

## West and Central Planning Committee

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



Wednesday, 26 March, 2025 - 2.00 p.m.

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### AGENDA

Page Nos.

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

In terms of Section 5 of the Code of Conduct, members are asked to declare any interest in particular items on the agenda and the nature of the interest(s) at this stage.

- 3. MINUTE** - Minute of the meeting of West and Central Planning Committee of 26 February 2025. 4 - 7

- 4. 24/00394/FULL - LAND TO NORTH OF MANSE ROAD CROSSGATES** 8 - 49

Residential Development (191 dwellings) with associated infrastructure including accesses, landscaping, drainage, SUDS and engineering works

- 5. 24/02980/FULL - PILMUIR WORKS PILMUIR STREET DUNFERMLINE** 50 - 59

Erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1, 2, sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access (Section 42 application to amend Condition 21 of 20/00916/FULL relating to car parking)

- 6. 24/01943/FULL - 73A - 73B CAMPBELL STREET, DUNFERMLINE, FIFE** 60 - 67

Erection of security fence, gates and bollards.

- 7. APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

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

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

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

Fife House  
North Street  
Glenrothes  
Fife, KY7 5LT

19 March, 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**

**26 February 2025**

**2.00 pm – 5.10pm**

**PRESENT:** Councillors David Barratt (Convener), David Alexander, John Beare, James Calder, Ian Cameron, Altany Craik, Dave Dempsey, Derek Glen, James Leslie, Carol Lindsay, Derek Noble, Gordon Pryde and Andrew Verrecchia.

**ATTENDING:** Mary Stewart, Service Manager, Major Business and Customer Service, Natasha Cockburn, Planner; Sarah Hyndman, Planner, Lauren McNeil, Planner, Jamie Penman, Planner, Jamie Ure, Planning Assistant, Planning Services; Gemma Hardie, Solicitor and Elona Thomson, Committee Officer, Finance and Corporate Services.

**224. DECLARATIONS OF INTEREST**

Councillor Calder declared an interest in Para. 229 below – 24/02361/ARC – Land to the West of Crossford, Cairneyhill Road, Crossford – as his spouse has expressed a view on the development.

**225. MINUTE**

The committee considered the minute of the meeting of the West and Central Planning Committee of 29 January 2025.

**Decision**

The committee approved the minute.

**226. 24/03028/CON - ECU00004987- CONSULTATION ON APPLICATION TO INSTALL BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE (342MW) AT KINCARDINE POWER STATION SITE, KINCARDINE, FIFE**

The committee considered a report by the Head of Planning Services relating to a consultation under Section 36 of the Electricity Act 1989 for installation of 324MW battery storage and associated infrastructure.

**Decision**

The committee agreed the conclusions set out in the report as the formal position of Fife Council to Scottish Ministers.

Due to a technical issue the Convener varied the sequence of the agenda to take Para 229 below before Paras 227 and 228.

**227. 24/01277/FULL - LAND SOUTH OF PITDINNIE FARM PITDINNIE ROAD CAIRNEYHILL**

The committee considered a report by the Head of Planning Services relating to an application for the erection of 256 residential units with associated engineering, infrastructure, landscaping and open space.

**Decision**

The committee agreed to: -

- (1) approve the application subject to the 22 conditions and reasons detailed in the report;
- (2) the conclusion of a legal agreement to secure the necessary planning obligations, namely:-
  - 25% of the total units on site 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;
- (3) that authority is delegated to the Head of Planning Services, in consultation with the Head of Legal and Democratic Services, to negotiate and conclude the legal agreement; and
- (4) 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 and Democratic Services, to refuse the application.

**228. 24/01432/FULL - LAND SOUTH OF PITDINNIE FARM PITDINNIE ROAD CAIRNEYHILL**

The committee considered a report by the Head of Planning Services relating to an application for the formation of path and open space associated with Cairneyhill Phase 2 (24/01277/FULL) including landscaping, drainage and associated works.

**Decision**

The committee agreed to approve the application subject to the 9 conditions and for the reasons detailed in the report.

