered person trips, not car trips and covered access by all modes of transport including walking, cycling, public transport and private cars, to show how the site is being developed to encourage the use of sustainable modes of transport. Planning Permission in Principle reference 14/04038/PPP was supported by a Transport Statement (TS) that considered the whole of CNH 005, including Phase 1 and Phase 2. The TA for this application has considered the increase in house numbers and site CNH 002 as a committed development.

2.7.6 The TA has assessed the provision of a 3-arm roundabout on the D13. The provision of a suitable means of vehicular access from the D13 has been discussed between the applicant's Transport Consultant and Fife Council Transportation Development Management, Fife Council Traffic Management and Fife Council Roads Network Management officers. The 3-arm roundabout proposal has been supported by a Stage 1 Road Safety Audit (RSA) which has been submitted in support of the application. The D13 is subject to the national speed limit (60mph). Speed surveys were carried out in 2017 and then April 2021, as lockdown measures eased. The RSA for the roundabout notes that the proposed Stopping Site Distance (SSD) is commensurate with a reduced speed limit of 40mph. Given the RSA shows that the two-way 85th percentile speed on the D13 at the location of the proposed vehicular access is 40.6mph, Fife Council Transportation Development Management (TDM) Officers advise that it accepts the proposed roundabout solution as the vehicular access from the D13 to serve the proposed housing development. Fife Council TDM would consider departures in design standards to a design speed of 40mph for a roundabout only and would not accept any departure from standard to a design speed of less than 40mph.

2.7.7 The RSA submitted by the applicant recommends the reduction of the existing national speed limit. However, Fife Council would not implement a reduced speed limit on this section of road, solely to facilitate development. Given the geometry of this road, reducing the speed limit solely for the length of the new junction could not be justified and it would realistically end up requiring to be extended for up to the entirety of the D13, which is likely lead to a high level of non-compliance on certain sections, which is not justified purely for the provision of a junction.

2.7.8 LDP allocation CNH005 sets out the requirement for the upgrading of the existing Pitdinnie Road/A994 junction (provided as part of the Phase 1 development); the provision of a vehicular access from the A994 via CNH002 (which is not being provided); and the provision of pedestrian/cycle links with Drummormie Road (provided as part of the Phase 1 development). It also sets out the requirement for pedestrian/cycle links with Glen Moriston Drive, via the playground and with Grey Craigs.

2.7.9 The TA notes that safe walking routes would be achievable from any point within the proposed development to key amenities including Cairneyhill Primary School, local shops and the bus stops on the A994 Main Street. The proposal includes sustainable links via the existing Phase 1 footpath/cyclepath at Drummormie Road; to Pitdinnie Avenue and Dovecot Avenue (within Phase 1) and to Glen Moriston Drive via the playground. The link to Glen Moriston Drive via the playground is only shown to the application site boundary due to the ownership issues, and a planning condition is suggested, which would require the alternative link to be provided as discussed in section 2.6.

2.7.10 Phase 1 has been provided with two means of vehicular access from Pitdinnie Road. The southern vehicular access, Forrester Park Drive, is a shared surface street that is being used as the preferred means of vehicular access rather than Pitdinnie Avenue, which has led to complaints from residents. Phase 1 was designed to provide two vehicular/ pedestrian connections between Phases 1 and 2 by means of extensions to Pitdinnie Avenue and Dovecot Avenue. To discourage the use of Forrester Park Drive as the primary route from Pitdinnie Road, Fife Council TDM requested the proposed vehicular/pedestrian connection from Pitdinnie Avenue be removed. The single vehicular/pedestrian connection between Dovecot Avenue and the site is acceptable. The proposed site layout shows the carriageway width being reduced to 3.7 metres as it passes through the open space area.

2.7.11 The proposed site layout shows the provision of a road through the site between the D13 and Dovecot Avenue that would provide the secondary means of vehicular access to the site. The routes through the site include 90 degree bends; small radii bends; raised tables; and carriageway narrowing to encourage vehicle speeds below 20mph. Dovecot Avenue and Pitdinnie Avenue would also include raised tables to encourage slower speeds. The upgraded Pitdinnie Road includes speed cushions and carriageway narrowing. The travel distance between the proposed D13 roundabout and Pitdinnie Road/A994 junction through the proposed site would be similar to the travel distance via the D13 and A994. However, the route via the D13 and A994 would be shorter in terms of travelling time given they are subject to 60/30 mph speed limits and the absence of any vertical or horizontal features to discourage their use. The streets through the proposed site are being designed to discourage their use as an alternative to the D13/A994. The proposed street layout would provide both Phase 1 and 2 residents with a choice of routes to/from the D13 and A994 and would integrate the two sites, which is welcomed.

2.7.12 Making Fife's Places Supplementary Guidance, Appendix G - Transportation Development Guidelines states that 'in terms of existing roads and streets, the start of a cul-de-sac is deemed as the point where a vehicle entering the road or street has no alternative other than to leave by the same point. On the premise that an additional vehicular access from the wider road network cannot be provided and that the proposed site can be designed in accordance with all other principles of Designing Streets, it will be acceptable for additional dwellings to be served from an existing cul-de-sac, subject to the total number of dwellings not exceeding 200'. Given that an acceptable secondary means of vehicular access can be provided from Dovecot Avenue and 256 dwellings are proposed there would be no justification for the proposed housing being served by a cul-de-sac from the D13. It is clear from the adopted FIFEplan requirements and determination of 14/04038/PPP that the CNH005 allocation was considered as a single site. The proposed Phase 2 and existing Phase 1 development cannot be considered as two separate sites.

2.7.13 The 256 dwellings would generate 198 vehicle trips (132 out and 66 in) in the weekday am peak and 180 vehicle trips (70 out and 110 in) in the weekday pm peak. 90 percent of the trips would arrive/depart via the new roundabout at the D13. There would be an increase of 21 vehicle trips (14 out and 7 in) in the weekday am peak and an increase of 18 vehicle trips (7 out and 11 in) in the weekday pm peak on Pitdinnie Road. Fife Council TDM has advised that this is not a concern and is a similar conclusion to the TS submitted in support of Planning Permission in Principle 14/04038/PPP.

2.7.14 The TA has carried out a traffic impact analysis on the A985 Cairneyhill roundabout (Trunk Road); the Pitdinnie Road/ A994 junction; and the proposed D13/site access roundabout junction and all arms of all the junctions would continue to operate well within their practical capacity in both the weekday am and pm peaks in the 2026 design year plus committed development plus proposed development scenario.

2.7.15 The information regarding accidents included within the submitted TA has been taken from CrashMap and an objector has disputed this information as being incorrect or missing information. This information is the same as shown in the Fife Council records (up to 2023). The information regarding crashes is forwarded by Police Scotland to Fife Council so the information reported within the submitted TA is accurate crash information. There is no official record of the additional crashes that the objector has noted has been taken from press articles, which suggests the serious, second serious, walking wounded, and significant crashes that the objector has noted were damage-only incidents. It is also noted that the crash noted on 20/12/20 is recorded as occurring on 21/12/20 and is not another unrecorded crash. Overall, the crash record contained within the TA submitted with the application is based on accurately recorded information.

2.7.16 The proposed site layout has generally been designed in accordance with Making Fife's Places Supplementary Guidance, Appendix G - Transportation Development Guidelines. The street layout has been designed to discourage vehicle trips between the D13 and A994, utilising the streets within the site and Pitdinnie Road rather than the Cairneyhill Roundabout. The street layout is made up of a variety of street designs with footways on both sides of the carriageway; a footway on one side of the carriageway; and footways remote from the carriageway. There is limited use of cul-de-sacs. Off-street car parking is provided in garages; to the front of dwellings; to the side of dwellings; and in parking courts. The proposed affordable housing street layout has been improved to reduce the domination by car parking to the front and rear of dwellings.

2.7.17 There are 4 private house types (Harris 3-bed, Lenzie 4-bed, Nairn 5-bed and Stirling 5-bed) with internal garages. None of the garages meet the minimum dimensions to count as a parking space. House type Harris is being provided with the required 2 off-street parking spaces in double width driveways. House types Melrose, Moffat, Orkney and Pitlochry require 3 off-street parking spaces each. House types Orkney and Pitlochry are provided with detached garages and long driveways providing the required off-street car parking. House type Melrose is provided with long driveways providing the required off-street car parking. The private house types Balfron (2-bed), Douglas, Elmwood, Forres, Gullane, Jedburgh and Kelso (all 3 bedroom) are all being provided with the required 2 off-street parking spaces, except for 2 of the terraced dwellings in plots 137 – 148. The house types Lenzie (20 no.), Nairn (11 no.) and Stirling (19 no.) are all 1 parking space short. Therefore, 52 no. of the 192 no. private dwellings are each 1 parking space short.

2.7.18 It would be acceptable for 25 percent of the private dwellings within the site to be one space short with the shortfall accommodated on-street within laybys. In this case, it would be acceptable for a maximum of 48 of the 192 private dwellings to be one off-street parking space short. However, TDM has advised that it would accept the maximum being increased to 52. The private housing requires 48 visitor parking spaces plus 52 additional visitor parking spaces (to address the shortfall), with a total of 100 visitor parking spaces. The parking provision plan shows 97 visitor parking spaces in laybys, on-street and 90 degrees to the public road. Some of the indicated on-street spaces would obstruct vehicles manoeuvring to/from adjacent driveways. However, TDM is satisfied that parking provision for the private housing is acceptable.

2.7.19 TDM has advised that it is satisfied that parking provision for the affordable dwellings is acceptable. TDM has expressed concern with the lack of a vehicle link with the allocated site to the south (CNH002) and an additional sustainable link to Glen Moriston Drive, which are requirements of the LDP. However, on balance, TDM has no objections to the proposed development subject to conditions.

2.8 Flooding And Drainage

2.8.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1 and 3 of the LDP and Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements apply. The LDP allocation requires that a flood risk assessment is submitted for the site.

2.8.2 Objection comments, including comments from the Community Council, note concern that the proposed and existing drainage is not sufficient, the proposed SUDS is too small, and flooding will move elsewhere. Concerns note from objectors that flooding around the ditch is shown as a drainage swale. It is also noted by objectors that existing drains struggle to cope with rainwater.

2.8.3 A flood prevention scheme was constructed for Cairneyhill (the Cairneyhill Flood Prevention Scheme) in 1984 under the Cairneyhill Flood Prevention Order (1982). At the time of construction, the scheme was designed for a 1 in 50-year flood event. The condition of the scheme was re-assessed in 2005, and it was concluded that the standard of protection for the FPS had declined to around a 1 in 2-year event, with property flooding commencing at a 1 in 10-year event. The mathematical model of Torry Burn was obtained and run as part of the 2015 Kaya Consulting flood risk assessment for the land to the south-east of the development. The results obtained were consistent with those in 2005. Flood waters are diverted from Torry Burn into a culvert upstream of the development site, close to Gray Craig's Lane, north of the site. There is a lateral weir along the southern bank of Torry Burn. When water levels in Torry Burn reach the weir crest, water spills into a 1.05 m diameter circular culvert, which discharges into the upstream end of Rushy End Burn. The peak flow able to pass from Torry Burn to Rushy End Burn was predicted to be 1.96 m³ /s in JBA (2005). The peak flow is limited by the capacity of the circular culvert linking Torry Burn with Rushy End Burn and not by the capacity of the offtake structure from Torry Burn. It was noted during consultation with Fife Council that the offtake structure from Torry Burn can become blocked by debris during high flow events and that this blockage can impact the peak flow able to pass into Rushy End Burn. For the previous Kaya Consulting flood risk assessment, a conservative case of the pipe flowing at full capacity was considered when assessing flood risk from Rushy End Burn. If the offtake were blocked a lower flow would reach the Rushy End Burn adjacent to the site. The council model was re-run in the 2015 report and produced similar flow estimates for water discharged to Rushy End Burn.

2.8.4 There are known issues, with respect to flooding from Rushy End Burn, upstream of the Glen Moriston Drive culvert to the south-west of the site. This has included flooding of properties close to Glen Moriston Drive and Glenavon Drive to the south of the site. This flooding was caused by surface water runoff from the land to the east of the site flowing into housing developments and from surcharging of the surface water drainage system. The Phase 1 development at Cairneyhill is located to the east of Phase 2, but there is a corridor of land between Phase 2 and the existing village of Cairneyhill that was part of Phase 1. Within this corridor there were improvements in land drainage along the northern edge of Cairneyhill to capture surface water runoff from the north and route it to Rushy End Burn (there were existing drainage features but these were poorly maintained and there has been a history of surface water flooding in Cairneyhill). Improvements to these drains were undertaken to reduce the risk of flooding in the village; increase the flood storage and flow pathway for flood waters from Torry Burn during a 1 in 200- year flood event; land lowering for compensatory flood storage for Rushy End Burn to compensate for discharge of attenuated surface water to this burn from the Phase 1 site. In addition, a large flood storage area was constructed upstream of Pitdinnie Road, to the east of Cairneyhill. This storage area was constructed to provide betterment to Cairneyhill and a reduction in the frequency of flooding in the village - it was not provided as compensatory storage but as additional flood storage. The storage reduced the extent of the 200-year flood event.

2.8.5 A Flood Risk Assessment (FRA) (Kaya Consulting, April 2024) and a Drainage Strategy Report (DS) (Bayne Stevenson Associates Ltd, November 2024) have been submitted in support of this application. A SUDS basin is proposed to the southwest of the site, and roadside filtration trenches are proposed to deal with the site's drainage. The drainage system has been designed so there is no flooding at the 1 in 30-year return period including 39% climate change and 10% urban creep. Checks have also been made to the 1 in 200-year return period including 39% climate change and 10% urban creep and it has been demonstrated that all flood water can be retained within the site. It is proposed to connect the foul drainage to an existing foul sewer to the south-east of the main site area, near Drummormie Road, via pumped flow.

2.8.6 Fife Council Flooding, Shoreline and Harbours (FSH) requested further information regarding the surface water drainage design, which was then provided by the applicant, with

Flooding Shoreline and Harbours noting that the design complies with no out of system flooding occurring and the proposed discharge pipe from the attenuation basin to the Scottish Water surface water sewer being amended to 225 diameter. However, FSH does note that written permission from Scottish Water of the connection and discharge rate has not been provided. FSH has recommended that this is added as a pre-commencement condition.

2.8.7 SEPA has been consulted and initially requested further information regarding flow rates from the Rushy End stream and blockage of the Rushy End. There were also queries from SEPA regarding whether a surface run-off embankment was to be constructed and certainty regarding the flood risk area. Further information was provided by the applicant within a Technical Memo (Kaya Consulting Limited, October 2024) which advised that the embankment was not acting as a flood management feature and there is no surface run off embankment or bund proposed. In terms of the bridge blockage, the applicant advised that the proposed crossing is a structure that will span the watercourse and floodplain, such that the abutments are located outside the extent of the 200-year + climate change floodplain of the watercourse and it is not likely that there would be a significant blockage. Additionally, the flood extent does not extend to the abutments therefore any transported materials would not be able to be trapped, plus there are no sources of large material in proximity to the site that could be transported. On further examination SEPA has advised that they are satisfied that the proposed new bridge does not offer increased conveyance capacity and therefore they do not require any further modelling to be undertaken regarding blockage. SEPA has no objections to the proposals.

2.8.8 Scottish Water has been consulted and advised that it has no objections to the proposals. There is currently sufficient capacity in the Glendevon Water Treatment Works and the Iron Mill Bay Waste Water Treatment works to service the development. Scottish Water has advised that further studies are required to be carried out to determine if the existing water network can adequately service the demands of the development or if any mitigation or enhancement work is necessary. Scottish Water is undertaking a Strategic Water Impact Assessment for this area which shows that this proposed site was found to cause detrimental impact on the network and therefore, mitigation will be required. A separate study will need to be commissioned by the developer to assess the uplift in units on the site. There are other proposed developments in this area and therefore Scottish Water recommend that the strategic study model is utilised to carry out this assessment and scoped to include other proposed developments in the area. This is a matter which would be resolved separately between the developer and Scottish Water.

2.9 Contaminated Land And Air Quality

2.9.1 Policy 9 of NPF4 and Policies 1 and 10 of the LDP.

2.9.2 A Site Investigation Report (Bayne Stevenson, May 2021) has been submitted with the application. The report notes that soil concentrations are within acceptable limits and that no significant risk to the water environment is considered to exist and that ground gas protection measures are not considered necessary for the site. Fife Council Land and Air Quality has been consulted and has advised that prior to development works beginning it is recommended all monitoring boreholes are made safe by following the relevant SEPA guidance 'Good practice for decommissioning redundant boreholes and wells' to ensure no preferential pathway for ground gases is inadvertently created. Land and Air Quality also advises that any soil to be removed from the site must be sampled and analysed at rates sufficient to allow it to be appropriately classified for disposal at a suitably licensed or permitted treatment or disposal facility and the details provided. Any sub-soil or topsoil to be imported to the development site should be sampled and analysed at rates sufficient to allow it to be appropriately certified prior to being

brought onto site and details of the source and testing of this material should be provided. A planning condition ensuring that any unforeseen contamination issues associated with the site are suitably addressed, is recommended.

2.9.3 An Air Quality Impact Assessment (Airshed, 2024) has been submitted with the application. Fife Council Land and Air Quality has advised that they are content with the information provided and they have no further comments to make in regards to air quality.

2.9.4 Fife Council Land and Air Quality has no objections to the proposals, subject to the aforementioned condition. The proposals would comply with Policy 9 of NPF4 and Policies 1 and 10 of the LDP in regards to land and air quality.

2.10 Natural Heritage And Trees

2.10.1 Policies 3, 4 and 6 of NPF4, Policies 1 and 13 of the LDP and The Scottish Government's Policy on Control of Woodland Removal apply.

2.10.3 Trees

2.10.4 Objections note concern that trees are shown close to houses.

2.10.5 There are no Tree Preservation Orders, or Conservation Areas or any designations affecting trees, such as Ancient Woodland on or adjacent to the site. There is a small wooded area at the west of the site, along an old field margin and adjacent to the burn.

2.10.2 A Tree Survey has been submitted with the application (Julian A Morris, May 2021). The report shows that removal will be required of trees 606 to 612, and groups 2.1, 2.2, 3, 5.1, 6 to 8, 10 and 11, and part of group 9. Overall, the trees requiring removal are of mixed species, heights, and condition, but none are of mature life stages, of significant height, forming significant landscape features, or trees that, in the context of the compensatory planting plans, should form a significant obstacle. Although this degree of removal does constitute a high arboricultural impact, the associated compensatory planting plans are acceptable and supported by NPF4 and the Scottish Government Policy on the Control of Woodland Removal. Additionally, a veteran tree has been identified, and protection methodology has been established within the report, therefore the impact will be to relatively small and young trees. NPF4 Policy 6 supports proposals which enhance, expand and improve woodland and tree cover and advises proposals will not be supported where they will result in fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy. Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered. This proposal will have a relatively small impact in relation to the created landscape improvements, the impact will be on younger/smaller trees of poorer condition predominantly, and overall, the proposal would create benefits in line with the Scottish Government Policy on the Control of Woodland Removal. This proposal would contribute to 'enhancing sustainable economic growth or rural/community development' due to the scale of the proposal. Additionally, the provided landscape plans with the intention of creating a mixed species and height peri-urban woodland with connectivity will create urban woodland cover of increased resilience and adaptability to climate change, encouraging recreational activities and public enjoyment of the outdoor environment, and increase the social, economic or environmental

quality of woodland cover overall. The submitted landscape plans propose a variety of tree species and sizes. Broadleaves, conifers, native and non-native, flowering and fruiting species are all specified, including species with a range of tolerances and requirements, and different phenological cycles. This will help to build adaptability and resilience into the created woodland and is in line with the Scottish Forestry Strategy, 2019-2029. Additionally, the planting methodology is given along with maintenance plans which should be sufficient in addressing these requirements. Overall, the number of new trees planted will appropriately offset initial impact and then surpass this. The proposed tree removal and replanting is therefore supported overall, and Fife Council's Tree Officer has no objections to the proposals in this regard.

2.10.3 The information submitted does not confirm the type of protective fencing which would be utilised to protect the existing trees and planting on the site. Therefore, a condition is recommended which requires confirmation of the type of protective fencing proposed and that it would comply with BS5837:2012 section 6.2.2.

2.10.4 Objections note concern regarding damage to wildlife and loss of habitat and note that migratory geese currently use the land.

2.10.5 A Preliminary Ecological Appraisal (Envirocentre, May 2024) (PEA) has been submitted with this application. The report confirms that no statutory designated sites are present within or directly adjacent the site boundary. The Fife Green and Blue Network and Ecosystem Services Map identifies the site to have habitat of interest (the neutral grassland buffer strip to Glenavon Drive identified by the PEA); network opportunities are also available to connect the habitat network of the site to the wider area. The Firth of Forth Ramsar, SPA and SSSI and Torry Bay Local Nature Reserve are located 1.6km south of the site at the closest point. It is not considered these designated sites are ecologically connected to the proposed site. Habitat within the site is primarily arable fields, ploughed and unsown at the time of survey and modified grassland associated with livestock grazing. The habitats within the site are considered of site and local and national (Scotland) importance (hedgerow and arable field margins). No potential Ground Water Dependent Terrestrial Ecosystems (GWDTEs) or invasive non-native species (INNS) were identified on or adjacent site. Habitat surveys were undertaken on the site, and the site was found to be suitable for brown hare, badger, breeding birds, west European hedgehog, and commuting and foraging bats. Habitats within the survey area were assessed for their suitability to support various habitat, including breeding and over wintering birds. No records of any protected species were found. 83 different bird species were recorded within the last ten years, and twelve bird species were observed during the field survey. Skylark breeding behaviour was noted within the modified grassland field in the east of the site however no nest was found within the field. Skylark are of national (Scotland) importance therefore it is recommended that if any nests are found, then an exclusion zone will be created to safeguard the nest until all chicks have fledged. The report includes various additional recommendations, including the retention of nationally important hedgerow habitat, that a pre-vegetation clearance check is undertaken during breeding bird season and that post construction street lighting design is sensitive to crepuscular species.

2.10.6 Fife Council's Natural Heritage Officer (NHO) has been consulted and has advised that the proposed landscape design planting schedule includes a number of non-native/cultivar specimen tree and shrub species for the general development planting; however, the mixes for woodland, hedgerow and riparian planting are native. These choices are deemed acceptable by Fife Council's NHO and overall they have no objections to the proposals. They do, however, note that the north-south linkages through the proposed development and between the various greenspaces are limited and the actual east-west tree canopy connectivity via the central spine is fragmented at either end, particularly to the west where the principal junction is constricted. While garden space contributes to the overall green cover, this does not provide tree canopy: the public area would therefore benefit from additional tree planting around this first junction

from the western access. This is noted and a planning condition is recommended, requiring the submission of a further landscape plan including further tree planting to the first junction from the western access.

2.10.7 Fife Council's NHO agrees with the findings and recommendations contained within the PEA and has no objections to the proposal subject to the proposed mitigation measures contained within the PEA being carried out in full. NatureScot has also been consulted and advises that it has no comment to offer on this application.