*The meeting adjourned at 3.50pm and reconvened at 4.05pm.*

*Councillor Calder left the meeting prior to consideration of the following item having earlier declared an interest.*

**229. 24/02361/ARC - LAND TO THE WEST OF CROSSFORD, CAIRNEYHILL ROAD, CROSSFORD**

The committee considered a report by the Head of Planning Services relating to an application for 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.

**Decision**

The committee agreed to approve the application subject to the 11 conditions and for the reasons detailed in the report.

*Councillor Calder rejoined the meeting following consideration of the above item.*

**230. 24/00406/FULL - COUNCIL DEPOT 6 ELGIN STREET DUNFERMLINE**

The committee considered a report by the Head of Planning Services relating to an application for the erection of 41 no. affordable housing units (18 no. flatted units and 23 no. dwellinghouses with associated access road, parking, external works and SUDS.

**Decision**

The committee noted that as the application is the subject of an objection from a Statutory Consultee, the application would be notified to Scottish Ministers and that should Ministers return the application for determination by the Council, the committee agreed that the application should be approved subject to the 11 conditions and for the reasons detailed in the report.

**231. 24/03072/FULL - TULLOHILL COTTAGE TULLOHILL BRIDGE STREET**

The committee considered a report by the Head of Planning Services relating to an application for 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.

**Decision**

The committee agreed to refuse the application for the reasons set out in the report.

**232. 24/03071/LBC - TULLOHILL COTTAGE TULLOHILL BRIDGE STREET**

The committee considered a report by the Head of Planning Services relating to an application for 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.

**Decision**

The committee agreed to refuse the application for the reasons set out in the report.

*Councillors Glen, Cameron and Calder left the meeting prior to consideration of the following item.*

**233. 24/01826/FULL - 19 AND 21 BRUCE STREET DUNFERMLINE FIFE**

The committee considered a report by the Head of Planning Services relating to an application for change of use from shop (Class 1A) and betting shop (Sui Generis) to restaurant (Class 3) and alterations to shopfronts including installation of flue.

**Decision**

The committee agreed to approve the application subject to the 4 conditions and reasons set out in the report.

**234. APPLICATION FOR PLANNING PERMISSION DEALT WITH UNDER DELEGATED POWERS**

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

Committee Date: 26 March 2025

Agenda Item No. 4

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**Application for Full Planning Permission**

**Ref: 24/00394/FULL**

<b>Site Address:</b>	<b>Land To North of Manse Road Crossgates</b>
<b>Proposal:</b>	<b>Residential Development (191 dwellings) with associated infrastructure including accesses, landscaping, drainage, SUDS and engineering works</b>
<b>Applicant:</b>	<b>Persimmon Homes NS/Mr &amp; Mrs David Orr/Kiersbeath Farms Ltd, Broxden House Broxden Business Park</b>
<b>Date Registered:</b>	<b>7 March 2024</b>
<b>Case Officer:</b>	<b>Scott Simpson</b>
<b>Wards Affected:</b>	<b>W5R07: Cowdenbeath</b>

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**Reasons for Referral to Committee**

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This application requires to be considered by the Committee because the application 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**

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

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## **1.0 Background**

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### **1.1 The Site**

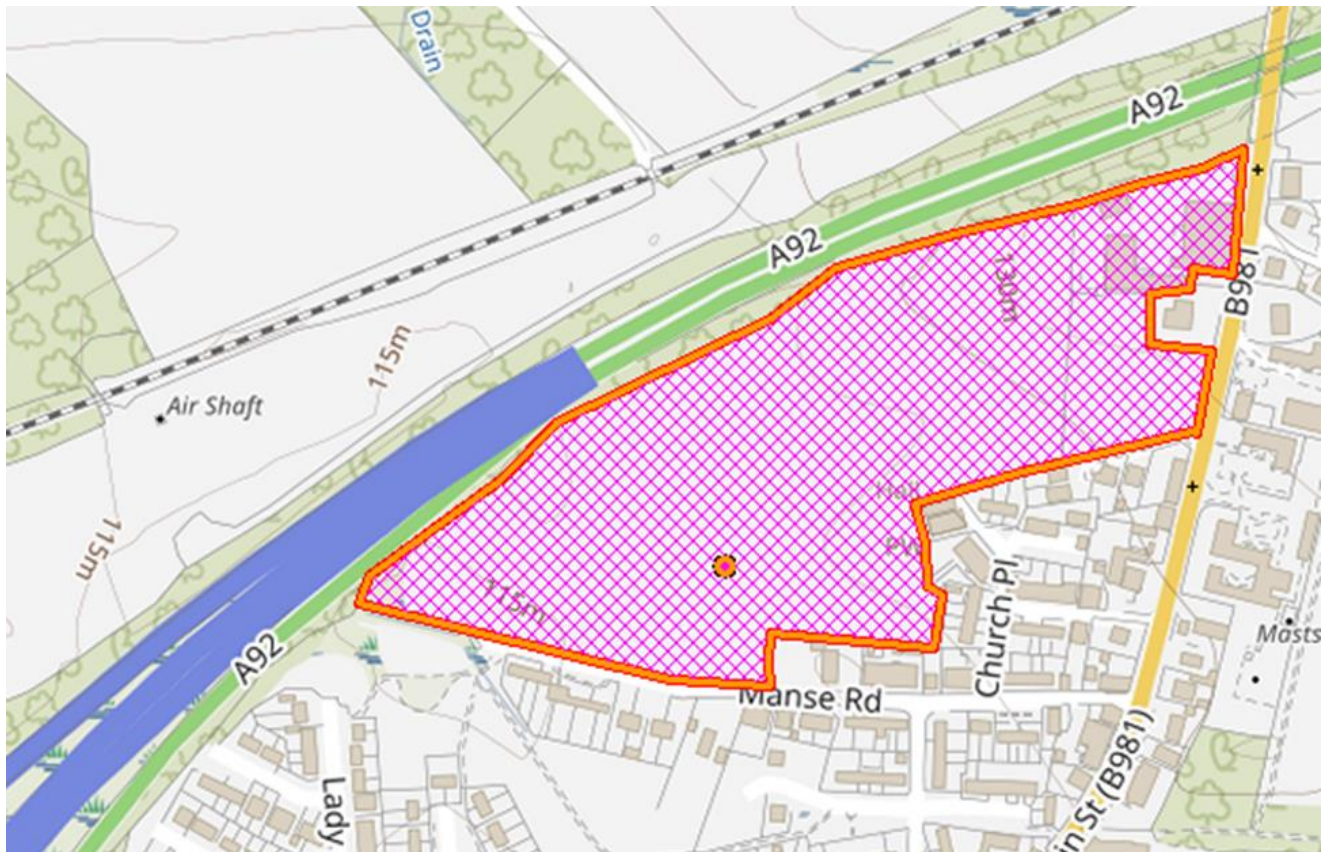
1.1.1 This application relates to a site located to the north of Manse Road, Crossgates which measures approximately 8.7 hectares. The site comprises of an open grassed field area over most of the site along with existing farm buildings (Mains of Beath Farm) located on the north-eastern area of the site. The A92 Trunk Road is located adjacent to the northern boundary of the site and a residential area is located to the south of the site. The site is located within the Crossgates Settlement Boundary and is designated as a Housing Site (CRO002) within the Adopted FIFEplan (2017). The site undulates from a high point of approximately 134 metres AOD at its north-eastern boundary to approximately 104 metres AOD at its south-western limits. The boundary edge of the proposed site has a stand-off distance from the A92 of approximately 40 to 50 metres from the centre of the road. At the north-east corner of the site, the A92 is located below the existing level of the adjacent land, whilst, moving south-west along the boundary, this difference in height decreases to the point where it is approximately at the same



level as the A92 road. A tree belt is located along the northern boundary between the A92 and the site.

1.1.2 The site is located within a coal mining high risk area and is designated as non-prime agricultural land (Classes 3.2 and as a Built-up Area) as per the James Hutton Institute. The northern part of the site is also located within a Major Hazard Pipeline Consultation zone (Mossmorran to Grangemouth Ethane Pipeline). Parts of the site are located within a surface water high and medium flood risk area as per SEPA's flood risk maps.

### 1.1.3 LOCATION PLAN



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## 1.2 The Proposed Development

1.2.1 This application was originally for a residential development of 210 dwellings; however, 5 amended layouts have been submitted to address this Planning Authority's initial concerns, and the number of dwellings was reduced to 191 dwellings. This application, therefore, seeks planning permission for a residential development of 191 dwellings with associated infrastructure including accesses, landscaping, drainage, SUDS and engineering works.