2.10.8 The findings of the submitted PEA are accepted and the proposal - subject to the proposed mitigation measures - would have no significant ecological impact on protected species, wildlife habitats or birds. Conditions are recommended requiring that the proposed mitigation measures as set out in the PEA are carried out in full. The PEA also states that the findings of the report are only valid for a period of 12 months and the current PEA would expire in May 2025, therefore, a condition is recommended requiring that an updated survey, as required by the PEA, is submitted to this Planning Authority before works commence on site. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.10.9 Biodiversity Enhancement

2.10.10 The PEA sets out opportunities for biodiversity gain on the site and these measures include the provision of bird nesting boxes within the site, gaps being provided under fences to allow the movement of species in and out of gardens and bat boxes to be placed on and around the site or incorporated within buildings to create roosting opportunities for bats. The PEA also recommends that planting of native shrubs be carried out in appropriate areas of the site which would bolster the existing habitat and provide connectivity between habitats. A landscaping plan has also been submitted which sets out the planting of a number of native species including trees, shrubs and hedges around the site. The proposed planting of trees, shrubs and hedges would represent a re-planting ration of 13.5:1.

2.10.11 Fife Council's NHO has no objections to the proposed biodiversity enhancement measures subject to these measures being carried out in full.

2.10.12 The submitted information demonstrates that the proposal would include significant planting of native species of trees, shrubs, hedges and wildflowers. A condition is also recommended requiring that the biodiversity enhancement measures as set out in the PEA are carried out in full before the development is occupied with details of these measures to be submitted to this Planning Authority for approval. The proposal would, therefore, bring about a significant biodiversity enhancement to the site and surrounding area when compared to the existing field. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.11 Sustainability

2.11.1 Policies 1, 2 and 12 of NPF4, Policies 1 and 11 of FIFEplan and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.11.2 An Energy Statement (Sustainability and Low Carbon Design Statement, RSP Consulting Engineers LLP, March 2021) has been submitted with the application. The statement sets out that there are no district heating schemes in development or existing within a 2km radius of the proposed development site. Dunfermline has a large district heating scheme in

operation which serves the town centre however the proposed development is located approximately 4.5 km from Dunfermline centre so a connection to this scheme is unlikely to be viable for this development. It is understood there are future plans to extend the Dunfermline scheme to the south but this would still be approximately 3 km from the proposed development. The proposed development utilises an energy efficient and low running cost heating system and uses on site renewable energy generation in the form of PV panels to reduce carbon emissions and running costs for occupants. The report submitted sets out that PV panels should be applied to the roof of each dwelling to mitigate carbon emissions in line with NPF4 Policies 1 and 2. The statement sets out the estimated energy consumption of the development including the target emissions rate, predicted CO2 emissions and the energy contribution and CO2 emissions saved from the renewable energy installations.

2.11.3 Sufficient information has been submitted to demonstrate that the proposal could incorporate sufficient energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. The application site is located more than one kilometre from a district heating network; therefore, it is not required to investigate the feasibility of connecting to an existing or proposed district heat network. The proposal would also integrate well with and include sufficient connectivity to the existing Cairneyhill village which would enable occupants to easily access local services from the proposed site, with a number of services located within a 10-minute walking distance of the site, therefore the proposal would be located within a sustainable location. A condition is also recommended requiring that details of the proposed energy generating technologies are submitted for approval. The proposal subject to a condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.12 Community and Economic Benefit

2.12.1 A statement of community benefit has been submitted in support of this application, included within the Design and Access Statement. The statement advises that the proposal will deliver 64 affordable homes and will make a significant contribution in addressing housing shortfalls and the declared Housing Emergency. It states that the proposal will deliver a significant area of open space, between Phase 1 and Phase 2 combined, the proposals will create over three hectares of open space. The statement advises that the proposal will deliver footpaths and areas for play which will promote health and wellbeing for new and existing residents and a new attractive setting will be provided to the south of the site. The statement sets out that the proposals allow for a range of sizes of homes to be delivered, such as those designed for growing families and first-time buyers, and it also allows for a significant increase in the number of affordable homes to be delivered on site to help address the Housing Emergency.

2.12.2 It is accepted that this proposal could provide an economic and community benefit to Cairneyhill and the surrounding area. The proposal would, therefore, comply with the Development Plan in this respect.

2.13 Affordable Housing

2.13.1 Policies 15 and 16 of NPF4, Policies 1,2 and 4 of the LDP and Fife Council's Supplementary Guidance on Affordable Housing apply. This Supplementary Guidance advises that the affordable housing requirement for the West Fife Villages Local Housing Strategy Area (LHSA), 25% of the total number of houses proposed within a housing development.

2.13.2 The proposal would provide 64 affordable dwellings, and these would include 16x 2 bed cottage flats, 7x 2 bed wheelchair bungalows, 20x 2 bed houses, 15x 3 bed houses, 3x 4 bed

houses, and 3x 5 bed houses. Fife Council's Affordable Housing team has no objections to the proposal as it would provide the required 25% of the total number of homes as affordable and they consider the housing mix to be acceptable. This matter would be secured through a Section 75 agreement.

2.13.3 The proposal subject to this planning obligation would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.14 Education

2.14.1 Policy 18 of NPF4, Policies 1 and 4 of the LDP and Fife Council's Planning Obligations Framework Guidance apply.

2.14.2 Objection comments note concern that there is not enough space at Cairneyhill Primary School for the proposed development.

2.14.3 Fife Council's Education Services (ES) advises that the development is within the catchment area of Cairneyhill Primary School; St Margaret's Roman Catholic Primary School; Queen Anne High School; St Columba's Roman Catholic High School and the Rosyth to Cairneyhill local nursery area. ES further advises that there is currently no capacity risk expected at Cairneyhill Primary School but there is a capacity risk expected at the St Margaret's Primary School as a result of this development. However, it is expected that the Education Service will endeavour to manage the pupil numbers within the existing capacity by monitoring the school roll and applying the School Admissions Policy. School roll projections, including the expected completion rate of known housing sites, indicate that there is currently no capacity risk expected at St Columba's Roman Catholic High School. A review of the capacity across the nursery local area has indicated there are sufficient nursery places to accommodate nursery aged pupils from this development. Therefore, there is no capacity risk expected for nursery provision across the local area as a result of this development. However, High schools across Dunfermline and West Fife will require additional teaching areas than are currently available within the existing accommodation overall. In accordance with the Fife Council Planning Obligations Framework Supplementary Guidance 2017, a Dunfermline-wide approach will be utilised to address secondary school capacity issues, in a cumulative manner, to meet the cost of development-related education capacity requirements. The cumulative impact of proposed strategic and non-strategic housing development in the catchment area will create a shortfall in secondary capacity. The cost of the work to accommodate the additional pupils is estimated at £36m, to be funded on a pro-rata basis by all eligible housing developments across the catchment areas. The equivalent cost per 3-bedroom unit is £6,067. This development would therefore be expected to contribute £1,311,988.75 towards this solution.

2.14.4 Education Services advise that they have no objections to the proposal based on the current phasing of the site and subject to the aforementioned planning obligations to be secured through a Section 75 Legal Agreement. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect subject to a Legal Agreement.

2.15 Open Space and Play Areas

2.15.1 Policies 14, 20 and 21 of NPF4, Policies 1, 3 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply.

2.15.2 The FIFEplan (2017) Local Development Plan Site Allocation (CNH002) sets out that the site will 'make provision for a multi-use community facility'. As part of Phase 1 of the adjacent

site, the developer has provided the full funding for the community facility and a Multi-Use Games Area (MUGA) has been constructed to fulfil this requirement. The MUGA was constructed by Fife Council and is complete and operational. The amount paid by the developer was £101,321.86 and there is no requirement for any further payments to be made towards the MUGA.

2.15.3 This development, as per the open space criteria set out in Making Fife's Places, is required to provide approximately 15,360 square metres of useable open space on the site or it should make a financial contribution towards existing open space if the development is located within 250 metres walking distance of an existing open space. Several landscaped and open space areas are proposed within the site with the useable public open space areas measuring approximately 32,313 square metres in total. This calculation includes the larger areas of green space in the central spine of the site, the area of open space to the northeast corner, the SUDS area to the southwest, and the adjacent footpath link to the south of the site, associated with application reference: 24/01432/FULL.

2.15.4 Making Fife's Places sets out that new housing which is within 500m walking distance of an existing equipped play area will not be required to provide these facilities onsite (dependant on the quality of the route). However, financial contributions will be required to upgrade existing facilities that will be used by the residents of the new development. There is an existing play park located to the east of the development, which the same applicant has provided for Phase 1 of the development. This is located within safe walking distance of the site and a new footpath link is proposed to the east, to link to the play park. Given the applicant for this site has provided and is maintaining the play facilities, there would not be a requirement for a contribution towards the play facilities within walking distance. Additionally, the proposals include natural, informal play features throughout the site, including boulders, wood log stepping stones, and fallen trees. These features would be located around the SUDS to the southwest of the site, in the area of open space to the southwest adjacent to plots 60 – 68, within the central green spine and within the area of open space to the northeast of the site.

2.15.5 Fife Council Parks, Development and Countryside Team has advised that the play park at Glen Moriston Drive is planned for removal and there is no intention of this being replaced in future. The Parks, Development and Countryside Team has advised that they do not wish to receive contributions from the developer to contribute towards a new play park in this location. It is therefore considered that the play features provided by the developer for phase 1 of this development is sufficient to serve the existing and proposed dwellings.

2.16 Public Art

2.16.1 Policy 14 and 31 of NPF4, Policies 1, 4 and 14 of the LDP, Making Fife's Places Supplementary Guidance and Fife Council's Planning Obligations Framework Guidance apply.

2.16.2 The Design and Access Statement submitted includes an outline for a public art strategy on the site. The proposals include the provision of stone cairns at the site entrance, to define the gateway into the site from the new roundabout to the west. A seating area is also proposed, incorporating stone cairn benches. No further details regarding the proposed public art have been provided, therefore a condition is recommended regarding this matter, and the submitted details should demonstrate how it has incorporated public art into the overall development with the cost of the public art equating to £300 per dwellinghouse as per the requirement contained within Making Fife's Place's. These details should also include a thorough analysis relating to how the proposed art is based on a contextual approach relating to the surrounding area. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.17 Strategic Transport Interventions

2.17.1 Policy 13 of NPF4, and Policies 1 and 4 of the LDP, Making Fife's Places Supplementary Guidance and Fife Council's Planning Obligations Framework Guidance apply

2.17.2 In accordance with the FIFEplan Planning Obligations Supplementary Guidance, the proposed development is required to contribute towards the strategic transportation intervention measures identified within the LDP. Cairneyhill lies within the Dunfermline Intermediate Zone and is therefore required to contribute £2,428 per dwelling, excluding affordable housing, to the transport fund. The strategic transportation intervention measures are required to mitigate the cumulative adverse impacts of the trips generated by the LDP allocations. This development would therefore be expected to contribute £466,176 towards this Strategic Transportation Intervention Measure, which is proposed to be secured through a Section 75 legal agreement.

2.18 Other Infrastructure Considerations

2.18.1 Objection comments received set out concerns that the development would not contribute towards infrastructure such as health care including hospitals, dentists and GPs. Circular 3/2012: Planning Obligations and Good Neighbour Agreements sets out Scottish Government expectations on the role planning obligations will play in addressing the infrastructure impacts of new development. The Circular requires that planning obligations meet the five tests as set out within paragraphs 14 – 25 of the Circular. A planning obligation should be necessary to make the proposed development acceptable in planning terms; serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to development plans; relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area; fairly and reasonably relate in scale and kind to the proposed development and be reasonable in all other respects. Policy 18 (Infrastructure First) of NPF4 states that development proposals which provide (or contribute to) infrastructure in line with that identified in LDPs will be supported. This policy further requires that the impacts of development proposals on infrastructure should be mitigated. Policy 1, Part B, criterion 1 of the FIFEplan advises that development proposals must mitigate against the loss of infrastructure capacity caused by the development by providing additional capacity or otherwise improving existing infrastructure.

2.18.2 Policy 4 of the FIFEplan advises that developer contributions will be required from development if it will have an adverse impact on strategic infrastructure capacity or have an adverse community impact. Policy 4 also states that developments, other than a change of use of employment land or leisure site, will be exempt from these obligations if they are for the re-use of derelict land or buildings, previously developed land, or the rehabilitation of contaminated land within a defined settlement boundary. Fife Council's Planning Obligations Framework Guidance (2017) advises that planning obligations will be requested by Fife Council as Planning Authority to address impacts arising from proposed development activity consistent with the tests set out in Circular 3/2012. The guidance describes when planning obligations will be sought, where exemptions will apply, and how methodologies will be applied when considering the impacts, a proposed development will have on existing infrastructure. The priorities to be addressed are educational provision, transport, affordable housing development, greenspace, public art, and employment land.

2.18.3 The Planning Obligations Framework Guidance advises that planning obligations will not be sought for the construction of residential development of fewer than ten houses, Town Centre redevelopment, listed building conversions, brownfield sites (previously developed land), rehabilitation of contaminated land (excluding mine workings) within a defined settlement or

changes of use. The Planning Obligations Framework Guidance advises that where a proposed development would create a critical infrastructure capacity issue, particularly in terms of the primary school estate, contributions may still be required. Previously developed land is defined within the Planning Obligations Framework Guidance as land or site that have previously been developed and this could include vacant or derelict sites, infill sites, land occupied by redundant or unused buildings and employment land which is not in operational use.

2.18.4 In response to the representations received from members of the public regarding the impact of the development on healthcare services locally, this is not an issue that can be addressed by the planning system. The NHS operate a list system which allocates a certain number of registered patients per GP. If a GP has too many patients registered, then funding is available for a new GP as part of that practices business case to expand services where required to meet additional demand. The funding of healthcare is an issue for central government. GP practices are often run as individual businesses who make a business case to expand and establish the practices if they seek to do so. This remains a matter that is closely monitored, and Council officers periodically liaise with those from NHS Fife during the Local Development Plan implementation or review process and will continue to consult NHS Fife in relation to large-scale or significant development proposals that could potentially impact on healthcare service provision. NHS Fife were consulted as part of a wider discussion with NHS Fife on development within Fife. NHS Fife were consulted specifically on this application and did not respond to a consultation request for their comments.

2.18.5 No planning contributions can be taken without specific mitigation being identified and costed. In line with Circular 3/2012 the developer can only pay what is directly attributed as their impact. This has not been specified for this application. Moving forward, the Planning Authority will be requesting that NHS Fife set out an overall strategy for expanding their estate to deal with any capacity constraints and outline the cost of this and how this should be attributed to developments. This would be positioned within any revision of the Planning Obligations Supplementary Guidance. Without this information and the policy support, no contribution can be taken for this development for healthcare services, and this would be the same for shops. All other infrastructure that the development would be expected to contribute towards is set out above.

2.19 Waste Management

2.19.1 Policy 12 of NPF4 and Policies 1 and 10 of the LDP apply.

2.19.2 A site plan has been submitted in support of this application along with a waste management statement. It shows the proposed refuse bin collection points within the site and also sets out that the domestic waste will be separated and treated as required by Fife Council. The submission advises that bin storage facilities are accommodated within each house plot as per the council's normal standards and the proposed layout has been designed to accommodate waste collection vehicles as confirmed by the vehicle swept path analysis in the Transportation Statement.

2.19.3 There is sufficient space within the curtilage of the proposed site and the curtilage of each dwelling to accommodate any required bin storage facilities. The submission also advises that domestic waste will be separated and treated according to the Council's domestic waste collection requirements. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.20 Archaeological Impact

2.20.1 Policy 7 of NPF4 and Policies 1 and 14 of the LDP apply.

2.20.2 The site is not covered by any historic environment designations and no sites, monuments or deposits are recorded within the proposed development site. Fife Council's Archaeological officer advises that the development would involve significant sub-surface disturbance in an area of untested archaeological potential. Fife Council's Archaeology Officer advises that the site placename, Pitdinnie, is an 8th/9th century Pictish Gaelic compound meaning 'farm of the fort'. There is also evidence of an abundance of prehistoric sites in the fields surrounding the site, therefore there is the potential for unrecorded archaeological deposits to exist on site. A limited, speculative archaeological condition is therefore justified in this instance. The Archaeology Officer has no objections to the proposal subject to a condition requiring that a programme of archaeological works is carried out in full before any works commence on site. A condition is recommended regarding this matter.

2.20.3 The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

3.0 Consultation Summary

Scottish Environment Protection Agency	No objections.
Community Council	Objection, outlining concerns relating to flooding and drainage.
NatureScot	No objections.
Mining Remediation Authority	No objections.
NHS Fife	No response.
Archaeology Team, Planning Services	No objections, subject to condition.
Natural Heritage, Planning Services	No objections, subject to conditions.
Trees, Planning Services	No objections, subject to conditions.
Urban Design, Planning Services	No objections.
Land And Air Quality, Protective Services	No objections, subject to conditions.
Education (Directorate)	No objections, subject to contributions required through legal agreement.
Housing And Neighbourhood Services	No objections, subject to condition.
Structural Services - Flooding, Shoreline And Harbours	No objections.

TDM, Planning Services	No objections, subject to conditions and contributions required through legal agreement.
Transportation And Environmental Services - Operations Team	No response.
Parks Development and Countryside	No objections.
Scottish Water	No objections but a feasibility study is required to ensure that there is capacity in the network.
Transport Scotland	No objections.

4.0 Representation Summary

4.1 24 representations have been received for this application, all of which are objections. The comments are summarised below:

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Flooding and drainage concerns: - the proposed drainage is not sufficient - flooding will move elsewhere - flooding around the ditch is shown as a drainage swale - the existing drains struggle to cope with rainwater - the proposed SUDS is too small.	2.8
b. Concerns that Dovecot Avenue and Pitdinnie Road are not suitable for construction traffic	2.7
c. Loss of green space	2.2
d. Not enough infrastructure, including GP surgeries, dentists, schools, and hospital provision and concerns that there is not enough space at Cairneyhill Primary School.	2.14 and 2.18
e. Increase in traffic	2.7
f. Pollution and noise	2.6
g. An EIA has not been carried out	1.4
h. The number of houses proposed is too large and the scale of the development is inappropriate	2.3
i. Concerns regarding damage to wildlife	2.10
j. Public transport does not meet the demands in all directions	2.7
k. There are no amenities in immediate area, increasing need for car journeys to shops etc. The community hall in the village proposed	2.7 and 2.18

previously was not a good offer so nothing has been provided for the community	
l. Loss of Prime Agricultural Land	2.2
m. The adjacent street will be turned into a through road. People in phase 1 were sold houses based on fact that there were no through roads	2.7
n. This phase prepares for phase 3	2.7
o. The proposed access from the D13 is dangerous	2.7
p. There is a missing crash within the assessment and unrealistic data has been used to show traffic volume and accidents	2.7
q. Traffic flow data has been taken on a Thursday when most people do not travel	2.7
r. The main road has safety issues for children walking to school. The road is not fit for purpose already, it is difficult to see traffic when crossing to Rose Gardens	2.7
s. There has been no consideration taken of the use of access to get to the golf course	2.7
t. Loss of habitat. Migratory geese use the land.	2.10
u. The trees are shown very close to houses	2.10
v. The existing access to east Pitdinnie Road is already unsuitable for children	2.7
w. The road solution is overly complicated due to drainage burns which will impact the village	2.7
x. The proposed development will join two villages together	2.2
y. Building on the green belt is unnecessary	2.2
z. Concerns regarding light, noise, and increased air pollution to the garden at Sunnyside House. No access has been requested to assess noise so the assessment has not been carried out properly and a full assessment of the property and recommendations of sound mitigation should be installed at the cost of the developer.	2.6

4.2.2 Other Concerns Expressed

Issue	Comment
a. Southwest fife is becoming commuter belt for Edinburgh with little gain for local community	Not a material planning consideration.
b. The developer has a bad reputation, and the quality of work is bad.	Not a material planning consideration.

5.0 Conclusions

The proposal would be compatible with its surrounds in terms of land use and would not cause any detrimental impacts on surrounding residential properties within the proposed scheme or the surrounding area. In respect of the uplift in the number of units in comparison to the LDP allocation, on balance, the number of proposed units is acceptable. The proposal would provide an attractive, welcoming, high-quality, connected development which would respect the character and appearance of the surrounding built environment, and which would provide a positive visual contribution to the area. The proposal would be considered acceptable in terms of its impact on road safety and would result in no significant detrimental impacts on the

surrounding area in terms natural heritage, amenity, contaminated land, air quality, sustainability or in terms of impact on existing infrastructure. It would also bring about a positive biodiversity enhancement to the site along with community and economic benefits to the area. The proposal subject to conditions and planning obligations, would therefore, be acceptable in meeting the terms of the Development Plan and National Guidance.

6.0 Recommendation

It is accordingly recommended that the application be approved subject to:

- A. The conclusion of a legal agreement to secure;
 - 25% of the total units on site to be provided as affordable housing as per the definition contained within Fife Council's Affordable Housing Supplementary Guidance (2018). This would equate to 64 units out of the total 256 units.
 - £466,176 towards strategic transport intervention measures in the Dunfermline Intermediate Zone.
 - £1,311,988.75 towards the mitigation across Dunfermline secondary schools, shared across all non-exempt housing development across the catchment area in accordance with the Fife Council Planning Obligations Framework Supplementary Guidance 2017, to be index linked against Building Cost Information Service (BCIS) standards.
- B. That authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to negotiate and conclude the legal agreement
- C. That should no agreement be reached within 6 months of the Committees decision, authority is delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to refuse the application.

and the following conditions and reasons:

PRE-COMMENCEMENT CONDITIONS

1. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE, written approval from Scottish Water of acceptance of the connection and discharge rate shall be provided for approval in writing by the Planning Authority.

Reason: To ensure Scottish Water accept the proposed discharge rate.

2. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE, amended details of the tree protection measures shall be provided, which comply with BS5837:2012. The construction of the development shall thereafter be carried out fully in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment Report (Plan Reference 90) and as per the tree protection plan within this document, plus the updated tree protection measures contained within the document approved through this condition. This Planning Authority shall be formally notified in writing of the completion of the required tree protection measures and NO WORKS SHALL COMMENCE ON SITE until this Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the development operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: To ensure the retained trees are adequately protected.

3. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE, if the site works do not commence prior to May 2025; an updated preliminary ecological appraisal (PEA) including a phase 1 habitat survey and protected species survey shall be submitted to this Planning Authority and approved in writing. All works shall then be carried out in full accordance with the approved PEA and all approved biodiversity enhancement measures shall be provided BEFORE THE OCCUPATION OF THE FIRST DWELLINGHOUSE; whilst all mitigation measures as set out in the PEA shall be implemented in full unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: The survey works will be out of date by May 2025.

4. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE; full details relating to the provision of public art on the site shall be submitted to and approved in writing by Fife Council as Planning Authority. These details shall include a full contextual and historic analysis of the site in relation to this public art and shall provide evidence that the cost of the public art provision is equivalent to £57,600 (or £300 per market unit). Thereafter, the development shall be carried out in full accordance with these approved details and the approved public art shall be in place BEFORE THE OCCUPATION OF THE TWO HUNDREDTH DWELLINGHOUSE.

Reason: In the interests of successful placemaking.

5. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE; an archaeological written scheme of investigation shall be submitted to and approved in writing by Fife Council as Planning Authority. The developer shall then secure the implementation of the programme of archaeological works as set out within any subsequently approved written scheme of investigation BEFORE ANY WORKS COMMENCE ON SITE. A verification report shall then be submitted to and approved in writing by Fife Council as Planning Authority once all of these required archaeological works have been carried out in full and BEFORE ANY WORKS ASSOCIATED WITH THE DEVELOPMENT COMMENCE ON SITE.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for the investigation, recording and rescue archaeological excavation of remains on the site.

6. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE; full details of the proposed energy generating technologies (including manufacturer's details) shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the development shall be carried out in full accordance with these approved details.

Reason: In the interests of sustainability; to ensure the development complies with Policy 11 of the Adopted FIFEplan (2017) and Policies 1 and 2 of National Planning Framework 4 (2023).

7. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE details of the measures to be employed to prevent mud, debris or other deleterious material being carried onto and

accumulating on the public roads adjacent to the site shall be submitted for the written approval of this planning authority and shall thereafter be implemented and maintained throughout the construction period of the development.

Reason: In the interest of road safety; to eliminate the deposit of deleterious material on public roads.

8. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE, a further landscape plan shall be submitted, for approval in writing by the Planning Authority, which includes further tree planting to the first junction from the western access of the approved development layout.

Reason: To ensure adequate tree planting is provided on the site.

CONDITIONS:

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

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

10. PRIOR TO THE OCCUPATION OF THE FIRST UNIT AT PLOTS 01 – 11, 17 – 22 and 32 – 70 a 2 metres wide footway, behind a 2 metres wide grass verge adjacent to the roundabout between the western vehicular access and the emergency access/path link to the Ogilvie Homes site to the south, shall be constructed in accordance with the current Fife Council Transportation Development Guidelines and be open for public use. The footway shall include a dropped kerb vehicular access to the site of the former Woodside Cottage.

Reason: To ensure permeability throughout the site and to the existing community and wider transportation connections, and to comply with FIFEplan (2017) Site Allocation reference CNH005.

11. 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.

12. PRIOR TO THE OCCUPATION OF THE LAST UNIT, roads and associated works serving the proposed development shall be constructed in accordance with the current Fife Council Transportation Development Guidelines to a standard suitable for adoption.

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

13. Vehicular access from Dovecot Avenue shall not open to through traffic until such time the vehicular access between Dovecot Avenue and Oakley Road (D13) is completed to basecourse with working street lighting and open for use by all vehicles.

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

14. The sole means of vehicular access to and from the site for all construction traffic shall be via Oakley Road (D13) at the west end of the site. For the avoidance of doubt no construction traffic shall be through the existing housing development via Dovecot Avenue or Pitdinnie Avenue.

Reason: In the interest of road and pedestrian safety to avoid construction traffic travelling through a housing area.

15. PRIOR TO EACH INTERNAL JUNCTION BEING USED FOR THE FIRST TIME, visibility splays at that junction of 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all internal road junctions, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junctions of the vehicular access with the public road.

16. PRIOR TO THE OCCUPATION OF EACH UNIT, all roadside boundary markers shall be maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

17. PRIOR TO THE OCCUPATION OF EACH UNIT, the off-street parking provision within the plot, as per the approved drawings, shall be provided in accordance with the current Fife

Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

18. PRIOR TO THE COMPLETION OF THE LAST UNIT, biodiversity enhancement recommendations contained within the approved Ecological Appraisal report (Plan Reference 97) shall be carried out in full.

Reason: In the interests of biodiversity enhancement.

19. No tree or vegetation clearance shall be carried out during the bird breeding season which is March to August inclusive unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of species protection.

20. PRIOR TO THE OCCUPATION OF THE FIRST DWELLING IN PLOTS 25 – 68, 69 – 78, 87 – 103, 190 AND 191 the shared paths indicatively shown on the approved Site Plan (CRNY-SL-004), outwith the site boundary but within the applicant's control, or any subsequent agreed amendments to the site plan, and as approved through planning application reference: 24/01432/FULL or any subsequent agreed amendments to this planning approval, shall be constructed in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption, including street lighting, and be open for public use.

Reason: To ensure the footpath connection is delivered, to provide a well-connected, sustainable and permeable development.

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

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

22. The management and aftercare of the landscaping and planting shall be carried out in accordance with the details approved through this application.

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

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn

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

26 February 2025

Agenda Item No. 6

Application for Full Planning Permission

Ref: 24/01432/FULL

Site Address: Land South Of Pitdinnie Farm Pitdinnie Road Cairneyhill

Proposal: Formation of path and open space associated with Cairneyhill Phase 2 (24/01277/FULL) including landscaping, drainage and associated works.

Applicant: Avant Homes (Scotland) Limited & R E Forrester, 1 Lochside Avenue Edinburgh

Date Registered: 7 June 2024

Case Officer: Natasha Cockburn

Wards Affected: W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application relates to a Major application which requires to be determined by Committee.

Summary Recommendation

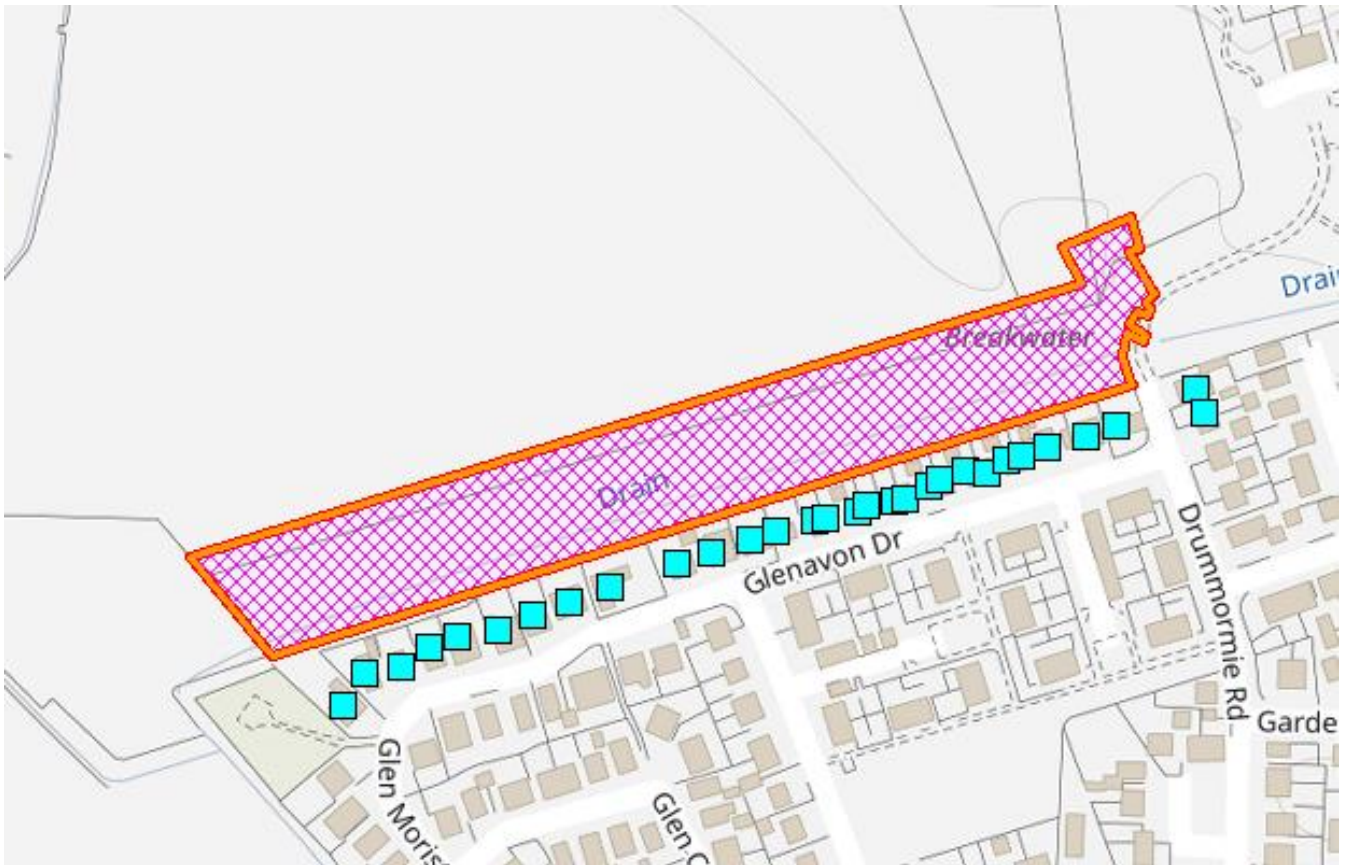
The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 The application site is an area of approximately 11,731m² and is a strip of land which sits to the north of Glenavon Drive and to the south of application site reference 24/01277/FULL. The site is an area of greenspace, which contains a small drainage ditch approximately 0.5m deep and less than 1m wide. The site is included within allocation CNH 005 as an amenity buffer. The site is within a low-risk area for river flooding as per the SEPA flood maps.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1 This application seeks planning permission for the formation of a path and open space associated with the housing proposal for Cairneyhill Phase 2 (24/01277/FULL) including landscaping, drainage and associated works. The proposals include a 3m wide asphalt footpath, finished to an adoptable standard, adjoining connections into the proposed housing development on the remainder of allocated site CNH005. The footpaths would connect at six points across the length of the site, also connecting into the existing residential area at Drummormie Road to the east. Landscaping proposals are included, with a mix of trees, hedgerow and grass planting proposed across the site, with the existing swale being incorporated into the proposals. This application is separate to the adjacent proposed housing application for Cairneyhill Phase 2 (24/01277/FULL) because the footpath and open space proposal included within this submission was a later addition to the adjacent wider housing proposal, and this area of land was not included within the original site boundary for the previously withdrawn planning application for this proposal (reference: 21/00974/FULL). It was therefore considered prudent to consider this application separately, but in parallel with, the planning application for the proposed housing development.

1.3 Relevant Planning History

14/04038/PPP - Planning Permission in Principle for residential development, serviced site for community hall and MUGA with associated engineering, landscaping and infrastructure works - Approved with Conditions - 19/07/16

21/00974/FULL - Erection of 156 residential units with associated engineering, infrastructure, landscaping and open space - Withdrawn - 22/05/24

24/01277/FULL - Erection of 256 residential units with associated engineering, infrastructure, landscaping and open space. Under Consideration at this Committee.

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 As per Section 24 (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) where there is any incompatibility between a provision of NPF4 and a provision of the LDP, whichever of them is the later in date is to prevail. The Chief Planner's Letter dated 8th February 2023 also advises that provisions that are contradictory or in conflict would be likely to be considered incompatible.

1.4.3 The proposed development falls within the Local Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. No pre-application consultation was therefore required.

1.4.4 Neighbour notification letters were sent out to all physical premises within 20 metres of the application site boundary on 11th June 2024.

1.4.5 An objection comment states concern that it is unclear where the path is located. The submission includes a Location Plan and proposed Site Plan and Landscape Plans which clearly indicate where the proposed footpath would be located.

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 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 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.

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

Supplementary Guidance

Supplementary Guidance: Low Carbon Fife (2019)

Low Carbon Fife Supplementary Planning Guidance provides guidance on:

assessing low carbon energy applications

demonstrating compliance with CO2 emissions reduction targets and district heating requirements;

requirements for air quality assessments.

Supplementary Guidance: Making Fife's Places (2018)

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

Other Relevant Guidance

New Hierarchy of Development

2.0 Assessment

2.1 Relevant Matters

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

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

2.2 Principle of Development

2.2.1 Policies 1,13 and 23 of NPF4.

2.2.2 The proposals would comply with NPF4 Policy 1 and 13 in that they would promote more sustainable modes of transport infrastructure by enhancing active travel networks and sustainable connections associated with the proposed housing development. The proposed footpath is located within the settlement boundary and within an area of land allocated for housing. The allocation (CNH005) includes this strip of land as an amenity buffer. Given the

landscape planting included as part of the proposal, it is concluded that the proposals would still achieve this requirement, whilst also providing sustainable connections through the housing development and into the surrounding area. This would further enhance the permeability and layout of the proposed housing development. Policy 23 of NPF4 also supports development proposals that will have positive effects on health, including proposals that include opportunities for exercise.

2.2.3 In conclusion, it is considered that the proposed footpath would be acceptable in principle. The principle of the proposal accords with the provisions of the Development Plan subject to further detailed assessment carried out below.

2.3 Design And Layout / Visual Impact

2.3.1 NPF4 (2023) Policies 4, 14, 15 and 20, FIFEplan Policies 1, 7, 10, 13 and 14, Making Fife's Places Supplementary Guidance (2018) apply with consideration of the design and visual impact of the proposed development.

2.3.2 The proposals would be consistent with the NPF4 Policy 15 approach requiring developments to contribute to local living, including where relevant, 20 minute neighbourhoods. The proposals would improve and enhance connectivity between communities by providing links through the proposed housing development into the existing community of Cairneyhill.

2.3.3 The landscaping proposals would include a row of trees to provide a buffer between the existing homes to the south, and the proposed new housing to the north. Further planting would be proposed throughout the footpath network, providing an attractive route throughout. The proposed housing development to the north would include units with active gables facing onto the footpath to ensure surveillance of the route, making the route attractive and safe for users.

2.3.4 The proposals comply with the relevant policies of NPF4 and FIFEplan in relation to design and visual impact.

2.4 Residential Amenity

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

2.4.2 Objection comments note concern that the drainage ditch is dangerous for children. It is noted that the drainage ditch is not significantly deep (0.5m) and there are no planning concerns in regards to the safety of this area. There are residential areas located adjacent to the proposed routes however any noise or dust disturbance would only have a potential impact during the construction phase. A condition is therefore recommended requiring that a Construction Environmental Management Plan (CEMP) be submitted for approval. In terms of privacy, there would be sufficient vegetation to provide a buffer between the proposed footpath and the existing housing to the south. There would be additional activity from people using the footpath which is not currently formalised at this location. However, it is not considered that the use of the footpath would significantly adversely impact on the amenity of neighbours, it is not

expected that a walking/wheeling route would give rise to significant noise which would affect neighbours.

2.4.3 In conclusion, the proposed development would not give rise to adverse residential amenity concerns. The proposed development is therefore acceptable with regard to residential amenity considerations, complying with Policies 11, 14 and of NPF4 (2023) and Policies 1, 10 and 11 of FIFEplan (2017).

2.5 Transportation/Road Safety

2.5.1 NPF4 (2023) Policies 1, 2, 13, 14, and 20, FIFEplan (2017) Policies 1, 3 and 10 and Fife Council Transportation Development Guidelines (contained within Making Fife's Places Supplementary Guidance) apply with regard to transportation and road safety considerations.

2.5.2 The proposed active travel network will connect into the local neighbourhoods within Cairneyhill to provide a more connected walking and cycling network. The proposals would provide alternative ways to travel which are more sustainable than motor vehicles, thus reducing carbon emissions, all in line with NPF4 Policy 1 and 13.

2.5.3 The proposals are therefore considered acceptable and satisfies all policy requirements regarding transportation and road safety.

2.6 Flooding And Drainage

2.6.1 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.

2.6.2 Objection comments raise concern regarding flooding on the site. A drainage layout, Flood Risk Assessment (FRA) and associated check certificates have been submitted with the application. The site is located within a low-risk flooding area as identified on the SEPA flood map. The site contains a small drainage ditch 0.5m deep and around 1m wide, running east to west and sloping towards the Rushy End Burn. There are known issues with respect to flooding from Rushy End Burn, upstream of the Glen Moriston Drive culvert to the south-west of the site. This has included flooding of properties close to Glen Moriston Drive and Glenavon Drive to the south of the site. This flooding was caused by surface water runoff from the land to the east of the site flowing into housing developments and from surcharging of the surface water drainage system. Mitigation measures for this were put in place by the developer for Phase 1 of the associated adjacent housing development. This includes compensatory storage to the east and northeast of this site, and improved drainage along the southern boundary of this site. Fife Council Flooding, Shoreline and Harbours Team (FSH) has reviewed the information submitted in regards to drainage and flooding, and has advised that there are no objections in regards to flooding or drainage.

2.6.3 The proposals are therefore considered acceptable and satisfies all policy requirements regarding flooding and drainage.

2.7 Natural Heritage

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

2.7.2 Objection comments state concern that the site is a landing zone for geese. A Preliminary Ecological Appraisal (PEA) (Envirocentre May 2024) has been submitted with the application. The PEA categorises the site as neutral grassland with standing open water/canals. The PEA advises that neutral grassland is common and widespread and is not considered a priority habitat. It is of 'site' value ecologically and is likely to offer foraging, sheltering and commuting provisions for wildlife. It advises that drainage ditches are common and widespread and therefore not considered a priority habitat. Habitat surveys were carried out and no protected species were found to be present within this site. The survey considered that the drainage ditch feature is considered to have moderate suitability for foraging and commuting bats and the arable margins and grassland will also provide some foraging resource for bat species; there was found to be negligible and low suitability for roosting bats within any surrounding buildings or structures; and there was found to be no trees suitable for roosting bats. It is recommended that a bat transect survey is carried out if the drainage ditch is likely to be lost to facilitate the development, which is not the case. No further survey works are therefore required in regards to bats, however there are some mitigation measures set out within the PEA to avoid any disturbance.

2.7.3 The PEA advises that any works causing loud noise and vibration May to August inclusive (main activity season) should be limited to daylight hours to avoid intolerable disturbance to foraging and commuting bats and brown hare in the locality; all site personnel should be made aware of ecological constraints present in and around the site within the site induction / toolbox talk; any excavations created during the works should not be left open for mammals to become trapped and at the very least, a shallow sloping edge or some form of ramp should be placed in the excavations to allow any animals to climb out. It advises that temporary or permanent lighting should not illuminate the surrounding woodland habitats, and the development design should maintain dark corridors and permanent lighting should be 'bat friendly' i.e. should not illuminate bat commuting, foraging and roosting habitats including hedgerows and treelines.

2.7.4 The PEA advises that biodiversity enhancements including additional planting of native trees along site boundaries and species rich wildflower grassland would further enhance the commuting and foraging resources for bats and birds within the surrounding area. It advises that trees and grass seeds of local provenance is key to achieving the best biodiversity outcome; managing a section of species rich wildflower grassland; a range of bird nesting boxes; and woodcrete and reed insect blocks or 'bug hotels' to be installed on retained trees or fence posts. The proposed landscape plan submitted with the application includes the provision of bird boxes across the site, bee, bird and butterfly meadow mix, fruit trees, and a variety of meadow mix, insect hotels, hedgerow mix and trees.

2.7.5 Fife Council Natural Heritage Officer (NHO) has been consulted. The NHO advised that the biodiversity enhancements should be applied as described in the PEA and, with the proposed mitigations and enhancements in place, there are no objections to the proposals.

2.7.6 Subject to conditions to ensure the biodiversity enhancement measures are applied and the proposed landscaping is maintained, the proposals would comply with the relevant policies and are acceptable in regards to natural heritage.

2.8 Archaeology

2.8.1 Policy 7 of NPF4 and Policies 1 and 14 of the LDP apply.

2.8.2 Fife Council's Archaeology Officer has been consulted for this application and has advised that the site is not covered by any historic environment designations and no sites, monuments or deposits are recorded within the proposed development site. Although the area has the potential to contain buried archaeological deposits, the proposed development will not involve significant, nor deep, sub-surface disturbance. No archaeological works would therefore be required.

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

3.0 Consultation Summary

Scottish Water	No objections.
Natural Heritage, Planning Services	No objections, subject to conditions.
Parks Development And Countryside	No response.
Land And Air Quality, Protective Services	No comment.
Archaeology Team, Planning Services	No objections.
Structural Services - Flooding, Shoreline And Harbours	No objections.

4.0 Representation Summary

4.1 2 objections have been received, which are summarised below.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. It is unclear where the path is located.	1.4.6
b. The deep ditch is dangerous for children	2.4
c. The area is a landing zone for geese	2.7
d. Flooding issues	2.6

4.2.3 Other Concerns Expressed

Issue	Comment
a. New houses will overcrowd the village further	Not material to this application, which is not for housing.
b. Lack of infrastructure for housing	Not material to this application, which is not for housing.
c. People living in the new homes are not local	Not material to this application, which is not for housing.
d. More housing is a way for the council to get more tax	Not material to this application, which is not for housing.

5.0 Conclusions

The proposals would also comply with the relevant Policies of NPF4 (2023), the FIFEplan Local Development Plan (2017), Making Fife's Places Supplementary Guidance (2018), Low Carbon Fife Supplementary Guidance (2019) and relevant National Guidance and Fife Council Guidelines. The proposals would provide an active travel network and biodiversity and drainage enhancement. The proposals would see the area being upgraded both in terms of its visual amenity, useability of an area of open space, drainage and biodiversity. The use of the natural elements of the existing environment and the enhancement of those features through additional planting, are welcomed

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

1. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE, a scheme designed to mitigate the effects on sensitive premises/areas (i.e neighbouring properties and highway) of dust, noise and vibration from the construction of the proposed development shall be submitted to the Planning Authority for approval. Upon approval all matters detailed in the scheme shall be carried out in accordance with the scheme unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of safeguarding the amenity of neighbouring sensitive receptors.

2. PRIOR TO THE COMMENCEMENT OF WORKS ON SITE, if the site works do not commence prior to May 2025; an updated preliminary ecological appraisal (PEA) including a phase 1 habitat survey and protected species survey shall be submitted to this Planning Authority and approved in writing. All works shall then be carried out in full accordance with the approved PEA and all approved biodiversity enhancement measures shall be provided PRIOR TO THE DEVELOPMENT COMING INTO USE; whilst all mitigation measures as set out in the PEA shall be implemented in full unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: The survey works will be out of date by May 2025.

CONDITIONS:

3. 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.

4. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE; full details of any associated proposed lighting scheme shall be submitted to and approved in writing by Fife Council as Planning Authority. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads, sensitive properties or adjacent sensitive habitats with regards to light spillage and glare. The lighting scheme shall include lighting mitigation and shall utilise the methods recommended in the Institute of Lighting Professional's Bats and Artificial Lighting Guidance Note (ILP, 201833) or any subsequent revision. These methods shall include using directional and or baffled lighting, variable lighting regimes, avoidance of blue-white short wavelength lights and high UV content or creation of light barriers utilising hedgerows and tree planting. Thereafter, the lighting shall be installed and maintained in accordance with the manufacturer's specification and approved details.

Reason: In the interests of safeguarding the amenity of the surrounding area and species protection.

5. BEFORE THE DEVELOPMENT IS BROUGHT INTO USE the relevant biodiversity enhancement recommendations contained within the approved Preliminary Ecological Appraisal (Plan Reference 10) shall be carried out in full.

Reason: In the interests of biodiversity enhancement and the protection of habitat

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

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

7. The, hereby approved, landscaping scheme shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner and unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.

8. No tree or vegetation clearance shall be carried out during the bird breeding season which is March to August inclusive unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of species protection.

9. PRIOR TO THE OCCUPATION OF THE FIRST DWELLING IN PLOTS 25 – 68, 69 – 78, 87 – 103, 190 AND 191 of associated planning application reference 24/01277/FULL the shared path as shown within the approved plans shall be constructed in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption, including street lighting, and be open for public use.