1.2.2 Sixteen different contemporary style housetypes are proposed throughout the site. The dwellings within the site would be a mixture of two storeys and two and a half storeys high. A variety of finishing materials would be utilised throughout the site with a mix of grey coloured brick, grey coloured timber cladding and rendered finishes (Dolomite on White and Glenarm on Magnolia coloured) to elevations, white coloured UPVC framed windows and pitched roofs clad in grey coloured flat concrete tiles. The site would include a mix of properties including terraced, semi-detached and detached properties. Three vehicular accesses to the site (two onto the B981 Main Street Road and one onto Manse Road), pedestrian footpaths and an

internal loop road are proposed. The proposal also includes an active travel route within the site which would connect Manse Road to the B981 Distributor Road.

1.2.3 A mix of boundary treatments are proposed throughout the site including approximately 1.8-metre-high timber fencing to rear gardens and 1.8-metre-high and 2 metre high facing brick walls, hedging and 1.8-metre-high timber fencing above a low-level facing brick wall with facing brick piers along public boundaries. The area of land between the site and the A92 would include a 2-metre-high acoustic fence which would sit atop a bund of varying height. The bund would measure between approximately one metre to 3 metres high along the extent of the northern boundary between the A92 and the site with a constant 2-metre-high acoustic fence located atop this bund. The acoustic fence would be located between approximately 25 and 41 metres to the south of the A92 road and approximately 9 and 30 metres to the north of the proposed dwellings. The acoustic fence at the north-east part of the site does not require to be located on top of a bund due to this existing part of the site being at a higher level than the A92. Soft landscaping around the site would include the planting of a number of native species including trees, shrubs, hedges, wildflower meadows, shrub planting and native bulb planting around the site.

1.2.4 A surface water detention basin is proposed on the western part of the site and this would be approximately 1.6 metres deep and would provide approximately 3540 cubic metres of storage. Filter Trenches and road gullies are also proposed throughout the site along with a series of underground drainage pipes. The detention basin would discharge to the watercourse located at the south of the main site area.

### **1.3 Relevant Planning History**

- A proposal of application notice (22/00700/PAN) was received on 4th March 2022 for a residential development and the consultation process was agreed on 16th March 2022.
- An environmental impact assessment (EIA) screening opinion (22/01203/SCR) was provided by this Planning Authority on 4th July 2022. This advised that an EIA would not be required.
- A Proposal of Application Notice (23/01741/PAN) for residential development and associated infrastructure was submitted on 23<sup>rd</sup> June 2023 and the consultation process was agreed on 6<sup>th</sup> July 2023.
- An EIA Screening Opinion (24/00266/SCR) for proposed residential development and associated infrastructure was provided by this Planning Authority on 21<sup>st</sup> February 2024.

### **1.4 Application Procedures**

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

1.4.2 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 This application would constitute a major development as per Class 2 (Housing) of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 as the

area of the site exceeds 2 hectares and the proposal is for more than 50 dwellings. This application is, therefore, classified as a Major development. The applicant has carried out the required pre-application consultation (23/01741/PAN) and 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.

1.4.4 The proposal would fall under Class 10 (Infrastructure Projects) (b – Urban development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 as it would have a site area which is more than 0.5 hectares. The proposal could, therefore, have an impact that would necessitate the need for an Environmental Impact Assessment (EIA). A formal EIA screening (24/00266/SCR) for this planning application was carried out by this Planning Authority, and taking into account the characteristics of the development, the environmental sensitivity of its location, the characteristics of its potential impact and the relevant EIA screening criteria, it was determined that an EIA would not be required in this instance. It should be noted, however, that this does not negate the requirement to fully assess the potential environmental impacts of the proposal, and several reports carried out by professional consultants have been submitted in support of this application. These include an ecological report, a geo-environmental report and a flood risk assessment and drainage strategy report.

1.4.5 A physical site visit was undertaken for this application on 17<sup>th</sup> March 2025. All other necessary information has been collated digitally, and drone footage was also produced in May 2024 to allow the full consideration and assessment of the proposal.