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

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Natasha Cockburn

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

26 February 2025

Agenda Item No. 7

Application for Approval Required by Condition(s) **Ref: 24/02361/ARC****Site Address:** **Land to the West of Crossford, Cairneyhill Road, Crossford.****Proposal:** **Approval of matters specified in conditions (Conditions 1, 3, 4, 6, 8 (in part), 11, 14, 15) of planning permission in principle 24/00792/PPP for residential development of 217 dwellings with associated landscaping, open space, access, drainage and other infrastructure.****Applicant:** **BDW Trading Ltd****Date Registered:** **2 October 2024****Case Officer:** **Jamie Penman****Wards Affected:** **W5R03: Dunfermline Central**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

Summary Recommendation

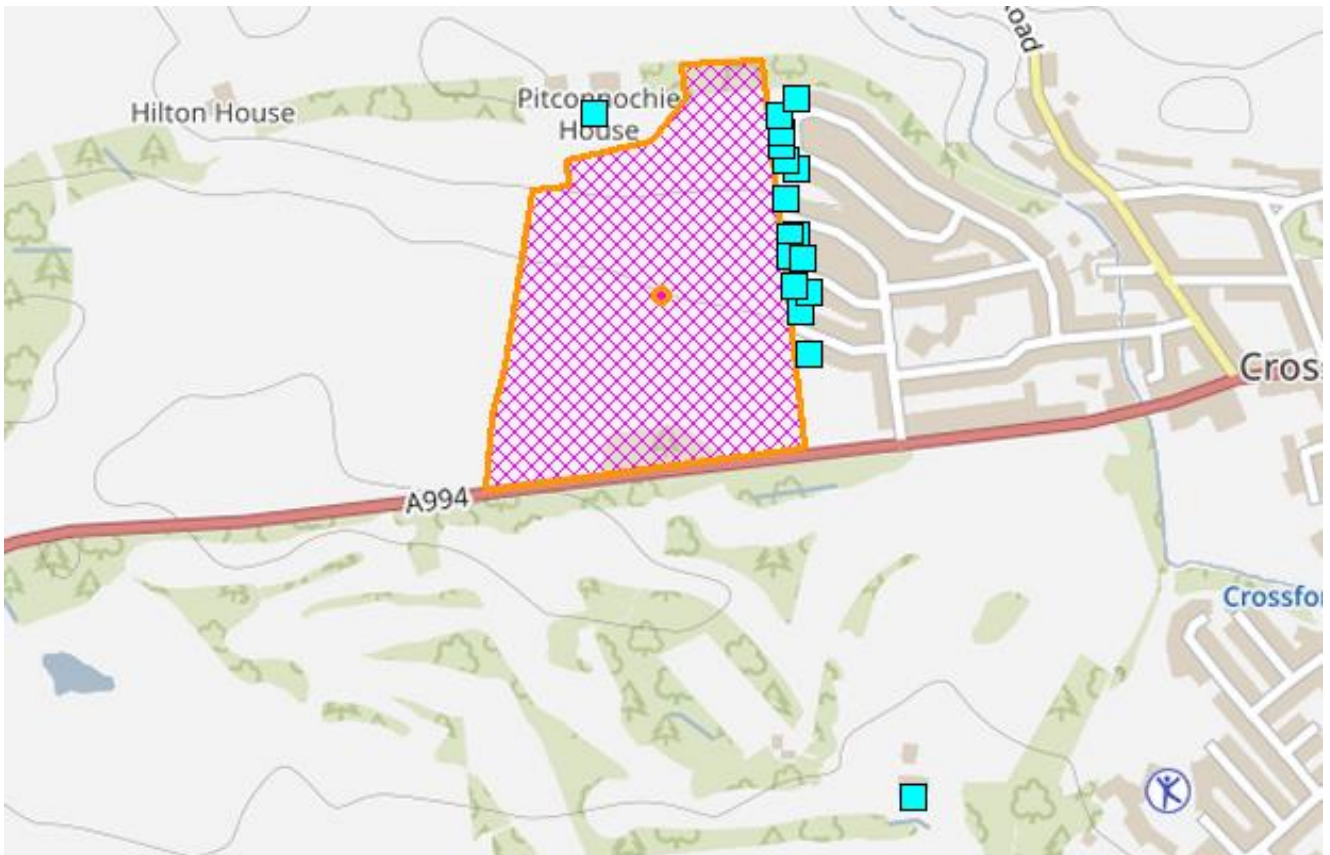
The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 This application relates to an area of agricultural land measuring approximately 14.9 hectares which is located outwith, but adjacent to the western settlement boundary of Crossford. The site is bound by Cairneyhill Road (A994) to the south, existing residential properties to the east, a farm track and further agricultural fields to the west and Hilton Road and Pitconochie Farm to the north. Beyond the A994 to the south of the site lies Dunfermline Golf Club. Existing site boundaries include a combination of post and wire fencing, trees and hedgerows. The farm track running along the western boundary of the site is a claimed Right of Way, Core Path R681 runs along Hilton Road on the north side of the site and Local Path LP36 runs along the A994 to the south. There is currently no formal vehicular access into the site. The site includes areas of mature trees, with areas within the north and south of the site covered by group Tree Preservation Orders.

1.1.2 The application site and neighbouring properties that were formally notified of this application are shown below.



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1.2 The Proposal

1.2.1 This application is the approval of matters specified in conditions (Conditions 1, 3, 4, 6, 8 (in part), 11, 14, 15) of planning permission in principle 24/00792/PPP, for a residential development of 217 dwellings with associated landscaping, open space, access, drainage and other infrastructure. The proposed 217 dwellings would comprise a mix of detached, semi-detached and terraced houses. Flatted dwellings are also proposed. Out of the 217 units, 163 would be open market dwellings with 54 being affordable dwellings. The site would include a mix of property styles, including a mix of 23 different house-types which would utilise modern finishing materials, including a mix of reconstituted stone, facing brick and dry dash render.

1.2.2 A hierarchy of roads is proposed within the site with the principal vehicular access into the site being from Cairneyill Road (A994) to the south with a secondary vehicular access to be taken from Douglas Drive to the east. Footpath and cycle links are proposed to Links Drive, Bogwood Place, onto the A994 and onto the Core Path along Hilton Road to the north. Off-street parking has been provided throughout the site, which would include a mix of on-street, in-curtilage and communal parking courts.

1.2.3 A network of open space is proposed throughout the site including a large area along the western boundary. Smaller pockets of open space are provided more centrally within the site. Landscaping is also proposed throughout these areas along with pedestrian and cycle paths

1.2.4 A SUDS basin is proposed at the south-west corner of the site. The outfall from this pond (approved through planning application ref: 22/00590/FULL), would route across third party land to the west, discharging into the Torry Burn.

1.3 Planning History

1.3.1 The relevant planning history for the site and surrounding area includes:

- 14/04292/PAN - Proposal of Application Notice for proposed residential development with associated access, roads, SUDS, landscaping, open space arrangements and ancillary development – Agreed January 2015

14/04294/SCR - Screening opinion for proposed residential development with associated access, roads, SUDS, landscaping, open space arrangements and ancillary development Site - Land South of Pitconnochie House, Crossford – EIA Not Required – January 2015

17/02290/PAN - Proposal of Application for residential development, access roads, SUDS, landscaping and other associated infrastructure – PAN Agreed August 2017

17/02291/SCR - Screening opinion for proposed residential development, access roads, SUDS, landscaping and other associated infrastructure – EIA Not Required August 2017

17/03471/PPP - Residential development, access roads, SUDS, landscaping, and other associated infrastructure. - Refused September 2018, Appealed to DPEA October 2018 (DPEA REF: PPA-250-2315), Appeal Allowed December 2019.

21/01879/ARC - Approval of matters specified in conditions (Conditions 1-4, 8, 11) of planning permission in principle 17/03471/PPP for residential development of 212 dwellings with associated landscaping, open space, access, drainage and other infrastructure – Approved January 2022.

22/00590/FULL - Surface water drainage outfall pipe to serve the SUDs associated with application 21/01879/ARC – Approved August 2022.

24/00792/PPP - Planning permission in principle for residential development, access roads, SUDS, landscaping, and other associated infrastructure (Section 42 application to vary Condition 10 (SUDS Requirements) of Permission 17/03471/PPP). – Approved July 2024.

1.4 Application Procedure

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 As an Approval of Matters Specified by Condition application, this proposal requires formal permission, but it should be noted that it is not in itself planning permission. Should this application be granted, it should be read entirely in accordance with the terms of the Planning Permission in Principle Approval (24/00792/PPP).

1.4.3 A physical site visit has not been undertaken for this planning application. All necessary information has been collated digitally to allow the full consideration and assessment of the application and it has been determined that the level of information available is sufficient to provide a recommendation on the application.

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 1: Tackling the climate and nature crises

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

Policy 2: Climate mitigation and adaptation

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

Policy 3: Biodiversity

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

Policy 4: Natural places

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

Policy 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 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 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

Supplementary Guidance

Supplementary Guidance: Affordable Housing (2018)

Supplementary Planning Guidance on Affordable Housing sets out requirements for obligations towards affordable housing provision from housing 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.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Development and Noise (2021)

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

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Planning Customer Guidelines

Daylight and Sunlight

Garden Ground

Minimum Distances between Window Openings

2.0 Assessment

2.1 Relevant Matters

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

- Compliance with 24/00792/PPP
- Design and Visual Impact
- Residential Amenity Impact
- Garden Ground
- Waste Management
- Road Safety Impact
- Sustainability
- Land & Air Quality
- Natural Heritage including impact on Trees, Protected Species and Habitat
- Drainage/Flood Risk Impact
- Green Infrastructure including Open Space and Play Equipment Provision
- Affordable Housing
- Public Art
- Hazardous Pipeline
- Core Paths/Rights of Way

- Development Phasing

2.2 Compliance with 24/00792/PPP

2.2.1 Consideration of the principle of residential development on this site does not need to be revisited given it has already been established through the approval of the previous planning permission in principle (PPP) application (Ref: 24/00792/PPP). This proposal must, however, comply with the conditions set out in the original PPP decision, in order to be considered acceptable. In this regard, the current application has been submitted under conditions 1, 3, 4, 6, 8, 11, 14 and 15, which relate to the details required to allow a full detailed assessment of the proposal.

2.2.2 The required details in accordance with the PPP include the following:

- Details relating to highway and transportation improvements (Condition 1).
- Submission of detailed plans relating to the development (Conditions 3 and 4).
- A Construction and Environmental Management Plan (Condition 6).
- A Site Investigation Report and Remediation Strategy for potentially contaminated land (Condition 8)
- Landscaping details (Condition 11).
- Ecology Appraisals (Condition 14).
- Residential Travel Plan (Condition 15).

2.2.3 Overall, this application has met the information submission requirements for the relevant conditions where appropriate and these matters are assessed in more detail below.

2.3 Design and Visual Impact

2.3.1 NPF4 Policy 14 (Design, Quality and Place) and FIFEplan Policies 10 (Amenity) and 14 (Built and Historic Environment) support development proposals which are well designed and have a positive visual impact on their surroundings. Making Fife's Places Supplementary Guidance (2018) also applies and sets out the expectation for developments with regards to design and a design-led approach to development proposals through placing the focus on achieving high quality design is encouraged.

2.3.2 Objection comments submitted by third parties raise concerns that an increased number of units are proposed when compared to the previous consent. Further concerns are raised regarding the visual impact of the proposal in that the proposed housetypes are not distinctive and they do not fit in with the existing character of Crossford. Concerns are also raised regarding the coalescence of Crossford and Cairneyhill.

2.3.3 The submitted proposed site layout drawing broadly follows the illustrative masterplan which was submitted in support of the PPP (Ref: 17/03471/PPP) application. Furthermore, whilst this application is for 5 more units than what was approved through the previous ARC approval (Ref: 21/01879/ARC), the proposed site layout is broadly similar to the previously approved layout and as such, this proposal is essentially an application to substitute the previously approved housetypes. The site is large enough to accommodate the additional 5 units and no significant concerns would be raised with regard to overdevelopment or that the development would effectively close the gap between Crossford and Carineyhill.

2.3.4 A hierarchy of roads are proposed within the site and vehicular accesses would be formed from Cairneyill Road (A994) to the south and Douglas Drive to the east. Footpath and cycle links are also proposed onto Links Drive, Bogwood Place, the A994 and onto the Core Path along Hilton Road. A large area of useable open space has been provided along the western side of the site, with smaller pockets of open space provided more centrally within the layout. A suds basin is proposed towards the southwestern corner of the site. A varied car parking strategy has been proposed with a mix of on-street, in-curtilage and communal parking courts being proposed. Landscaping and boundary treatments have also been provided throughout.

2.3.5 The proposal includes a mix of property styles, including 23 different house-types ranging from terraced, semi-detached and detached two-storey houses. Two-storey flats would also be provided. The units are considered to exhibit a contemporary design and would include a range of modern external finishes, including a mix of reconstituted stone, facing brick and dry dash render which would introduce variation across the wider site. Site sections and visualisations demonstrate that the building heights would sit comfortably within the site. The development as a whole would relate well to the neighbouring properties to the east and with the wider landscape setting.

2.3.6 The proposed hard and soft landscaping would be of high quality and the large areas of useable open space areas which are within the site would soften the visual impact of the development and would provide a welcoming place. The proposed landscaping would also ensure that the development would link well with the surrounding woodland areas to the north and south, the open space area to the east and its overall landscape setting, whilst, the proposed village green areas and the incidental areas of open space, street trees, hedgerows and planting throughout the proposed residential area would provide a significant positive contribution to the distinctiveness and character of the site. The proposed open space and parking areas within the site are also overlooked by surrounding buildings and the development would include active frontages providing informal surveillance and a sense of safety throughout the site.

2.3.7 The proposal includes multiple points of vehicular and pedestrian/cycle accesses to the south, east and north which would integrate the development into the existing movement routes which would ensure that the development is easy to move around and beyond.

2.3.8 The proposed boundary treatments which include approximately 1.8-metre-high timber fences, walls and hedges are also considered visually acceptable and in keeping with the surrounding area. The proposal also utilises hedgerows and trees along the western and southern boundary. The proposal would, therefore, be acceptable and would comply with Development Plan Policy in this respect.

2.3.9 The proposal would provide an attractive, welcoming, high-quality development through a varied layout and mix of property types. The proposal overall would, therefore, provide a positive visual impact on the site and surrounding area and be in compliance with the Development Plan in this respect and would comply with the relevant conditions attached to the PPP.

2.4 Residential Amenity Impact

2.4.1 NPF4 Policies 16 (Quality Homes), 23 (Health and Safety) and FIFEplan Policy 10 (Amenity) support development proposals that have no significant detrimental impact on existing levels of residential amenity. These policies specifically relate to privacy,

overshadowing, noise and odour impacts. Where potential impacts are identified, the proposal should be supported by appropriate studies.

2.4.2 Objection comments submitted by third parties raise concerns that the development would result in residential amenity impacts, particularly with regard to existing houses along the eastern boundary of the site. Concerns are also raised regarding increase noise levels from traffic associate with the development, along with the proposed pumping station. Concerns are also raised regarding impacts which may arise during the construction period.

2.4.3 A Construction Environment Management plan (CMP) has been submitted in response to the terms of conditions 3(h) and 6 of the PPP. The CMP sets out how the development would mitigate against the effects of dust, noise and vibration from construction activities on the site. As with any development, there is likely to be some temporary disruption during the construction period. It is considered however that significant detrimental impacts on the surrounding area are unlikely and the submitted CMP, will mitigate the likelihood of issues arising. No significant concerns are raised in this regard.

2.4.4 The proposal would meet minimum separation distances, as set out within Fife Council's Planning Customer Guidelines on Garden Ground and Minimum Distances between Window Openings. This applies to both distances between proposed dwellings within the site and to distances between proposed dwellings and existing dwellings along the site boundaries. Whilst there will be an impact on existing privacy levels currently enjoyed by neighbouring residential properties, given that no development currently exists along the boundary, given that minimum 9m garden lengths have been proposed for opposing gardens, along with an 18m separation distances between conflicting window openings that serve habitable rooms, the impact would not be significantly detrimental and is therefore acceptable.

2.4.5 With regard to loss of sunlight to garden ground and daylight to windows, given the proposed site layout plan is very similar to the previously approved extant plan, no significantly detrimental impacts are anticipated on properties along the eastern boundary of the site. The positioning of proposed units 40-48 is almost identical to the previously approved plan. Furthermore, 9m garden ground lengths and 18m separation distances between conflicting windows have been provided, ensuring there would be no significant additional overshadowing impact on 35 to 43 Woodlands Drive. Furthermore, levels on the site would sit lower than existing along the eastern boundary, which would further reduce any impact. Similarly, the proposed location of Plot 38 is consistent to that previously approved and whilst 20 Douglas Drive has an extension on its western elevation which may experience a loss of daylight, given it has secondary windows on its north and south elevation, no significant additional impact would be likely. No significant additional concerns would be raised with regard to impact on the garden ground of 20 Douglas Drive. The positioning of proposed plots 33 and 37 are closer to the eastern boundary of the site that the previously approved site plan, with plot 33 sitting 7m from 18 Bogwood Drive and plot 37 sitting 9m from 31 Douglas Drive. Only 31 Douglas Drive has windows on its west elevation, however, there are secondary daylight sources on both the north and south elevations of the property. As such, no significant overshadowing impacts would likely affect these properties. Slight layout revisions have been made to plots 27 to 32 when compared to the previously approved site layout plan, however, all properties would have a minimum 9m garden ground lengths with at least 18m between properties when compared to 17 Bogwood Drive and 12 Links Drive, as such, no significant overshadowing concerns would be raised. The proposed positioning of plots 9-11 are again similar to the previous approved layout and as such, no significant additional overshadowing concerns would be raised in respect of 7 Links Drive. Whilst the existing properties does have windows on its west elevation,

all rooms would have a secondary daylight source. No significant concerns would be raised with regard to loss of sunlight to garden ground.

2.4.6 Whilst noise levels would increase within the surrounding area as a result of the development, given a residential use is proposed which is consistent with the surrounding area, no significant concerns would be raised. Furthermore, the proposed pumping station would raise no significant noise concerns.

2.4.7 The proposal would comply with the requirements of both NPF4 and FIFEplan with regard to its residential amenity impact.

2.5 Private Garden Ground Provision

2.5.1 Policies 1 (Development Principles) and 10 (Amenity) of FIFEplan and Fife Council's Planning Customer Guidelines on Garden Ground advise that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space and that new flats should be set in or have at least 50 square metres of private garden.

2.5.2 A range of garden ground sizes would be provided with the majority of the proposed units meeting the above guidelines. It is noted that some plots do not meet Fife Council guidelines, however, in instances where they are not met, these are gardens serving terraced and flatted properties. The proposed development would, however, benefit from extensive useable open space areas within and around the site, and as such, no significant residential amenity concerns would be raised in terms of the garden area shortfalls.

2.6 Waste Management

2.6.1 Policies 1 and 10 of the Adopted FIFEplan states that development proposals must not have a significant detrimental impact on amenity in relation to the operation of existing or proposed waste management facilities.

2.6.2 In accordance with Condition 3 (b), there is sufficient space within each plot to store the necessary waste bins. The proposal would, therefore, provide the required waste management facilities and would have no significant detrimental impact on amenity in relation to the operation of existing or proposed waste management facilities.

2.7 Road Safety Impact

2.7.1 NPF4 Policies 13 (Sustainable Transport), 15 (Local Living and 20 Minute Neighbourhoods) and FIFEplan Policy 3 (Infrastructure and Services) apply and support development that have no significant road safety impacts. Furthermore, these policies require developments to provide adequate infrastructure to mitigate their impact in terms of traffic movements and for developments to encourage sustainable modes of travel. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.7.2 Objection comments submitted by third parties raise concerns that the development would increase traffic levels on surrounding roads and in turn, impact on pedestrian safety. Further concerns are raised regarding access to surrounding core paths.

2.7.3 Condition 1 of the PPP requires that no works can commence on site until an enforceable mechanism has been put in place to secure the carrying out of highway and transportation improvements in the locality including:

- 1. The upgrading of the existing A994/Waggon Road signalised junction;
- 2. The re-location of the existing 30mph limit on the A994 to the west side of the proposed vehicular access;
- 3. The provision of a ghost island right-turning lane on the A994 at the site access;
- 4. A raised table at the site access;
- 5. The provision of a second vehicle/pedestrian access to the site from Douglas Drive with pedestrian/cyclist links also being provided from Links Drive and Bogwood Drive;
- 6. The provision of an additional pair of bus stops, boarders, shelters and road markings on the A994 frontage of the site;
- 7. Works to enhance safe pedestrian and cycle access between the site and Crossford Primary School

2.7.4 Fife Council's Transportation Development Management Team (TDM) has been consulted and has raised no objections to the proposal. TDM has advised that the upgrades noted in point 1 above have already been undertaken. In relation to point 2, speed limit reductions have already been agreed within Crossford (20mph) and on Cairneyhill Road (40mph). It was initially intended that the 30mph zone (now 20mph) would be extended west of the site access, however, TDM note that non-compliance would be highly likely. As such the 30mph limit as referred to in point 2, shall read as 40mph. Points 3, 5, 6 and 7 have been addressed in the submission. TDM note that in terms of point 4, whilst the raised table has been included on the submitted site plan, it is in the wrong location, however, they note that this can be addressed as part of the RCC application.

2.7.5 The submitted information complies with the relevant road safety conditions attached to the associated PPP and TDM have advised that they have no objections subject to conditions relating to the timings for the provision of these road safety measures. The proposal includes multiple points of vehicular and pedestrian/cycle accesses to the south, east and north which would integrate the development into the surrounding area and movement routes and the street widths vary throughout the site, whilst there are distinctive movement junctions and edges formed by green spaces. This would ensure that the development is easy to move around for all road users. Whilst the development would increase connectivity in the surrounding area, no significant concerns would be raised regarding the creation of 'rat-runs'. The majority of the development meets the required parking standards, however, some off-street parking shortfalls have been identified with 36 of the dwellings being one parking space short. The parking standards do, however, allow for 25% of the private houses within the site to be one space short with the shortfall accommodated on-street. TDM have advised that this shortfall can be accommodated on-street, which they would have no objections to. The information submitted at the PPP stage and under this current application has demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings demonstrate an acceptable layout in terms of access, parking and connectivity. The proposed development would be easily accessible via a range of sustainable transport modes and there is capacity to accommodate the traffic generated by the proposal on the local road network with a sufficient amount of parking on site. The proposed development subject to conditions would, therefore, provide the required on-site transport measures to minimise and manage future levels of traffic generated by the proposal and would comply with the Development Plan in this respect and with conditions 1, 3 (b), (e), (n), (p) and 15 of the PPP.

2.8 Sustainability

2.8.1 NPF4 Policies 1 (Tackling the Climate and Nature Crisis), 2 (Climate Mitigation and Adaptation), 12 (Zero Waste), 13 (Sustainable Transport) and FIFEplan Policy 11 (Low Carbon) support development that is compliant with sustainable development principles and take account of the climate and nature crises. Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that major developments are required to provide an energy statement of intention which sets out how the proposal will meet the requirements of Policy 11.

2.8.2 An Energy Statement has been submitted which advises that dwellings would benefit from a mix of air source heat pumps and photovoltaic panels. The statement advises that mains gas/photovoltaic panels have been used for the private development with air source heat pumps being utilised for the affordable dwellings. Sufficient evidence has been submitted to demonstrate that the proposal could incorporate sufficient energy efficiency measures and energy generating technologies which would contribute towards the current carbon dioxide emissions reduction target. The proposal is not located within any district heating network buffer zone, therefore, there is no requirement to investigate the potential to connect to any district heating network. The proposal, subject to this condition, would therefore comply with Conditions 3 (o) and 4 (f) of the PPP and with the Development Plan in this respect.

2.9 Land & Air Quality Impact

2.9.1 NPF4 Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and FIFEplan Policy 10 (Amenity) support development which remediates contaminated land, making it safe for future land uses.

2.9.2 Concerns have been raised in submitted third party objections with regard to the impact of potentially contaminated land in relation to existing properties and future occupants of the development.

2.9.3 A phase 1 preliminary site investigation report and a remediation strategy for the site in accordance with Condition 3 (m) and 8 has been submitted. Fife Council's Land and Air Quality Team (L&AQ) has been consulted and advised that they are satisfied with the findings of these reports and the proposed remediation works. They have no objections to the proposed development subject to a verification report being submitted upon completion of the required remedial works and prior to the any dwellings being occupied. Condition 8 of the PPP requires that a verification report is submitted for approval and that no works are carried out until this has been approved. The proposal would, therefore, have no significant detrimental impact in relation to contaminated land, would comply with the terms of Condition 3 (m) and partly with the terms of Condition 8 and would comply with Development Plan in this respect.

2.10 Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats

2.10.1 NPF4 Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 4 (Natural Places), 6 (Forestry, Woodland and Trees) and FIFEplan Policy 13 apply and support development which protects and enhances protected species/biodiversity in and around the site whilst also safeguarding protected trees and also non-protected trees which have amenity value.

2.10.2 Objection comments submitted by third parties raise concerns that the development would have a negative impact on local wildlife within the site. Further concerns are raised regarding the lack of biodiversity enhancements and the extend of the proposed tree removal.

2.10.3 The agent has submitted a Tree impact Assessment (TIA), including a Tree Protection Plan. The TIA report includes full details of all trees on or adjacent to the site including their root protection areas (RPA), falling distances and also shows the footprint of the proposed development in relation to these constraints. The tree protection plan sets out measures which should be incorporated during the construction of the development and recommends that all trees which are being retained must be protected by barriers and/or ground protection and that there should be no movement of machinery, stockpiling of materials or changes to existing ground levels within the Construction Exclusion Zone (CEZ) during the construction works. The TIA advises that the proposed footpath through the adjacent woodland areas must utilise a no dig-construction method to avoid root disturbance to existing trees. A condition is recommended requiring that the proposed tree protection measures specified in the TIA are implemented in full before any construction works commence on site. The proposal also includes significant tree planting within the open space area and within streets and would provide an enhancement to the site in terms of biodiversity. The proposal would, therefore, have no significant impact on the surrounding woodland areas or trees as demonstrated in the submitted TIA. Fife Council's Tree Officer has been consulted on the proposal and has raised no significant concerns in terms of the development's impact on existing trees.

2.10.4 An updated Ecology Appraisal (EA) has been submitted. The update advises that the survey did not highlight any significant changes to the habitats on site and there were no further additional ecological constraints to the proposed works in relation to protected species identified. The EA further advises on mitigation and enhancement measures that should be carried out. Fife Council's Natural Heritage Officer has been consulted on the proposal and has raised no significant concerns.

2.10.5 The proposal would have no significant impact on key natural heritage assets within and immediately adjacent to the application site as per the requirements of Condition 14 and would therefore comply with the Development Plan in this respect.

2.11 Drainage/Flood Risk Impact

2.11.1 NPF4 Policies 22 (Flood Risk and Water Management) and FIFEplan policies 3 (Infrastructure and Services) and 12 (flooding and the Water Environment) support development proposals which will not be impacted by flooding, nor increase flooding elsewhere outwith the site. Furthermore, these policies support development which sustainably deals with surface water run-off.

2.11.2 Objection comments submitted by third parties raise concerns that the proposal would increase flood risk in the surrounding area. Further concerns are raised with regard to the applicant not having agreement with neighbouring landowners in order to implement the proposed surface water drainage scheme. Concerns are also raised regarding the capacity of the local sewer system to cope with foul water discharge.

2.11.3 Condition 2 of the PPP requires that no works can commence on site until an enforceable mechanism is put in place to secure the provision of a surface water outfall to the Torry Burn, together with a connection between the outfall and the site. Condition 3 (c) requires that full details of the foul and surface water drainage arrangements are submitted for approval. Following the previous ARC approval, an application for full planning permission (22/00590/FULL) was approved and dealt with the requirements of Condition 2. The applicant has also submitted a copy of a signed Deed of Servitude which secures the right to install the proposed drainage infrastructure over third party land. This is considered to be the enforceable

mechanism as required by Condition 2. Whilst third party objections raise concerns that the applicant does not have the right to install the full drainage route to the Torry Burn, the applicant has confirmed that they have no legal concerns in this regard. It should also be noted that land ownership disputes are not a material planning consideration. The applicant will not be able to proceed with the development, if they cannot implement their drainage strategy.

2.11.4 A Drainage Strategy Report has been submitted and advises that all surface water run-off from the development would be directed to the proposed suds basin, where it would be retained, treated and discharged at a restricted rate into the Torry Burn to the west. The report advises that the foul drainage would be directed to a nearby Scottish Water Sewer.

2.11.5 Fife Council's Structural Services Team has been consulted on this proposal and has raised no objections. Scottish Water has also been consulted and has raised no objections. The applicant will, however, have to seek technical approval from Scottish Water, following the granting of planning consent, in order to connect into Scottish Water infrastructure.

2.11.6 It is considered that there would be no significant detrimental impact on the site or the surrounding area in terms of drainage/flooding as the proposal would be served by an acceptable surface water management scheme and would connect into the existing foul water system. The proposal would, therefore, comply with condition 3 (c) and would comply with the Development Plan in this respect.

2.12 Green Infrastructure including Open Space and Play Equipment Provision

2.12.1 Policy 1 (Development Principles) and Policy 3 (Infrastructure and Services) of FIFEplan ensures that new development makes provision for infrastructure requirements to support new development. This includes green infrastructure and green network requirements such as open space and amenity space. Making Fife's Places Supplementary Guidance (2018) also applies and sets out that development proposals are required to provide 60 square metres of open space per dwelling on site or, they can alternatively, make a contribution towards existing open space where each residential unit is located within 250m walking distance of an existing open space. This guidance also advises that an equipped play area will be required on site where the residential development is more than 500m walkable distance from an existing equipped play park or a contribution will be required, instead of the provision of a play park, if the new housing is within 500 metres walkable distance of an existing equipped play area

2.12.2 Concerns have been raised in submitted third party objections noting that the proposal should be upgrading existing parks within Crossford. Further concerns are raised regarding park maintenance.

2.12.3 The site would provide over 6 hectares of useable open space. This would include the creation of large open space areas within the western, northern and southern areas of the site with smaller pockets of open space located more centrally. Extensive areas of landscaping are proposed throughout the open space areas along with active travel footpaths. Hedgerows are proposed along the east and west site boundaries and new woodland planting is proposed on the south-west side of the site. A number of street trees are also proposed throughout the site. The landscape and open space strategy would deliver an extensive naturalised development edge at the west of the site.

2.12.4 Play provision is also proposed within the site and meets the terms of Fife Council's Making Fife's Places Supplementary Guidance (2018). This equipment would be located

in three play park areas located to the south, west and north of the proposed residential area. Maintenance of the play equipment would be undertaken by a factor.

2.12.5 The proposed green infrastructure and open space provision exceeds the open space requirement set out in Making Fife's Places Supplementary Guidance (2018). The useable open space areas along with the proposed paths, benches and opportunities for play would encourage activity and would provide a safe and healthy place. The proposed landscaping strategy would also provide a significant biodiversity enhancement. The proposal would therefore comply with conditions 3 (f), (g), (k), (l) and 4 (c) and the Development Plan in this respect.

2.13 Affordable Housing

2.13.1 Policy 1 (Development Principles), Policy 2 (Homes) and Policy 4 (Planning Obligations) of the Adopted FIFEplan states that open market housing development must provide affordable housing, consistent with Fife Council's Affordable Housing Supplementary Guidance (2018).

2.13.2 The proposal includes 54 affordable units which would comprise of 6 x 1 bed cottage flats, 14 x 2 bed cottage flats, 8 x 2 bed dwellings 21 x 3 bed dwellings, 4 x 4 bed dwellings and 1 x 2 bed bungalow. The 54 affordable dwellings would equate to 25% affordable housing provision.

2.13.3 Fife Council's Affordable Housing team has no objections to the proposal as it would provide the required mix and amount of affordable housing on site. The developer also entered into a unilateral legal agreement which requires that 25% of the total units on site are provided as affordable. The terms of this agreement also set out the delivery mechanism and phasing for the affordable units. It states that the occupation of no more than 50 market housing units within the development should be permitted until an initial affordable housing contract is entered into. The proposal provides the required amount of affordable housing on the site and the mix and location of the proposed units is considered acceptable. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.14 Public Art

2.14.1 Policies 1 (Development Principles) and 4 (Planning Obligations) of the FIFEplan states that a contribution towards on-site public art will be sought in relation to Major applications for housing. The requirement for public art to be provided as part of new development will be determined on a site-by-site basis using the process set out in Fife Council's Planning Obligations Guidance Planning Policy Guidance (2017). This guidance states that the public art amount should equate to £300 per unit excluding affordable housing units, and that public art should be integrated into the overall design of the proposal. Making Fife's Places Supplementary Guidance also applies and states that the main objective of public art is to enhance the quality of a place, so it must be an integral part of the design process for the overall development and considered from the outset.

2.14.2 Concerns have been raised in submitted third party objections noting that the proposed public art strategy is not appropriate in that the proposed walling does not go far enough. The Community Council has also suggested that the community should be involved in developing the strategy.

2.14.3 Conditions 3 (f) and (i) of the PPP require that a development framework plan for the site including a public art strategy be submitted for approval, whilst Condition 4 (f) requires that details of any element of the public art strategy should also be submitted for approval.

2.14.4 The public art contribution in this instance would equate to £48,900. The submitted public art strategy shows that a primary gateway feature from Cairneyhill Road would be provided and include public art in the form of an entrance wall with piers and seating areas. The public art would be provided within phase 1 of the development. The wall would have a natural stone finish and would be approximately 900mm high. No details have been submitted with regards to a contextual and historic analysis of the site in relation to the public art provision. Details of the public art strategy and phasing have therefore been submitted as per the terms of conditions 3 (f) and (i) and 4 (f) of the PPP. The proposed public art walling is considered acceptable and would contribute to the sense of place, however, it is considered that a more thorough analysis relating to how the proposed public art is based on a contextual approach relating to the surrounding area should be provided. A condition is recommended requiring that further details relating to the cost and a description of the contextual approach taken for the public art be submitted to Fife Council for approval. This condition would also allow the provision of more suitable public art within the site if required. Subject to this condition, the proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

2.15 Hazardous Pipeline

2.15.1 Policies 1 (Development Principles) and 5 (Employment Land and Property) of FIFEplan states that within the consultation distances for hazardous installations (including pipelines), development proposals will require to demonstrate that they do not, individually or cumulatively, result in an increase in risk to the safety and health of the public and the environment.

2.15.2 Concerns have been raised in submitted third party objections noting that the proposal would be located close to underground hazardous pipelines.

2.15.3 As the proposal now includes a detailed layout of the site and is within the vicinity of a hazardous pipeline, it was considered necessary to re-consult the Health and Safety Executive (HSE). The HSE has advised that they have no objections to the proposal. The proposal would, therefore, not result in an increase in risk to the safety and health of the public and environment and would comply with the Development Plan in this respect.

2.16 Core Paths/Rights of Way

2.16.1 Policies 1 (Development Principles) and 13 (Natural Environment and Access) of FIFEplan state that development proposals will only be supported where they protect or enhance natural heritage and access assets including core paths, cycleways, bridleways, existing rights of way, established footpaths and access to water-based recreation.

2.16.2 Objection comments submitted by third parties raise concerns that access through the site to reach adjacent core paths should be maintained.

2.16.3 The farm track running along the western boundary of the site is a claimed Right of Way. Core Path R681 runs along Hilton Road on the north side of the site and Local Path LP36 runs along the A994 to the south. No works are proposed which would close or divert these routes,

however, it is noted that access through the site to these routes would be restricted during the construction period. No significant concerns would be raised in this regard.

2.17 Development Phasing

2.17.1 A phasing plan has been submitted as per the terms of condition 3 (a) and this shows that the development would be carried out in 5 phases with the southern part of the site being carried out in phase 1 which also includes the access from Cairneyhill Road. The northern part of the site would be carried out in Phase 4 with the open space area being completed in phase 5.

2.17.2 The proposed phasing plan is considered acceptable and would be the terms of Condition 3 (a).

3.0 Consultation Summary

Community Council	Objects to the proposal.
Natural Heritage, Planning Services	No objections.
Land And Air Quality, Protective Services	No objections.
Structural Services - Flooding, Shoreline and Harbours	No objections.
TDM, Planning Services	No objections.
Scottish Water	No objections.
Health And Safety Executive	No objections.
Trees, Planning Services	No objections.
Housing And Neighbourhood Services	No objections.

4.0 Representation Summary

4.1 15 objections and 1 general comment have been received. The Crossford Community Council has also objected as a Statutory Consultee. Concerns raised include:

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Paragraph
a. Proposal will increase flood risk.	2.11

b. An increase in the number of units is proposed when compared to previous consent.	2.3
c. A lack of biodiversity enhancements has been provided.	2.10
d. Proposal will increase traffic levels in surrounding area.	
e. Proposal will have a negative impact on local wildlife.	2.10
f. Residential amenity impacts on existing housing along eastern boundary including on privacy and overshadowing – a buffer zone should be provided.	2.4
g. Access to core path should be maintained.	2.16
h. Proposal will not be distinctive – rather a massed produced site.	2.3
i. Site will create rat-runs through Crossford.	2.7
j. Approval would increase proximity of Crossford and Cairneyhill village boundaries.	2.3
k. Douglas Drive not suitable for increased level of traffic due to existing parking issues and congestion around primary school.	2.3
l. Application site is a former landfill site – contaminated land issues.	2.9
m. Proposal would be located close to underground hazardous pipeline.	
n. Increased noise levels due to increased traffic levels on local roads.	2.15
o. Connection to existing foul sewer may cause flooding.	
p. Screening/fencing should be provided during construction period to limit visual impact.	2.11
q. All hedges should be retained along eastern boundary.	2.10
r. Construction plan should be amended to replicate conditioned working hours. School hours are also wrong.	2.4
s. Layout is significantly different when compared to what was proposed at PPP stage.	2.3
t. Construction impacts on local roads.	2.4
u. How will play areas be maintained?	2.12
v. Upgraded play equipment should be provided within King George V Park.	2.12
w. No tree removal should be allowed and tree protection measures should be enforced.	2.10
x. Community Council would like to be involved with public art provision.	2.14
y. Noise impacts from pumping station.	2.4
z. A wider variety of housing should be provided, including bungalows.	2.3
aa. Proposed housetypes do not reflect character of Crossford.	2.3
bb. Proposal has a dangerous access onto Cairneyhill Road – a roundabout should be provided.	2.7

4.2.2 Other Concerns Expressed

Issue	Comment
a. Golf club should be protected from any additional surface water drainage.	Addressed in Section 2.11
b. No agreement is in place with relevant landowner for connection to Torry Burn.	Non-material.
c. The site is a safe area of open space which is used by the local community.	The site is privately owned land.
d. Other proposals have been rejected on this site and nothing has changed.	Non-material.
e. Two different builders are proposed.	Non-material.

- | | |
|---|-------------------------------|
| f. 1.8m fences will cause maintenance issues for existing properties. | Non-material. |
| g. Applicant has made no contact with village residents. | Non-material. |
| h. GP and dental capacity issues. | This is an issue for the NHS. |
| i. Local primary school nearing capacity. | Addressed at PPP stage. |

5.0 Conclusions

Previously approved applications 17/03471/PPP & 21/01879/ARC approved 212 units on the site, with the consent being partially implemented and in turn, secured in perpetuity. Whilst this proposal is for a further 5 units, the additional units can be comfortably accommodated on site with the proposal raising no significant additional issues when compared to the extant consent. The proposal is therefore considered acceptable in meeting the conditions attached to permission 24/00792/PPP and the Development Plan. The proposal would be compatible with its surrounds in terms of land use and would not cause any significantly detrimental impacts on surrounding residential properties, or the surrounding area. The proposal is considered acceptable in terms of its impact on road safety and would provide the necessary transport measures to minimise and manage future levels of traffic generated by the proposal. The proposal is also considered to be in keeping with the scale, massing, layout and height of the existing built form at this location and would, therefore, be an appropriate form of development which would have no detrimental visual impact on the site or the surrounding area.

6.0 Recommendation

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

CONDITIONS:

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

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

2. All roads and associated works serving the proposed development shall be constructed in accordance with Making Fife's Places Supplementary Guidance August 2018 and the current Fife Council Transportation Development Guidelines (Appendix G) to a standard suitable for adoption. These works shall include:

- Provision of carriageways and footways to basecourse level, including operating roads lighting, on all roads and footways leading to and fronting occupied properties.

- The surface course on carriageways and footways shall be completed on streets where house building has been completed and not required for use by construction traffic.

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

3. Prior to occupation of the first house, visibility splays 2.4 metres x 25 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at all internal road junctions in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junctions of the vehicular access with the public road.

4. Prior to occupation of the first house, visibility splays 3.0 metres x 110 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level at the junctions with the A994, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junctions of the vehicular access with the public road.

5. PRIOR TO OCCUPATION OF EACH DWELLING; all roadside boundary markers being maintained at a height not exceeding 600mm above the adjacent road channel level through the lifetime of the development.

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

6. Prior to the occupation of each house, the off-street parking provision within the plot as shown on the approved site plan, shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

7. Prior to the occupation of each house, communal parking associated with that unit as shown on the approved site plan, shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be retained through the lifetime of the development.

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

9. The construction of the development shall be carried out fully in accordance with the recommendations contained within the approved Tree Survey and Constraints Plan. No works shall commence on site until the protective measures as detailed in the Tree Protection Plan have been implemented in full. The protection measures shall be retained in a sound and upright condition throughout the construction period and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.

Reason: In the interests of safeguarding trees.

10. Before the occupation of the tenth unit, full details of the proposed public art provision including evidence that this provision equates to no less than £48,790 shall be submitted to and approved in writing by Fife Council as Planning Authority. These details shall also include a full contextual and historic analysis of the site in relation to the public art provision. The agreed Public Strategy shall be fully implemented on site in accordance with the agreed Phasing Plan.

Reason: In the interests of successful placemaking.

11. Before they are installed on site, full details of all ecological enhancement measures, along with any associated maps and product details, shall be submitted to Fife Council as Planning Authority for prior written approval. The approved ecological enhancement measures shall be installed on site prior to it being fully occupied.

Reason: To ensure the site contributes to biodiversity enhancement.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Jamie Penman, Chartered Planner

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

26 February 2025

Agenda Item No. 8

Application for Full Planning Permission**Ref: 24/00406/FULL****Site Address: Council Depot 6 Elgin Street Dunfermline****Proposal: Erection of 41 no. affordable housing units (18 no. flatted units and 23 no. dwellinghouses with associated access road, parking, external works and SUDS.****Applicant: Champion Homes Ltd and Fife Council****Date Registered: 7 March 2024****Case Officer: Jamie Penman****Wards Affected: W5R03: Dunfermline Central**

Reasons for Referral to Committee

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

Summary Recommendation

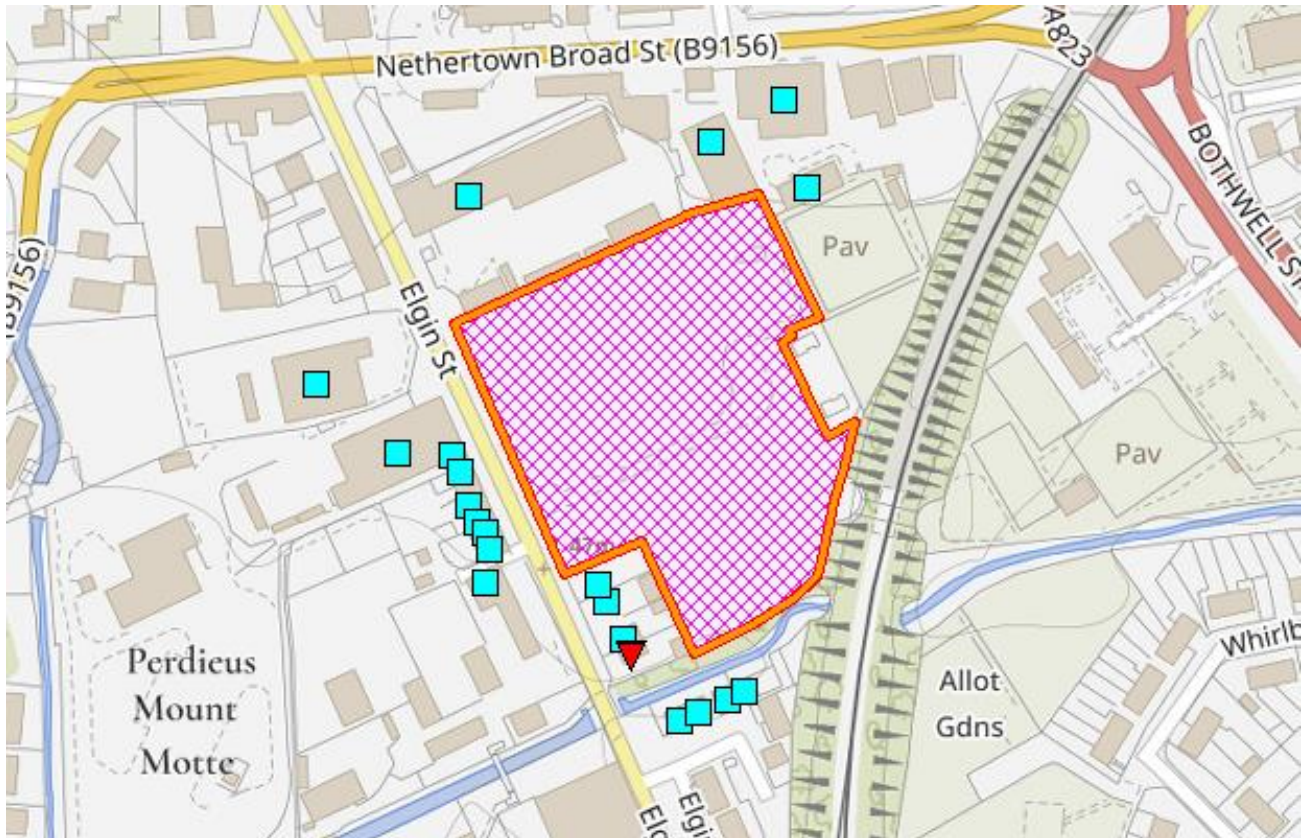
The application is recommended for: Conditional Approval

1.0 Background

1.1 The Site

1.1.1 This full planning application relates to the former Elgin Street Waste Management Depot, a vacant area of land measuring approximately 1.55Ha, which is located within the settlement boundary of Dunfermline. The application site is located outwith but to the south of the defined Dunfermline Town Centre. All previous buildings that once occupied the site have been cleared and it now consists largely of hardstanding and self-seeded vegetation. The application site benefits from 2 existing vehicular accesses along its western boundary onto Elgin Street. The site is surrounded by a mix of residential and commercial uses and a railway line is located to the east. There are sustainable transport links within the surrounding area, including footways, cycle routes and bus stops. There is also a bus station and train station within the wider area. The SEPA Flood Maps show that a southern section of the site is at low risk of fluvial flooding from the Lyne Burn.

1.1.2 The application site and neighbouring properties that were formally notified of this application are shown below.



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1.2 The Proposed Development

1.2.1 This full planning application is for the erection of 41 affordable residential dwellings which includes 23 houses (Class 9) and 18 flats (Sui Generis). An existing access from Elgin Street would be retained forming a cul-de-sac. An internal footpath network would also be provided. Proposed house types would include a mix of bungalows (4), two storey houses (13), three-storey townhouses (5) and the 18 flatted dwellings would be contained within a single three-storey block. The proposed dwellinghouses would be in a detached, semi-detached or terraced arrangement. Proposed finishing materials would be consistent across the site and would consist of grey facing brick and grey weatherboarding. Off-street parking would be provided within the site through either in-curtilage or shared parking court spaces. Landscaping has been proposed throughout the site with a mix of boundary treatments also proposed. A sustainable urban drainage (SUDS) basin is also proposed towards the eastern boundary.

1.3 Relevant Planning History

1.3.1 Planning history associated with this site includes:

22/03145/PAN - Proposal of application notice for affordable housing development – PAN Agreed September 2022.

22/03474/PAN - Proposal of application notice for affordable housing development consisting of 70 no. units – PAN Agreed October 2022.

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 The application proposal covers a site area of less than 2Ha and therefore falls within the Local Development category under the Town and Country Planning (Hierarchy of Developments) Regulations 2009. As such, pre-application consultation was not a statutory requirement for this application. Statutory neighbour notification has been undertaken by Fife Council along with a neighbour notification advertisement placed in The Courier Newspaper on 14.03.2024.

1.4.3 Paragraph 7 of Planning Advice Note 82: Local Authority Interest Developments (PAN 82) sets out some examples where a local authority may be considered to have an interest in development. In the case of this planning application, the Council as Housing Authority is the co-applicant. The Council as Housing Authority will be the operator of the development. Also, the application site is under Council ownership. Therefore, in this case, Fife Council as the Local Authority has an interest in the proposed development. Paragraphs 18 and 19 of PAN 82 highlight the importance of distancing the planning consideration from the corporate view when assessing planning applications, this is relevant to the assessment of both Planning Officers and Planning Committees. Paragraph 19 states that “While the council, as a whole, may have reached a corporate view to propose or support a particular development, the planning authority must still carry out its statutory planning functions without interference. So, once a planning application has been lodged, it is a matter for the council’s planning officials and planning committee alone to carry out a thorough planning assessment – following all necessary procedures - and reach a decision in accordance with the development plan, unless material considerations indicate otherwise. The authority’s corporate decision to support development must not take precedence over the need for a proper and fair planning assessment; nor should the authority’s wish to proceed to a certain timetable.

1.4.4 A physical site visit has not been undertaken for this planning application. All necessary information has been collated digitally to allow the full consideration and assessment of the application and it has been determined that the level of information available is sufficient to provide a recommendation on the application.

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 3: Biodiversity

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

Policy 6: Forestry, woodland and trees

To protect and expand forests, woodland and trees.

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

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

Policy 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 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 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 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 4: Planning Obligations

Outcomes: New development provides for additional capacity or improvements in existing infrastructure to avoid a net loss in infrastructure capacity.

Policy 5: Employment Land and Property

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

Policy 10: Amenity

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

Policy 11: Low Carbon Fife

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

Policy 12: Flooding and the Water Environment

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

Policy 13: Natural Environment and Access

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

Supplementary Guidance

Supplementary Guidance: Affordable Housing (2018)

Supplementary Planning Guidance on Affordable Housing sets out requirements for obligations towards affordable housing provision from housing 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.

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Policy Guidance

Planning Policy Guidance: Planning Obligations (2017)

Planning Obligations guidance seeks to ensure that new development addresses any impacts it creates on roads, schools and community facilities. It assists the development industry to better understand the costs and requirements that will be sought by Fife Council and provides certainty to communities and public bodies that new development will have no negative impact.

Planning Policy Guidance: Development and Noise (2021)

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

Planning Customer Guidelines

Trees and Development

Garden Ground

Daylight and Sunlight

Developing Brownfield Sites

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Visual Impact
- Residential Amenity Impact
- Road Safety and Sustainable Travel
- Flooding and Drainage Impact
- Land & Air Quality Impact
- Natural Heritage/Tree Impact
- Developer Contributions
- Sustainability

2.2 Principle of Development

2.2.1 National Planning Framework 4 (NPF4) Policies 9 (Brownfield, Vacant and Derelict Land and Empty Buildings), 16 (Quality Homes) and FIFEplan (2017) Policies 1 (Development Principles) and 2 (Homes) apply to this proposal. These policies support affordable housing developments on brownfield, non-allocated sites within defined settlement boundaries. FIFEplan Policy 5 (Employment Land and Property) also applies and advises that all existing employment areas, and those allocated in LDP will be safeguarded for continued industrial and business use and that a change of use from employment land will only be considered acceptable if it is demonstrated that the existing building or site cannot be reused or redeveloped for employment uses, based on prevailing market conditions and it will not create a shortfall in the 7 year supply of employment land in settlements with a population of 5,000 or more.

2.2.2 The application site is brownfield land located within the settlement boundary of Dunfermline. The surrounding area has a mix of both residential and commercial uses. Whilst the site is vacant and has been fully cleared, it is a designated Safeguarded Employment Area within FIFEplan 2017. In accordance with FIFEplan Policy 5, for a change of use to be considered acceptable, an application must demonstrate that the site cannot be reused or redeveloped for employment uses based on prevailing market conditions and it will not create a shortfall in the in 7-year land supply.

2.2.3 The applicant has submitted a supporting statement which details that the site was previously occupied by Fife Council's Environmental Services Team, however, they vacated the site as part of the Council Depot Rationalisation Programme in late 2018. The site was initially considered for an internal transfer to support Fife Council's Capital Programme or Service demands, however, this option was discounted due to the LDP designation as it was considered unsuitable to support the Affordable Housing Programme. Marketing of the site commenced in late 2016 and as a result of no interest in the site coming forward, it was cleared in 2019. Several enquiries were received after 2021, but none proposed development for employment purposes. Housing Services subsequently reconsidered its earlier position and sought transfer of the site to deliver additional affordable housing in an area of high demand. The transfer of the site to support the Council's Affordable Housing Programme was approved at the Communities & Housing Sub-Committee on 03.02.2022.

2.2.4 Fife Council's Economic Development Team has been consulted on the proposal and advised that due to the prolonged period that this site has been on the market and given the evidence that has been submitted by the applicant, they are content that it has been demonstrated that the site cannot be reused or redeveloped for employment uses, based on prevailing market conditions.

2.2.5 Fife Council's Employment Land Audit 2023 advises that Safeguarded Employment Land is land required for critical expansion of existing businesses and will not be counted as land formed part of the employment land supply. As such, the proposed change of use of the site would have no impact on the current 7-year land supply within Dunfermline.

2.2.6 Fife Council's Affordable Housing Team has also been consulted on the proposal and has advised that the proposed housing mix is acceptable and reflects the needs for affordable housing identified in the Dunfermline and Coast Local Housing Strategy.

2.2.7 It is also noted that Fife Council declared a housing emergency on 21st March 2024 and the proposed dwellings would contribute towards the alleviation of this housing emergency.

2.2.8 It has been demonstrated that there is no interest in establishing employment uses within the site and that a change of use away from employment land would have no impact on the 7-year land supply. Furthermore, the proposal would result in the sustainable reuse of a vacant site, within an established mixed-use area of Dunfermline and as such, complies with both relevant NPF4 and FIFEplan policies. The principle of development is therefore acceptable.

2.3 Design and Visual Impact

2.3.1 NPF4 Policy 14 (Design, Quality and Place) and FIFEplan Policies 10 (Amenity) and 14 (Built and Historic Environment) support development proposals which are well designed and have a positive visual impact on their surroundings. Making Fife's Places Supplementary Guidance (2018) also applies and sets out the expectation for developments with regards to

design and a design-led approach to development proposals through placing the focus on achieving high quality design is encouraged.

2.3.2 The proposal is for the erection of 41 affordable residential dwellings, which includes 23 houses (Class 9) and 18 flats (Sui Generis). An existing access from Elgin Street would be retained, forming a cul-de-sac. An internal footpath network would also be provided. Proposed house types would include a mix of bungalows (4), two storey houses (13), three-storey townhouses (5) and the 18 flatted dwellings would be contained within a single three-storey block. Proposed properties would be in a detached, semi-detached or terraced arrangement. Proposed finishing materials would be consistent across the site and would consist of grey facing brick and grey weatherboarding. Off-street parking would be provided within the site through either in-curtilage or shared parking court provision. Landscaping has been proposed throughout the site with a mix of boundary treatments also proposed. A sustainable urban drainage (SUDS) basin is also proposed towards the eastern boundary.

2.3.3 The site has been vacant and cleared of all buildings since 2019 and whilst it is not on the Vacant and Derelict Land Register, its unkept appearance has a negative visual impact on the surrounding area. The use of different housetypes across the site would provide a variation in scale, massing and height and would result in a distinctive development. The proposal would result in the sustainable reuse of a vacant site within a settlement boundary and the positioning of 9 units along Elgin Street, would provide an active frontage which would result in a welcoming visual impact for users and residents of Elgin Street. The proposal would result in an attractive, modern development and as such, comply with relevant NPF4 and FIFEplan policies.

2.4 Residential Amenity Impact

2.4.1 NPF4 Policies 16 (Quality Homes), 23 (Health and Safety) and FIFEplan Policy 10 (Amenity) support development proposals that have no significant detrimental impact on existing levels of residential amenity. These policies specifically relate to privacy, overshadowing, noise and odour impacts. Where potential impacts are identified, the proposal should be supported by appropriate studies. PAN 1/2011: Planning and Noise also provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. Fife Council's Customer Planning Guidelines on Garden Ground and Minimum Distances Between Window Openings also apply.

2.4.2 The proposal has generally been designed to avoid any significant residential amenity impacts. Window to window separation distances of 18m and garden ground lengths of 9m have been provided in accordance with Fife Council guidelines, ensuring that no significant privacy impacts will occur. Whilst existing properties to the west of Elgin Street may experience some loss of daylight due to the positioning of the proposed properties along the Elgin Street frontage, any loss is not likely to be significant, given the 18m separation distance which has been provided. Furthermore, no significant overshadowing would occur within existing or proposed garden ground areas.

2.4.3 A range of garden ground sizes has been provided for each dwelling, measuring between 50sqm and 145sqm. No private garden ground areas have been provided for the proposed flatted dwellings. As such, Fife Council Garden Ground guidelines of 100sqm per dwelling and 50sqm per flat have not been met on this site. This can be accepted given that the application proposes a number of terraced properties, where it is often difficult to meet the 100sqm guidelines without gardens being unnecessarily long. Smaller gardens for other properties and no provision for the flatted dwellings can also be accepted given design constraints, which include financial pressures of developing brownfield land along with underground services and flooding extents which significantly restrict the developable area of the site. Notwithstanding,

proposed garden grounds would provide sufficient space for day-to-day activities and there is also a large area of open space proposed to the south of the site which can be used by future residents.

2.4.4 The site has the potential to be impacted by noise sources which surround the site, including neighbouring commercial activities, an electricity sub-station and adjacent roads and a railway line. A Noise Impact Assessment has been submitted in this regard and has recommended the installation of mitigation measures, including standard double glazing at exposed facades along with a noise barrier around the substation. It is noted however that as the layout of the site has changed since the assessment was undertaken and that there are no private amenity areas close to the substation, no noise barrier is required.

2.4.5 As with any development, there is likely to be some temporary disruption for existing surrounding residents. However, given this would only be for a temporary period, no significant concerns would be raised.

2.4.6 The proposal would raise no significant concerns in terms of its residential amenity impact and as such, comply with relevant FIFEplan and NPF4 policies.

2.5.1 Road Safety and Sustainable Travel

2.5.1 NPF4 Policies 13 (Sustainable Transport), 15 (Local Living and 20 Minute Neighbourhoods) and FIFEplan Policy 3 (Infrastructure and Services) apply and support development that have no significant road safety impacts. Furthermore, these policies require developments to provide adequate infrastructure to mitigate their impact in terms of traffic movements and for developments to encourage sustainable modes of travel. Further detailed technical guidance relating to this including parking requirements, visibility splays and street dimensions are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.5.2 Concerns have been raised in submitted third party objections noting that no cycle storage or cycleways have been provided within the site. Further concerns are noted regarding existing traffic speeds on Elgin Street and regarding road safety impacts which may occur during the construction period, with potential for Construction traffic to park on Elgin Street.

2.5.3 The application site would have a single point of vehicular access with one of the existing access roads from Elgin Street being retained. The second existing point of access would be partially stopped up, but pedestrian access would be maintained. A cul-de-sac would be provided within the site and off-street parking is proposed either in-curtilage or within communal parking courts. The application site is within a sustainable location, given its close proximity to Dunfermline Town Centre where this is a range of services and transport options.

2.5.4 A Transport Statement has been submitted in support of the application which details that the development would result in approximately 22 AM peak hour two-way car trips and 15 PM peak hour two-way car trips. This would have no significant impact on the surrounding road network, particularly when compared to the previous employment use which occupied the site.

2.5.5 Cycle storage can be provided within rear gardens of the proposed dwellings and cycle storage is identified for the flatted dwellings.

2.5.6 It is likely that construction traffic will park within the site during the construction period and as such, will have no impact on the surrounding road network. Furthermore, as the noted speeding issues on Elgin Street are existing problems, the development cannot be expected to provide speed bumps to address this issue.

2.5.7 Fife Council's Transportation Development Management Team has been consulted on the proposal and has raised no objections, subject to conditions.

2.5.8 The proposal raises no significant concerns in terms of road safety or sustainable travel and is therefore acceptable and in accordance with FIFEplan and NPF4 policies.

2.6 Flooding and Drainage Impact

2.6.1 NPF4 Policy 22 (Flood Risk and Water Management) and FIFEplan policies 3 (Infrastructure and Services) and 12 (flooding and the Water Environment) support development proposals which will not be impacted by flooding, nor increase flooding elsewhere outwith the site. Furthermore, these policies support development which sustainably deals with surface water run-off.

2.6.2 A suds basin is proposed towards the eastern boundary of the site where surface water would be collected, stored and treated before being discharged to the Lyne Burn at a restricted rate. Fife Council's Structural Services Team has reviewed the proposed drainage strategy and has raised no objections. Foul drainage would be directed to a nearby Scottish Water sewer. Scottish Water has been consulted on the proposal and has raised no objections.

2.6.3 The site is within a known flood risk area in accordance with the SEPA flood maps and is at potential low risk of flooding from the Lyne Burn, which flows along the southern boundary of the site. As such, a Flood Risk Assessment has been submitted in support of the application. Fife Council's Structural Services Team has reviewed the submitted FRA and has raised no objections. However, SEPA has objected to the application as a Statutory Consultee.

2.6.4 NPF4 Policy 22 advises that development proposals at risk of flooding will only be supported where it is for the redevelopment of a previously used site, in a built-up area, where the LDP has identified a need to bring these into positive use and if long-term safety and resilience can be secured. Whilst this site is not specifically allocated for housing in the LDP, there is a general presumption in favour of the redevelopment of brownfield sites, particularly where the proposal is for affordable housing. Policy 22 also advises that development proposals will only be supported where they do not increase the risk of flooding to others. For planning purposes, NPF4 defines flood risk as land with an annual probability of being flooded of greater than 0.5%, which should also include an appropriate allowance for future climate change. In terms of fluvial flooding, NPF4 advises that whilst this is normally caused by excessive rainfall within a limited period, which overwhelms the capacity of the water course, that it can also arise as a result of blockage of the river channel, such as small bridges.

2.6.5 The initial FRA detailed that when modelling a 1 in 200-year flooding scenario (including a climate change allowance), all proposed residential units were located outwith the flood risk area. SEPA was consulted to review the submitted FRA and objected on the basis that a 75% blockage of bridges along the watercourse should be included in the assessment, given that they could be blocked during a flooding event. This in turn could exacerbate flooding within the site

and surrounding area. The applicant raised initial concerns with this request and noted that a 75% blockage was unrealistic and in turn, was highly unlikely occur.

2.6.6 Whilst the applicant raised concerns with SEPA's request, they modelled a 1 in 200-year flood, + climate change allowance + a 75% blockage scenario. This scenario showed significant flooding within the southern part of the site, which required layout changes including the removal of 3 units and regrading works, in order to locate the development outwith the flood risk area and to provide compensatory flood storage. As a result of the proposed regrading works, whilst SEPA welcomed the development now being outwith the flood risk area, they requested that like for like compensatory flood storage was provided on site in order to ensure the works did not increase flood risk elsewhere. The applicant submitted further information which detailed that like-for-like storage was not a key issue for this site and ultimately that the submitted modelling shows that the proposal is not at risk of flooding, nor does it increase the flood risk downstream of the development, under a 1 in 200-year flood, + climate change allowance + a 75% blockage scenario. This position was reviewed by SEPA, however, they continued to object on the basis that compensatory storage is not being provided on a like-for-like basis when comparing the pre and post development layouts.

2.6.7 As noted, the applicant has raised concerns with SEPA's suggested 75% blockage scenario. They note that this has been applied as general figure and has not taken into account the characteristics of the Lyne Burn and its structures. Based on the applicant's own site-specific assessment, they suggest that a 25% blockage scenario is more appropriate in balancing flood risk on site against the likelihood of a blockage occurring. This has been based on several factors including the size/location of the bridges along the watercourse along with the availability of debris within the catchment. Whilst not meeting SEPA's requirements, the applicant modelled a 25% scenario which showed that the site was not at risk of flooding and no layout changes or regrading works were required. Notwithstanding the applicant's concerns with SEPA's 75% scenario, the submitted layout has been amended to remove 3 units and show the required regrading works, in line with the 75% blockage scenario.

2.6.8 The determining factor is, therefore, whether like-for-like compensatory storage should be required, as a result of the proposed regrading works. Whilst NPF4 Policy 22 does require that there is no reduction in floodplain capacity, the applicant's flood model shows that under the 75% blockage scenario, the site is not at risk of flooding, nor does it increase the risk of flooding elsewhere. As such, whilst the proposal is not strictly in compliance with Policy 22, given the low likelihood of a 75% blockage occurring, it is considered that a precautionary approach to flood risk has been demonstrated and approval of this application would result in a brownfield site within a settlement boundary being developed, for the purposes of providing housing, which would contribute to alleviating Fife Council's declared housing emergency.

2.6.9 As SEPA has objected to the application, if the Committee is minded to agree with the approval recommendation, the Planning Authority must notify the application to Scottish Ministers prior to determination of the application. Scottish Ministers will review the application and either return it to the Planning Authority for determination or call it in and determine the application themselves.

2.6.10 It is worthy to note that if the amended layout (with no land raising) had been submitted as the initial layout, there would have been no requirement to consult SEPA on the proposal. This is because that the closest unit within the development would have been located approximately 40m outwith the low-risk flood area, as identified on the SEPA flood maps.

2.7 Land & Air Quality Impact

2.7.1 NPF4 Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and FIFEplan Policy 10 (Amenity) support development which remediates contaminated land, making it safe for future land uses.

2.7.2 An Air Quality Impact Assessment has been submitted in support of the application which raises no significant potential air quality impacts.

2.7.3 A Site Investigation Report with regard to contaminated land has also been submitted in support of the application. Fife Council's Land & Air Quality Team has been consulted and has raised no objections, subject to conditions requiring the submission of an updated Remedial Action Statement.

2.8 Natural Heritage/Tree Impact

2.8.1 NPF4 Policies 1 (Tackling the Climate and Nature Crises), 3 (Biodiversity), 4 (Natural Places), 6 (Forestry, Woodland and Trees) and FIFEplan Policy 13 apply and support development which protects and enhances protected species/biodiversity in and around the site whilst also safeguarding protected trees and also non-protected trees which have amenity value.

2.8.2 Concerns have been raised in submitted third party objections with the proposed landscaping plan in that proposed trees will create overshadowing issues in neighbouring gardens.

2.8.3 A Preliminary Ecology Appraisal (PEA) has been submitted in support of the application. The PEA details that given the brownfield nature of the site, it is of low to negligible ecological value. A site survey was also undertaken, which established that the proposal would have a low impact on existing wildlife. The PEA details opportunities for biodiversity enhancement, which includes the provision of wildlife homes and the planting of native tree and hedge species. Fife Council's Natural Heritage Officer has been consulted on the proposal and has raised no objections. A condition has been added requiring the aforementioned ecological enhancement measures to be implemented.

2.8.4 A Tree Survey has also been submitted in support of the application. The Tree Survey details that there are no existing trees within the site, however, 4 mature trees exist along the Elgin Street frontage. The Tree Survey advises that these are all category B trees (trees of moderate quality) and that they would be unaffected by the proposal. The Tree Survey advises on protection measures which should be installed, prior to any works commencing on site. Fife Council's Tree Officer has been consulted on the proposal and has raised no objections. A condition has been added requiring the aforementioned tree protection measures to be implemented. A landscaping plan has been provided however this will require updating which has been addressed by condition. The updated plan shall take account of the concerns raised in the submitted objections and relocate trees which may cause overshadowing. The landscaping plan shall also include a maintenance schedule.

2.8.5 The proposal would raise no significant concerns in terms of its biodiversity impact and as such, would comply with FIFEplan and NPF4 policies.

2.9 Planning Obligations

2.9.1 NPF 4 Policy 18 (Infrastructure First), FIFEplan Policies 1 (Development Principles), 4 (Planning Obligations), 5 (Employment Land & Property) and Fife Council's Planning Obligations Planning Policy Guidance (2017) aims to encourage, promote and facilitate an infrastructure first approach to land use planning. These policies advise that impacts of development proposals on infrastructure should be mitigated and that proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure.

2.9.2 FIFEplan Policy 4 advises that affordable housing developments are exempt from most planning obligations, but details that this does not include potential employment land commuted sums, where the proposal would result in the loss of employment land. However, in accordance with Section 2.2 of this report, the loss of this employment land has been fully justified and would have no impact on the 7-year supply of employment land. As such, a commuted sum to offset the loss of this employment land would not be required in this instance as the loss of this employment land has been fully justified.

2.9.3 Whilst Affordable Housing developments are exempt from planning obligations, if Education capacity issues exist within the catchment, applications may have to be refused, unless there is a suitable solution. Fife Council Education Team has been consulted and has advised of a capacity risk at St Margaret's Roman Catholic Primary School, however, they advise that the capacity issue can be managed and no planning obligations are required.

2.10 Sustainability

2.10.1 NPF4 Policies 1 (Tackling the Climate and Nature Crisis), 2 (Climate Mitigation and Adaptation), 12 (Zero Waste), 13 (Sustainable Transport) and FIFEplan Policy 11 (Low Carbon) support development that is compliant with sustainable development principles and take account of the climate and nature crises. Fife Council's Low Carbon Fife Supplementary Guidance (January 2019) notes that major developments are required to provide an energy statement of intention which sets out how the proposal will meet the requirements of Policy 11.

2.10.2 A Low Carbon Statement has been submitted in support of the application which details that the proposed well-insulated, airtight fabric homes, alongside the use of solar panels, would achieve a low energy/low emissions development. The development would utilise gas boilers, however, there is no planning requirement for the use of these to be avoided and it is understood that the building warrant was approved for this proposal, prior to changes relating to gas boilers coming into use. Furthermore, given the location of the application site, which is close to the town centre, where a range of services and public transport services can be accessed, the development would not prioritise the use of a private car. The development would also result in the reuse of a brownfield site. The proposal is therefore a sustainable development and meets the terms of NPF4 and FIFEplan policies.

3.0 Consultation Summary

Scottish Water

No objections.

TDM, Planning Services	No objections.
Land And Air Quality, Protective Services	No objections.
Housing And Neighbourhood Services	No objections.
Trees, Planning Services	No objections.
Education (Directorate)	No objections.
Natural Heritage, Planning Services	No objections.
Business And Employability	No objections.
Network Rail	No objections.
Scottish Environment Protection Agency	Objects to the application.
Structural Services - Flooding, Shoreline and Harbours	No objections.

4.0 Representation Summary

4.1 2 objections have been received.

4.2 Material Planning Considerations

4.2.1 Objection Comments:

Issue	Addressed in Section
a. No cycle storage has been provided.	2.5
b. No cycleways have been provided within the site.	2.5
c. Road safety issues during construction (parking on Elgin Street).	2.5
d. Existing speeding issues on Elgin Street.	2.5
e. Landscaping will result in overshadowing to 34 + 36 Elgin Street.	2.8
f. No gas boilers should be used.	2.10

4.2.3 Other Concerns Expressed

Issue	Comment
a. Landscaping will create maintenance burden.	Non-material.

5.0 Conclusions

The application proposal has attracted an objection from SEPA (Statutory Consultee) regarding flood risk. It is duly considered, however, that the flood risk modelling as requested by SEPA could include restrictive, conservative parameters, creating an assessment scenario which has a low likelihood of happening. Furthermore, if the modelled flooding event was to occur, the modelled outputs show that it would have no significant impact on the development, or on flooding elsewhere within the surrounding area. It is considered that the modelled scenario meets the precautionary approach as required by NPF4 and it has been demonstrated that the site has an annual probability of flooding which is no greater than 0.05%. Approval of this proposal will result in the sustainable use of a brownfield site, which is located within a settlement boundary and is close to local services and transport hubs. The proposal represents an attractive, modern development which will have a positive visual impact on the surrounding area, whilst having no significant residential amenity impacts and the resulting residential units will contribute to alleviating the declared housing emergency. Furthermore, no significant concerns are raised with regard to road safety, land & air quality or natural heritage. The application is therefore recommended for approval subject to conditions.

As SEPA has objected to the application, if the Committee is minded to agree the recommendation for approval, the Planning Authority must notify the application to Scottish Ministers prior to determining the application.

6.0 Recommendation

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

PRE-COMMENCEMENT CONDITIONS:

1. NO DEVELOPMENT SHALL COMMENCE ON SITE until the risk of actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study) has been submitted by the developer to and approved in writing by the planning authority. Where further investigation is recommended in the Preliminary Risk Assessment, no development shall commence until a suitable Intrusive Investigation (Phase II Investigation Report) has been submitted by the developer to and approved in writing by the planning authority. Where remedial action is recommended in the Phase II Intrusive Investigation Report, no development shall commence until a suitable Remedial Action Statement has been submitted by the developer to and approved in writing by the planning authority. The Remedial Action Statement shall include a timetable for the implementation and completion of the approved remedial measures.

All land contamination reports shall be prepared in accordance with CLR11, PAN 33 and the Council's Advice for Developing Brownfield Sites in Fife documents or any subsequent revisions of those documents. Additional information can be found at www.fife.gov.uk/contaminatedland

Reason: To ensure potential risk arising from previous land uses has been investigated and any requirement for remedial actions is suitably addressed.

2. Before any development commences on site, a detailed landscaping plan (including maintenance details) shall be submitted to Fife Council as Planning Authority for prior written approval. The agreed landscaping plan shall then be implemented in full prior to the development being fully occupied or during the first planting season following the completion of the development, whichever is sooner. For the avoidance of doubt, the landscaping plan shall prioritise native species.

Reason: To ensure landscaping and biodiversity enhancement is fully provided.

CONDITIONS:

3. 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.

4. All units hereby approved shall be provided as affordable housing as defined by Fife Council's Supplementary Planning Guidance on Affordable Housing (2018), or any future superseding version of this guidance, and shall be held as such in perpetuity unless otherwise agreed by the express prior consent in writing of Fife Council as Planning Authority.

Reason: In order to define the terms of the consent.

5. NO BUILDING SHALL BE OCCUPIED UNTIL remedial action at the site has been completed in accordance with the Remedial Action Statement approved pursuant to condition 1. In the event that remedial action is unable to proceed in accordance with the approved Remedial Action Statement - or contamination not previously considered in either the Preliminary Risk Assessment or the Intrusive Investigation Report is identified or encountered on site - all development work on site (save for site investigation work) shall cease immediately and the planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, development works shall not recommence until proposed revisions to the Remedial Action Statement have been submitted by the developer to and approved in writing by the planning authority. Remedial action at the site shall thereafter be completed in accordance with the approved revised Remedial Action Statement. Following completion of any measures identified in the approved Remedial Action Statement - or any approved revised Remedial Action Statement - a Verification Report shall be submitted by the developer to the local planning authority.

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

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

6. 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. Before any development begins on site, the tree protection measures as detailed in the agreed Tree Survey and Impact Assessment (Document 41 - Hinshelwood Arboricultural Consultants 01/024) shall be installed on site in full and be retained in a sound, upright condition for the duration of the construction period.

Reason: To ensure that trees to be retained are protected during construction works.

8. Before they are installed on site, full details of all ecological enhancement measures, along with any associated maps and product details, shall be submitted to Fife Council as Planning Authority for prior written approval. The approved ecological enhancement measures shall be installed on site prior to it being fully occupied.

Reason: To ensure the site contributes to biodiversity enhancement.

9. Prior to occupation of the first dwelling, the approved SUDs Scheme as specified and hereby approved shall be fully installed and commissioned. The scheme shall be signed off by a suitably qualified drainage engineer following installation and be retained and maintained in an operational manner for the lifetime of the development.

Reason: In the interests of securing an appropriate standard of drainage infrastructure and to mitigate flood risk arising from the development.

10. Before any unit is occupied, a detailed boundary treatment plan shall be submitted to Fife Council as Planning Authority for prior written approval. The agreed boundary treatments shall be installed prior to each unit being occupied.

Reason: In the interest of visual amenity; to ensure the full details of all boundary treatments are agreed.

11. Prior to occupation of the first unit hereby approved, visibility splays 3 metres x 60 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level, at the junction of the site access with Elgin Street in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development.

Reason: In the interest of road safety; to ensure the provision of adequate visibility at the junctions of the vehicular access with the public road.

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Jamie Penman, Planner and Case Officer

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

26 February 2025

Agenda Item No. 9

Application for Full Planning Permission**Ref: 24/03072/FULL****Site Address: Tullohill Cottage Tullohill Bridge Street****Proposal: Proposed alterations and extension to existing detached dwellinghouse including dormer extensions at first floor level, and installation of new roof section to match existing roof line****Applicant: Mr D O'Dushlaine, Tullohill Cottage Tullohill****Date Registered: 3 December 2024****Case Officer: Jamie Ure****Wards Affected: W5R01: West Fife And Coastal Villages**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

1.1 The Site

1.1.1. This application relates to a single storey detached cottage sited to the north-east of the village of Saline. The property is a dwellinghouse known as 'Tullohill Cottage', and is a category C listed building. The cottage is an 18th century single storey double cottage with white harled rubble walls and pantile roof. The cottage was reconstructed in 1972 and was listed in December 1979. The cottage is sited on Bridge Street on the northern approach to the village with woodland and the historic Tullohill House to the east.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1. This application seeks planning permission for an alteration to the roofline of the existing rear kitchen extension to increase this in line with the main cottage, and the installation of two dormer extensions to the east and west facing side elevations of this roof.

1.2.2. A corresponding application seeking listed building consent for the proposed works (24/03071/LBC) has also been submitted.

1.3 Relevant Planning History

1.3.1 Two previous proposals for similar works were withdrawn in June 2024 and then August 2024. The applications were:

- 24/00965/FULL - Alterations including 2 No. dormer extensions and installation of new roof section - Withdrawn 10/06/24
- 24/01790/FULL - Alterations and extension to dwelling house including dormer extensions to the rear and raise roof ridge height to the rear - Withdrawn 21/08/24
- 24/01791/LBC - Listed building consent for alterations and extension to dwellinghouse including dormer extensions to the rear and raise roof ridge height to the rear - Withdrawn 21/08/24

1.3.2 The applications below relate to previous planning applications submitted for different development:

- 03/02678/WLBC - Listed building consent application for dormer extensions, erection of porch and installation of rooflight, rainwater goods and replacement windows - Withdrawn 08/10/03
- 03/02969/WFULL - Dormer extensions, erection of porch and installation of rooflight, rainwater goods and replacement windows - Withdrawn 08/10/03
- 03/03506/WFULL - Dormer and porch extension to dwellinghouse, installation of 3 rooflights, rainwater goods and replacement window - Permitted with conditions 16/01/04
- 03/03508/WLBC - Listed building consent application for dormer and porch extension to dwellinghouse, installation of rooflights (3), rainwater goods and replacement window and repainting of exterior - Permitted with conditions 16/01/04
- 05/02401/WLBC - Listed building consent application for installation of replacement windows and four velux roof windows - Withdrawn 22/08/09

1.4 Application Procedures

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

1.4.2. A site visit was conducted on the 31/01/2025. Further information has been collated digitally to allow the full consideration and assessment of the application. The following additional 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 photos provided by the agent

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

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

Policy 13: Sustainable transport

To encourage, promote and facilitate 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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 3: Infrastructure and Services

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

Policy 10: Amenity

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2016)

Historic Environment for Scotland Managing Change in the Historic Environment - Roofs (2010)

Historic Environment for Scotland Managing Change in the Historic Environment - Extensions (2010)

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.

Planning Customer Guidelines

Dormer Extensions

Daylight and Sunlight

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design and Layout/Visual Impact on the Listed Building
- Residential Amenity
- Transportation/Road Safety

2.2 Principle of Development

2.2.1. Policy 1 of the adopted FIFEplan (2017) applies in regard to the principle of development.

2.2.2. In simple land use terms, the principle of development meets the requirements of the Development Plan and national guidance by virtue of the site being situated in a location where the proposed use is supported by the Adopted FIFEplan - Fife Local Development Plan (2017). Therefore, there is a presumption in favour of development but the overall acceptability of such a development must also satisfy other Development Plan policies which will be discussed in detail below.

2.3 Design And Layout / Visual Impact on the Listed Building

2.3.1. NPF4 Policies 7 and 14, FIFEplan Policies 1, 10 and 14, Fife Council Planning Customer Guidelines on Dormer Extensions (2016), Historic Environment Scotland's Managing Change in the Historic Environment – Roofs (2010), Historic Environment Scotland's Managing Change in the Historic Environment – Extensions (2010) and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 apply in regard to design and visual impact on the listed building.

2.3.2. The proposal is for an alteration to the roofline of the existing rear kitchen extension to increase this in line with the main cottage, and the installation of two dormer extensions to the east and west facing side elevations of this roof. The existing rear extension has a 6.0m high ridge and has a stepped down section at a lower 5.4m high ridge. It is proposed that the 4.7m wide lower section of the roof is altered to increase the ridge height of the existing extension to all be 6.0m in height. On the altered roof of the existing extension then a dormer extension is proposed to either side of the pitched roof. The proposed dormer extensions would be 6.4m in width with a flat roof at a height protruding out of the pitched roof of 1.8m. The dormers would be sited 0.5m below the increased ridge line, 0.6m above the wallhead, and set back 0.5m from the gable end. Both dormer extensions would be finished with a vertical concrete tile cladding, matching white windows, and EPDM flat roof membrane. The proposal would allow for the increase in the first-floor footprint of the cottage above the existing single storey rear kitchen extension to create a new master bedroom with ensuite.

2.3.3. Fife Council Planning Customer Guidelines on Dormer Extensions advises that two or even three small, separate dormers can look better than a single, larger dormer and provide a more balanced elevation. The proposed dormers are large flat roof dormers to either side of the roof and are also closer to both the wallhead and gable than the guidelines recommend. Although the design of the dormers is not fully in line with these design guidelines, they would likely be acceptable on an elevation not visible from the street on a non-listed building. The siting and layout of the cottage though means that the proposed dormer extension that would face west would be visible from the public road (Bridge Street), particularly when travelling north. The visual impact of the proposed dormers is even more significant with the cottage being a listed building. Along with the proposals being required to provide an acceptable design there is also a requirement to assess the visual impact of the proposed development on the listed building and either preserve or enhance the character of the listed building.

2.3.4 The cottage was listed in 1979 and is described by Historic Environment Scotland as a single storey double cottage. There are historic photographs from 1975 in the Canmore National Record of the Historic Environment that show the original layout of the cottage. The listed building has since been extended to the east, extended to the north with a porch extension, a small dormer extension to the rear of the main cottage, and extended to the south with the

kitchen rear extension. The proposals for the dormer extensions including the alteration to the rear extension roofline were previously submitted in April 2024 (24/00965/FULL) and later withdrawn when the applicant was informed that the property is listed, and therefore a more sympathetic design would be needed along with a corresponding application for listed building consent. Follow up applications (24/01790/FULL and 24/01791/LBC) were submitted in July 2024 and later withdrawn when feedback was provided that the applications did not preserve or enhance the character of the listed building. The current proposals have altered the finishes to the proposed dormers and retained the existing chimneys, but the scale and layout of the proposals are similar to the previous withdrawn applications. The applicant advised that the new layout would better meet their needs, whilst allowing them to use modern building materials to improve the energy efficiency of the cottage and carry out some required maintenance to areas of the roof at the same time as the development. Although the listed building has been extended in a number of ways previously, and the applicants reasoning for the proposals are understood, it is considered that the addition of the two large dormer extensions would overload the cottage and impact on the character of the listed building making it harder to read the property as a single storey double cottage as originally listed. The existing rear extension has been designed with a stepped ridge line to show this as a later addition. The proposed increase in the roofline height would lose this detail and create a first floor to this previously subsidiary extension. Historic Environment Scotland's Managing Change in the Historic Environment – Roofs, advises that the addition of new features to principal or prominent roof slopes should generally be avoided, and that new dormers and rooflights should be appropriately designed and located with care. With the proposals being partly to the visible west elevation of the rear extension of the cottage then the location of the dormer on this elevation is sensitive to the character and visual impact of the listed building. The use of large dormers with a flat roof construction create a modern feature which is incongruous with the traditional pantile roof of a single storey cottage. The proposals to alter the roofline of the rear extension and construct two dormer extensions would thus be an unsympathetic addition to the historic cottage and would fail to preserve or enhance the character of the listed building.

2.3.5. Overall, it is considered that the proposed development would fail to preserve or enhance the character of the Listed Building and as such would not comply with NPF4 and the Adopted FIFEplan (2017) in this regard. There are no other material considerations which outweigh the resulting presumption against the development.

2.4 Residential Amenity

2.4.1. NPF4 Policy 16, FIFEplan Policies 1 and 10, Fife Council Customer Planning Guidelines on Daylight and sunlight, and Dormer Extensions apply in regard to residential amenity.

2.4.2. Given the detached nature of the development site in relation to the surrounding properties, it is considered that there would be no significant impact upon the sunlight and daylight levels received by neighbouring properties.

2.4.3. Fife Council Planning Customer Guidelines on Dormer Extensions requires a proposal to respect the privacy and amenity of neighbours. The proposal would introduce new windows facing east and west from the proposed dormers at a first-floor height. The windows facing west would overlook the public road of Bridge Street and the fields beyond. The windows facing east would be orientated towards neighbouring Tullochill House but a combination of the distance and obstruction from trees would mean there would not be a significant impact on their privacy.

2.4.4. In light of the above, the proposal is considered acceptable in terms of residential amenity. However, this is not the determining issue in this instance.

2.5 Transportation/Road Safety

2.5.1. NPF4 Policy 13, FIFEplan Policies 1 and 3 and Making Fife's Places Appendix G Transportation Development Guidelines apply in regard to road safety.

2.5.2. The existing layout of the detached property allows for off-street parking in front of the dwellinghouse. The proposal would result in the property expanding from three bedrooms to four and therefore additional parking provision would be required. As per Fife Council's Making Fife's Places Appendix G, a house with 4 or more bedrooms would need three parking spaces. The proposal shows space for up to 4 cars to park to the front of the dwelling so the proposals would meet this guidance.

2.5.3. In light of the above, the proposal would have no significant impact on road safety and as such would be deemed to comply with the relevant road safety policies of the Adopted FIFEplan 2017, NPF4 and Fife Council Transportation Development Guidelines. However, this is not the determining issue in this instance.

3.0 Consultation Summary

Scottish Water

No Objections

4.0 Representation Summary

None

5.0 Conclusions

The proposal is considered to be unacceptable in meeting the terms of the National Guidance, Development Plan and relevant guidelines relating to Listed Buildings. The proposed dormer extensions and alteration to the roof line do not respect the character and appearance of the Category C Listed Building. As such, the proposal would not comply with Policy 7 of the National Planning Framework 4 (2023) or Policies 1,10 and 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Historic Environment Scotland guidance. The application is therefore recommended for refusal.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character and historical integrity of this Category C Listed Building; the proposed alterations, by virtue of their size, visual prominence and modern design would fail to preserve or enhance the character and historic interest of the Listed Building. As such the proposals are contrary to Policy 7 of National Planning Framework 4 (2023) and Policies 1, 10 and 14 of the Adopted FIFEplan (2017).

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2016)

Historic Environment for Scotland Managing Change in the Historic Environment - Roofs (2010)

Historic Environment for Scotland Managing Change in the Historic Environment - Extensions (2010)

Development Plan:

Adopted FIFEplan (2017)

National Planning Framework 4 (2023)

Other Guidance:

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)

Fife Council's Planning Customer Guidelines on Sunlight and Daylight (2018)

Fife Council's Making Fifes Places Appendix G - Transportation Development Guidelines (2018)

Report prepared by Jamie Ure

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

26 February 2025

Agenda Item No. 10

Application for Listed Building Consent**Ref: 24/03071/LBC****Site Address:** Tullohill Cottage Tullohill Bridge Street**Proposal:** Listed Building Consent for proposed alterations and extension to existing detached dwellinghouse including dormer extensions at first floor level, installation of rooflights and installation of new roof section to match existing roof line**Applicant:** Mr D O'Dushlaine, Tullohill Cottage Tullohill**Date Registered:** 13 December 2024**Case Officer:** Jamie Ure**Wards Affected:** W5R01: West Fife And Coastal Villages

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application is for a Local Development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is associated with another form of consent for consideration by the Committee and It is expedient for both applications to be considered by Committee.

Summary Recommendation

The application is recommended for: Refusal

1.0 Background

1.1 The Site

1.1.1. This application relates to a single storey detached cottage sited to the north-east of the village of Saline. The property is a dwellinghouse known as 'Tullohill Cottage', and is a category C listed building. The cottage is an 18th century single storey double cottage with white harled rubble walls and pantile roof. The cottage was reconstructed in 1972 and was listed in December 1979. The cottage is sited on Bridge Street on the northern approach to the village with woodland and the historic Tullohill House to the east.

1.1.2 LOCATION PLAN



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1.2 The Proposed Development

1.2.1. This application seeks listed building consent for an alteration to the roofline of the existing rear kitchen extension to increase this in line with the main cottage, and the installation of two dormer extensions to the east and west facing side elevations of this roof. Also alterations to install new rooflights and alter the cladding to an existing dormer.

1.2.2. A corresponding application seeking planning permission for the proposed works (24/03072/FULL) has also been submitted.

1.3 Relevant Planning History

1.3.1 Two previous proposals for similar works were withdrawn in June 2024 and then August 2024. The applications were:

- 24/00965/FULL - Alterations including 2 No. dormer extensions and installation of new roof section - Withdrawn 10/06/24
- 24/01790/FULL - Alterations and extension to dwelling house including dormer extensions to the rear and raise roof ridge height to the rear - Withdrawn 21/08/24
- 24/01791/LBC - Listed building consent for alterations and extension to dwellinghouse including dormer extensions to the rear and raise roof ridge height to the rear - Withdrawn 21/08/24

1.3.2 The applications below relate to previous planning applications submitted for different development:

- 03/02678/WLBC - Listed building consent application for dormer extensions, erection of porch and installation of rooflight, rainwater goods and replacement windows - Withdrawn 08/10/03
- 03/02969/WFULL - Dormer extensions, erection of porch and installation of rooflight, rainwater goods and replacement windows - Withdrawn 08/10/03
- 03/03506/WFULL - Dormer and porch extension to dwellinghouse, installation of 3 rooflights, rainwater goods and replacement window - Permitted with conditions 16/01/04
- 03/03508/WLBC - Listed building consent application for dormer and porch extension to dwellinghouse, installation of rooflights (3), rainwater goods and replacement window and repainting of exterior - Permitted with conditions 16/01/04
- 05/02401/WLBC - Listed building consent application for installation of replacement windows and four velux roof windows - Withdrawn 22/08/09

1.4 Application Procedures

1.4.1 Under Section 14(2) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

1.4.2. A site visit was conducted on the 31/01/2025. Further information has been collated digitally to allow the full consideration and assessment of the application. The following additional 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 photos provided by the agent

1.5 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

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

Policy 14: Design, quality and place

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

Policy 16: Quality Homes

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

Adopted FIFEplan (2017)

Policy 1: Development Principles

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

Policy 10: Amenity

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

Policy 14: Built and Historic Environment

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

Supplementary Guidance

Supplementary Guidance: Making Fife's Places (2018)

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

Planning Customer Guidelines

Dormer Extensions

2.0 Assessment

2.1 Relevant Matters

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

- Design and Layout/Visual Impact on the Listed Building

2.2 Design And Layout / Visual Impact on the Listed Building

2.2.1. NPF4 Policies 7 and 14, FIFEplan Policies 1, 10 and 14, Fife Council Planning Customer Guidelines on Dormer Extensions (2016), Historic Environment Scotland's Managing Change in the Historic Environment – Roofs (2010), Historic Environment Scotland's Managing Change in the Historic Environment – Extensions (2010) and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 apply in regard to design and visual impact on the listed building.

2.2.2. The proposal is mainly for an alteration to the roofline of the existing rear kitchen extension to increase this in line with the main cottage, and the installation of two dormer extensions to the east and west facing side elevations of this roof. The existing rear extension has a 6.0m high ridge and has a stepped down section at a lower 5.4m high ridge. It is proposed that the 4.7m wide lower section of the roof is altered to increase the ridge height of the existing extension to all be 6.0m in height. On the altered roof of the existing extension then a dormer extension is proposed to either side of the pitched roof. The proposed dormer extensions would be 6.4m in width with a flat roof at a height protruding out of the pitched roof of 1.8m. The dormers would be sited 0.5m below the increased ridge line, 0.6m above the wallhead, and set back 0.5m from the gable end. Both dormer extensions would be finished with a vertical concrete tile cladding, matching white windows, and EPDM flat roof membrane. The proposal would allow for the increase in the first-floor footprint of the cottage above the existing single storey rear kitchen extension to create a new master bedroom with ensuite.

2.2.3. Fife Council Planning Customer Guidelines on Dormer Extensions advises that two or even three small, separate dormers can look better than a single, larger dormer and provide a more balanced elevation. The proposed dormers are large flat roof dormers to either side of the roof and are also closer to both the wallhead and gable than the guidelines recommend. Although the design of the dormers is not fully in line with these design guidelines, they would likely be acceptable on an elevation not visible from the street on a non-listed building. The siting and layout of the cottage though means that the proposed dormer extension that would face west would be visible from the public road (Bridge Street), particularly when travelling north. The visual impact of the proposed dormers is even more significant with the cottage being a listed building. The proposal must be assessed on the basis of its impact on the listed building and whether it would preserve or enhance the character and appearance of the listed building.

2.2.4 The cottage was listed in 1979 and is described by Historic Environment Scotland as a single storey double cottage. There are historic photographs from 1975 in the Canmore National Record of the Historic Environment that show the original layout of the cottage. The listed building has since been extended to the east, extended to the north with a porch extension, a small dormer extension to the rear of the main cottage, and extended to the south with the kitchen rear extension. The proposals for the dormer extensions including the alteration to the rear extension roofline were previously submitted in April 2024 (24/00965/FULL) and later withdrawn when the applicant was informed that the property is listed, and therefore a more sympathetic design would be needed along with a corresponding application for listed building consent. Follow up applications (24/01790/FULL and 24/01791/LBC) were submitted in July 2024 and later withdrawn when feedback was provided that the applications did not preserve or enhance the character of the listed building. The current proposals have altered the finishes to the proposed dormers and retained the existing chimneys, but the scale and layout of the proposals are similar to the previous withdrawn applications. The applicant advised that the new layout would better meet their needs whilst allowing them to use modern building materials to improve the energy efficiency of the cottage and carry out some required maintenance to areas of the roof at the same time as the development. Although the listed building has been extended in a number of ways previously, and the applicants reasoning for the proposals are understood, it is considered that the addition of the two large dormer extensions would overload the cottage and impact on the character of the listed building making it harder to read the property as a single storey double cottage as originally listed. The existing rear extension has been designed with a stepped ridge line to show this as a later addition. The proposed increase in the roofline height would lose this detail and create a first floor to this previously subsidiary extension. Historic Environment Scotland's Managing Change in the Historic Environment – Roofs, advises that the addition of new features to principal or prominent roof slopes should generally be avoided, and that new dormers and rooflights should be appropriately designed and located with care. As the proposals are partly to the visible west elevation of the rear extension of the cottage, the impact of the dormer on this elevation is significant in terms of the effect on the character of the listed building. The use of large dormers with a flat roof construction create a modern feature which is incongruous with the traditional pantile roof of a single storey cottage. The proposals to alter the roofline of the rear extension and construct two dormer extensions would thus be an unsympathetic addition to the historic cottage and would fail to preserve or enhance the character of the listed building.

2.2.5 Also forming part of the application for listed building consent would be the recladding of an existing small dormer to the rear elevation of the main cottage and the installation of rooflights. The existing 1.7m wide dormer is metal clad and it is proposed that this would be replaced with a vertical tile cladding. Also proposed is the installation of five rooflights with four proposed to the front elevation and one proposed to the rear. There are already four rooflights to the cottage that would be replaced and repositioned in a better layout using a rooflight with a conservation style specification designed to look more traditional than modern rooflights. It is

considered in isolation that the alterations to install new rooflights and reclad the existing dormer would be acceptable in preserving the character of the listed building.

2.2.6. Overall, it is considered that the proposed development would fail to preserve or enhance the character of the Listed Building and as such would not comply with NPF4 and the Adopted FIFEplan (2017) in this regard.

3.0 Consultation Summary

None

4.0 Representation Summary

None

5.0 Conclusions

The proposal is considered to be unacceptable in meeting the terms of the National Guidance, Development Plan and relevant guidelines relating to Listed Buildings. The proposed dormer extensions and alteration to the roof line do not respect the character and appearance of the Category C Listed Building. As such, the proposal would not comply with Policy 7 of the National Planning Framework 4 (2023) or Policies 1,10 and 14 of the Adopted FIFEplan - Fife Local Development Plan (2017) and Historic Environment Scotland guidance. The application is therefore recommended for refusal.

6.0 Recommendation

It is accordingly recommended that:

The application be refused for the following reason(s)

1. In the interests of preserving the character and historical integrity of this Category C Listed Building; the proposed alterations, by virtue of their size, visual prominence and modern design would fail to preserve or enhance the character and historic interest of the Listed Building. As such the proposals are contrary to Policy 7 of National Planning Framework 4 (2023) and Policies 1, 10 and 14 of the Adopted FIFEplan (2017).

7.0 Background Papers

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

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

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

[Planning Guidance](#)

National Guidance:

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2016)

Historic Environment for Scotland Managing Change in the Historic Environment - Roofs (2010)

Historic Environment for Scotland Managing Change in the Historic Environment - Extensions (2010)

Development Plan:

Adopted FIFEplan (2017)

National Planning Framework 4 (2023)

Other Guidance:

Fife Council's Planning Customer Guidelines on Dormer Extensions (2016)

Report prepared by Jamie Ure

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

25 February 2025

Agenda Item No. 11

Application for Full Planning Permission**Ref: 24/01826/FULL****Site Address: 19 And 21 Bruce Street Dunfermline Fife****Proposal: Change of use from shop (Class 1A) and betting shop (Sui Generis) to restaurant (Class 3) and alterations to shopfronts including installation of flue****Applicant: TRI Scotland Ltd, 2 Rose Bank Longniddry****Date Registered: 12 September 2024****Case Officer: Lauren McNeil****Wards Affected: W5R03: Dunfermline Central**

Reasons for Referral to Committee

This application requires to be considered by the Committee because the application has attracted six or more separate individual representations which are contrary to the officer's recommendation.

Summary Recommendation

The application is recommended for: Conditional Approval

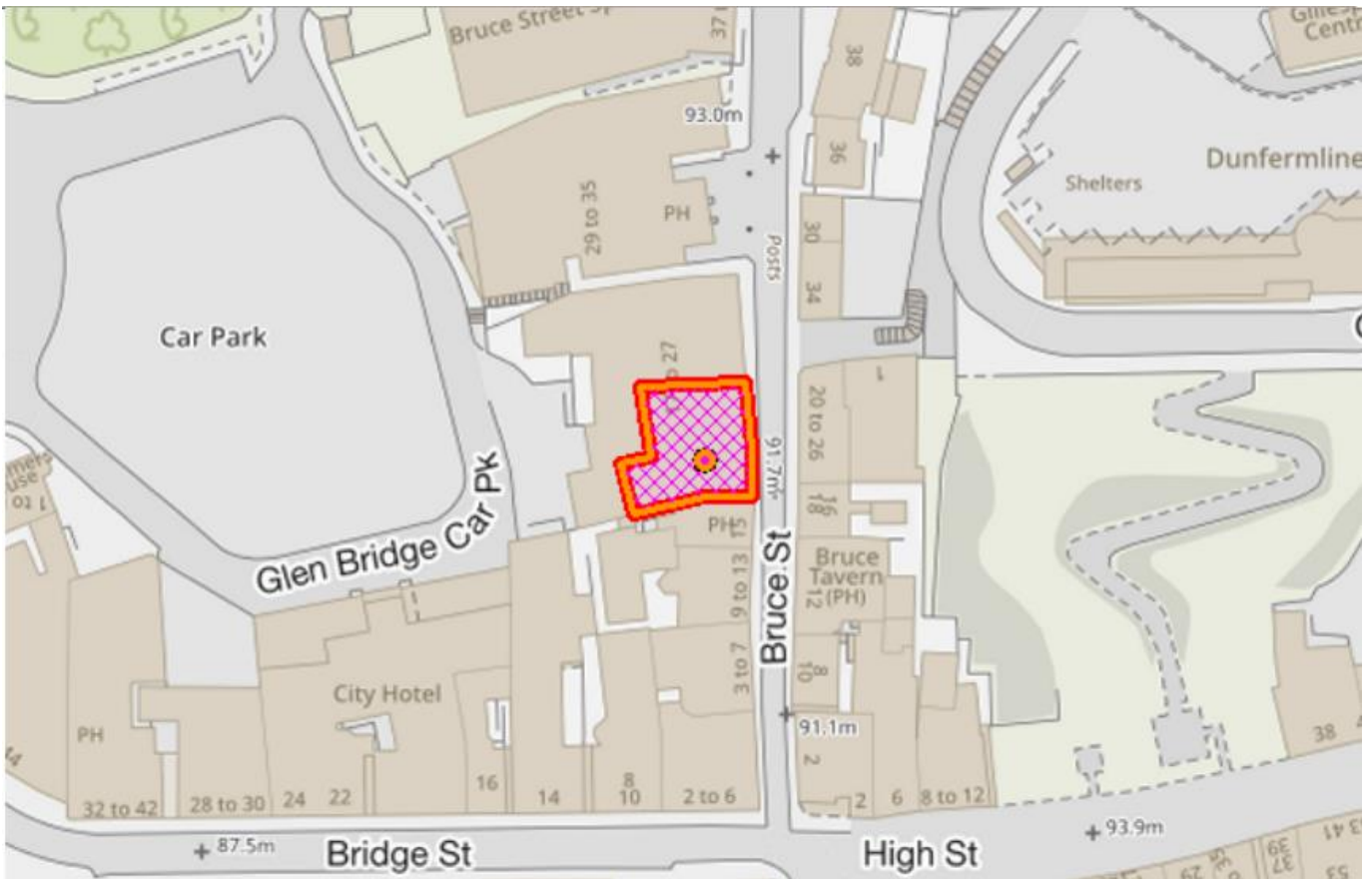
1.0 Background

1.1 The Site

1.1.1 This application relates to two ground floor commercial properties situated along Bruce Street in Dunfermline. Whilst the commercial properties are not Listed there are various Category C listed buildings situated along Bruce Street, some of which date back to the 18th century. The commercial properties are also situated within the Dunfermline Conservation Area. Number 19 comprises a longstanding vacant retail unit which was formerly a carpet shop. Number 19 is externally finished with rendered walls and is characterised by two central archways with recessed openings, a decorative oculus and a stepped parapet wall. Number 21, formerly a betting shop, is externally finished with white painted timber windows and doors, tiled stallrisers and pilasters, and aluminium signage and roller shutters. The fascia and pilasters of number 21 were previously clad over with a public art installation which appears to have been completed without obtaining the relevant planning permission. As such, clarification was sought from the applicant/agent as to when these works were completed, however as these works were carried out prior to the applicant acquiring these units, the exact date of these works is

unclear. Nevertheless, from the information available to the case officer it is estimated these works took place between May 2017 and March 2022. The surrounding area is predominately characterised by a mix of commercial land uses at ground floor level including various restaurants/eateries and residential properties on upper floors.

1.1.2 Location Plan



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1.2 Proposal

1.2.1 This application seeks full planning permission for a change of use from a shop (Class 1A) and betting shop (Sui Generis) to a restaurant (Class 3) and alterations to the existing shopfronts including the installation of a flue. The agent has confirmed that the proposed opening hours would be 12pm-10pm Monday-Sunday.

1.3 Planning History

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

No.19

- * 20/01974/FULL: Alteration to shopfront- Application Permitted- no conditions (January 2021)
- * 23/01526/FULL: Change of use from shop (Class 1A) and betting shop (Sui Generis) to restaurant (Class 3) and alterations to shopfronts including installation of flue- Withdrawn (September 2023)

No.21

* 04/00538/WFULL: Change of use from shop to form public house- Application Refused (April 2004)- Appeal Dismissed (December 2004)

* 04/03360/WFULL: Change of use of shop to public house- Application Refused (November 2004)

* 06/02037/WFULL: Change of use from Class 1 Retail to Class 2 Betting Office- Application Permitted with Conditions (September 2006)

* 07/00091/WADV: Installation of externally illuminated fascia and projecting signs- Application Permitted with Conditions (March 2007)

* 07/00160/WFULL: Alterations to shop front and installation of roller shutters- Application Permitted with Conditions (March 2007)

* 07/00852/WFULL: Installation of satellite dish- Application Permitted with Conditions (June 2007)

1.4 Application Process

1.4.1 Given the development site's location within a Conservation Area, this application was advertised in the local newspaper on the 19/09/2024. A site notice was also placed on the exterior of the building on the 21/09/2024. The proposal, due to the opening hours proposed would also constitute a Schedule 3 Bad Neighbour Development, however given an advert was already placed in the local newspaper a further advert was not required in line with Regulation 20 (4) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

1.5 Procedural Matters

1.5.1 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). Under Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in determining the application the planning authority should pay special attention to the desirability of preserving or enhancing the character or appearance of the relevant designated area.

1.5.2 A site visit was conducted by the case officer on the 09/10/2024. The following evidence was also used to inform the assessment of this proposal.

- * Google imagery (including Google Street View and Google satellite imagery), and
- * GIS mapping software.

Given the scale and nature of the proposal, it is considered that the evidence and information available to the case officer is sufficient to determine the proposal.

1.6 Relevant Policies

National Planning Framework 4 (2023)

Policy 7: Historic assets and places

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

Policy 13: Sustainable transport

To encourage, promote and facilitate 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 23: Health and safety

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

Policy 27: City, town, local and commercial centres

To encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

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 6: Town Centres First

Outcome: Thriving town centres in Fife which are hubs of activity in the local community and act as a focus for commercial, leisure, and cultural services.

Policy 10: Amenity

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

Policy 14: Built and Historic Environment

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

National Guidance and Legislation

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997

The Historic Environment Scotland Policy Statement (2019)

Planning Customer Guidelines

Shop Front Design Guidelines

Other Relevant Guidance

Dunfermline Conservation Area Appraisal and Management Plan

2.0 Assessment

2.1 Relevant Matters

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

- Principle of Development
- Design/Visual Impact on the Character and Appearance of the Conservation Area
- Amenity
- Road Safety/Transportation

2.2 Principle of Development

2.2.1 Policy 27 (a) of NPF4 (City, town, local and commercial centres) states that development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported. Moreover, Policy 27 (b) of NPF4 states that development proposals will be consistent with the town centre first approach. Proposals for uses which will generate significant footfall, including commercial, leisure, offices, community, sport and cultural facilities, public buildings such as libraries, education and healthcare facilities, and public spaces will be supported in existing city, town and local centres. Furthermore, Policy 27 (c) of NPF4 states that development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities, particularly in disadvantaged areas.

2.2.2 Policies 1 and 6 of the Adopted FIFEplan (2017) also apply in this respect. Policy 1 Part A of FIFEplan (2017) states that the principle of development will be supported if it is either: a) within a defined settlement boundary and compliant with the policies for the location; or b) in a location where the proposed use is supported by the Local Development Plan. Policy 1 Part B states that development proposals must make town centres the first choice for uses which attract a significant number of people, including retail, leisure, entertainment, recreation, cultural and community facilities, as well as homes and businesses, and accord with the town centres spatial frameworks. Policy 6 stipulates that development proposals including these uses will be supported where they:

1. comply with the sequential approach,
2. comply with the respective uses and roles of the defined network of centres,
3. will have no significant adverse effect on the vitality and viability of town centres and the local economy; and
4. are appropriate for the location in scale and character and will not adversely impact on residential amenity or negatively impact on adjacent uses.

Furthermore, Policy 6 details that within town centres, beyond the core retail areas, a change of use from retail uses will only be supported where it can be demonstrated that active marketing has failed to find a retail use for the premises. In such instances commercial leisure, offices, community and cultural facilities, and residential development will be encouraged.

2.2.3 One neutral comment was received which welcomed the principle of the proposed change of use. The development site is situated within the Dunfermline settlement boundary therefore there is a presumption in favour of development, subject to satisfactory details. Whilst it is acknowledged that Dunfermline received city status in May 2022, in policy terms the proposal would be situated in a town centre location, as defined within the Adopted FIFEplan (2017). Thus, the proposal would comply with the sequential approach. The development site is situated outwith the Core Retail Area and the proposed Class 3 use would be compatible with its surrounds in simple land use terms and would be compliant with the respective uses and roles of the Dunfermline Heritage Quarter, as defined within the Adopted FIFEplan (2017). The proposal seeks to redevelop a longstanding vacant retail unit and the applicant/agent has provided sufficient information to demonstrate that both properties have been actively marketed for retail purposes for a period of at least two years with no success in finding a suitable retail tenant. Therefore, on balance the proposal would have a positive impact on the local economy and the vitality and viability of the town centre. Furthermore, the redevelopment of the existing betting shop would be supported by Policy 27 c) of NPF4 which seeks to limit these types of non-retail uses in town centres and disadvantaged areas due to their associated impact on the wellbeing of communities.

2.2.4 In light of the above, the principle of the proposed change of use would be considered acceptable and would be in compliance with Policy 27 of NPF4 and Policies 1 and 6 of the Adopted FIFEplan (2017). The overall acceptability of any such development must however meet other policy criteria which are considered in detail below.

2.3 Design/Visual Impact on the Character and Appearance of the Conservation Area

2.3.1 Section 64 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and The Historic Environment Scotland Policy Statement (2019) (HEPS) apply in this respect.

2.3.2 Policy 7 of NPF4 (Historic assets and places) seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. More specifically, Policy 7 (d) of NPF4 states that development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

2.3.3 Policy 14 (a) (Design, quality and place) of NPF4 states that development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.

2.3.4 Policies 1, 10 and 14 of the Adopted FIFEplan (2017) and Dunfermline Conservation Area Appraisal and Conservation Area Management Plan (2014) also apply in this respect. Policy 1 Part B states that development proposals must safeguard the characteristics of the historic environment, including archaeology. Policy 10 states that development proposals must demonstrate that they will not lead to a significant detrimental impact on amenity in relation to the visual impact of the development on the surrounding area. Policy 14 stipulates that development which protects or enhances buildings or other built heritage of special architectural or historic interest will be supported. Proposals will not be supported where it is considered they will harm or damage the character or special appearance of a conservation area, and its setting having regard to Conservation Area Appraisals and associated management plans.

2.3.5 Principally the proposal would bring a longstanding vacant unit back into use which in turn would have a positive impact on the visual amenity of Bruce Street and the wider surrounding area. Moreover, the proposal seeks to remove the unauthorised public art installation at number 21 which would be welcomed as this does not comply with Fife Council's Shop Front Design Guidelines. Initially the proposal sought to replace the existing shopfronts with an aluminium framed glazed design, however following discussions with Fife Council's Built Heritage Team the applicant/agent agreed to amend the proposal to include painted timber framed glazing, which would be more traditional in appearance and as such would be in keeping with the character of the conservation area. The proposal also seeks to create a new opening between the existing archways of no.19 to provide a new fire exit. Whilst the retention of the existing doorway within the historic archways would be the ideal solution in this case, it is acknowledged that this opening is required to meet the relevant building regulations and as such Fife Council's Built Heritage Team raised no objections. The proposed flue would also be sufficiently set back from the principal elevation of no.19 and would not project beyond the apex of the roof therefore on balance this would be considered acceptable. Details of the proposed signage have not been provided and would be the subject of a separate application for advertisement consent.

2.3.6 In light of the above, the proposal, as revised, would be considered acceptable and would not have a significant detrimental impact on the character and appearance of the Dunfermline Conservation Area. As such, the proposal would be in compliance with Policies 7 and 14 of NPF4 and Policies 1, 10 and 14 of the Adopted FIFEplan (2017).

2.4 Amenity

2.4.1 Policy 23 (e) (Health and safety) 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; and impacts on the operation of existing or proposed businesses and commercial operations.

2.4.3 Objections received raised concerns regarding the proposals impact on residential amenity in terms of noise and odour generation. As detailed above, the surrounding area is characterised by a mix of commercial land uses at ground floor level including various restaurants/eateries. Therefore, the proposed use would be compatible with its surrounds in simple land use terms. In addition, the proposed hours of operation would be consistent with those of the neighbouring restaurants/eateries and the applicant/agent has submitted an Odour Risk Assessment and Noise Impact Assessment to address the issues raised by objectors. Fife

Council's Environmental Health Public Protection Team was consulted on the proposal and raised no objections subject to the imposition of appropriate conditions to ensure the implementation of the required mitigation measures as outlined within the Odour Risk and Noise Impact Assessments accompanying this application. Therefore, it is considered that any noise/odour resulting from the proposal could be appropriately mitigated and this shall be controlled through the imposition of appropriate conditions. It should also be noted that should any complaints of nuisance arise as a result of the development Fife Council's Environmental Health (Public Protection Team) would be duty bound to investigate.

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

2.5 Road Safety/Transportation

2.5.1 Policy 13 (e) (Sustainable Transport) of NPF4 states that development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

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, utilising the guidance in Making Fife's Places Supplementary Guidance. 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 The development site is situated in a central location and would be located within an appropriate walking distance from both Dunfermline Bus Station and Dunfermline City Train Station. Therefore, the proposal would be accessible via public transport. Moreover, whilst no off-street parking is proposed there is a large public car park (Glen Bridge Car Park) to the rear of the property which patrons of the proposed restaurant could utilise. Fife Council's Transportation Development Management Team was consulted and raised no objections to the proposal.

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

3.0 Consultation Summary

TDM, Planning Services

TDM have no objections to the proposed commercial change of use within the city centre.

Built Heritage, Planning Services

13/12/2024- Awaiting further info

06/01/2025- No further comments/concerns

4.0 Representation Summary

4.1 A total of 9 representations were received: 8 letters of objection and 1 neutral comment. 1 late representation was also received.

4.2 Material Planning Considerations

4.2.1 Neutral Comments:

Issue	Addressed in Paragraph
a. Principal of the proposed change of use	2.2.3

4.2.2 Objection Comments:

Issue	Addressed in Paragraph
a. Impact on residential amenity in terms of noise/odour generation	2.4.3

4.2.3 Other Concerns Expressed

Issue	Comment
a. Impact on the value of the neighbouring residential properties/insurance matters	This is not a material planning consideration.
b. Competition amongst retailers	This is not a material planning consideration.
c. Fire risk	This would be addressed at building warrant stage.

5.0 Conclusions

On balance, the proposal as revised and subject to conditions would be considered acceptable and would be in compliance with Policies 7, 13, 14, 23 and 27 of NPF4 and Policies 1, 3, 6, 10 and 14 of the Adopted FIFEplan (2017).

6.0 Recommendation

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

CONDITIONS:

1. 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. PRIOR TO THE APPROVED USE BECOMING OPERATIONAL, the ventilation scheme hereby approved, including the recommended silencer (R02-2-1500 Fan Specification) and noise mitigation outlined within Table 3 of the Noise Impact Assessment prepared by The Airshed Limited dated the 4th of December 2024 (Document reference number 19) shall be implemented, operational and thereafter maintained for the lifetime of the development unless otherwise agreed in writing with Fife Council as Planning Authority. The total noise from all plant, machinery or equipment shall be such that any associated noise complies with NR 25 in all habitable rooms, when measured within any noise sensitive property, with windows open for ventilation. For the avoidance of doubt, day time shall be 0700-2300hrs and night time shall be 2300-0700hrs.

Reason: In the interests of residential amenity; to ensure noise levels resulting from the proposal are suitably mitigated.

3. PRIOR TO THE APPROVED USE BECOMING OPERATIONAL, the proposed odour mitigation measures outlined within the system specification statement produced by Airco Developments Limited (Document reference number 10) shall be implemented, operational and thereafter maintained for the lifetime of the development unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In order to protect the amenity of neighbouring sensitive receptors.

4. The hours of operation of the development hereby approved shall be restricted to between 12 pm and 10 pm Monday to Sunday, unless otherwise agreed in writing with Fife Council as Planning Authority.

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

7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Lauren McNeil, Planner.

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