1.4.6 This application was advertised in The Courier newspaper on 21<sup>st</sup> March 2024 for neighbour notification purposes and on 5<sup>th</sup> December 2024 for neighbour re-notification purposes. Neighbour notification letters were also sent out to all physical premises within 20 metres of the application site boundary on 12<sup>th</sup> March 2024 and neighbours and objectors were then re-notified on 25<sup>th</sup> November 2024. The re-notification of neighbours and objectors/supporters was carried out due to the submission of an amended site layout.

## **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 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 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 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.

#### Policy 31: Culture and creativity

To encourage, promote and facilitate development which reflects our diverse culture and creativity, and to support our culture and creative industries.

### **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 because of the development so that community's 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. This policy also relates to development within the consultation distance of a hazardous installation including pipelines.

#### Policy 7: Development in the Countryside

Outcome: A rural environment and economy which has prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality. This policy also deals with the loss of prime agricultural land.

#### 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.

### **National Guidance and Legislation**

#### PAN (Planning Advice Note) 1/2011

This PAN provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. It also advises that Environmental Health Officers should be involved at an early stage in development proposals which are likely to have significant adverse noise impacts or be affected by existing noisy developments.

#### Circular 3/2012: Planning Obligations and Good Neighbour Agreements

This circular requires that planning obligations meet all the five tests as set out in 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.

### **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. This guidance also set out 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**

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

This guidance sets out that unacceptable impacts on light to nearby properties should be minimised and preferably avoided.

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

This guidance advises that clear glazed windows should be set 9 metres off a mutual garden boundary where there is a potential for overlooking to the garden of the neighbouring property.

#### Fife Council's Planning Customer Guidelines on Garden Ground (2016)

This guidance advises that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space, whilst new flats should be set in or have at least 50 square metres of private garden for each flat. This does not include space for garages, parking or manoeuvring vehicles. The guidance also advises that the recommended plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area. This guidance also advises that if there is a road or pavement between buildings then the required 18 metres privacy distance can be reduced and lesser distances may be accepted for windows opposite each other, but which are at different heights to each other.

#### Fife Council's Minimum Distance between Windows Guidance (2011)

This guidance advises that there should be a minimum of 18 metres distance between windows that directly face each other, however, this distance reduces where the windows are at an angle to each other.

Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

This guidance provides advice to all stakeholders involved in the planning process in relation to flooding and surface water management requirements.

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Loss Of Prime Agricultural Land
- Design and Layout/Landscape and Visual Impact
- Residential Amenity
- Garden Ground
- Transportation/Road Safety
- Flooding and Drainage
- Contaminated Land/Land Stability
- Air Quality
- Natural Heritage
- Low Carbon, Sustainability and Tackling the Climate and Nature Crises
- Community and Economic Benefit
- Hazardous Safeguarding Zone
- Affordable Housing
- Infrastructure and Planning Obligations including Education, Strategic Transport Interventions, Open Space and Play Areas and Public Art
- Waste Management
- Archaeological Impact

### **2.2 Principle of Development**

2.2.1 Policies 1 and 16 of NPF4 and Policies 1 and 2 of the LDP apply.

2.2.2 Objections to this application state that there would be a loss of greenspace and more bungalows are required on site.

2.2.3 The site is designated within the LDP as a 'Housing' site (CR002) with an estimated capacity of 200 dwellings. The allocation sets out the following development requirements should be submitted and included within any future application for full planning permission:



- Transport Assessment, whilst two points of vehicular access are required.
- A noise impact assessment report (NIA) carried out by a suitably qualified acoustic consultant. The NIA should assess the impact of road noise from the A92 and should set out any required mitigation measures that may be required to reduce the noise impact to acceptable levels within external and internal areas. The proposed layout and design of the development should take into account the findings of the NIA.
- A flood risk assessment (FRA) with the design of proposal taking the findings of the FRA into account.
- Provide a robust, high-quality landscape edge along that side of the site that adjoins the A92. The amenity buffer shown on the proposals map is indicative. A wider buffer may be required to ensure an adequate standard of residential amenity.
- Development requires to take account of the presence of a safeguarded hazard pipeline route to the north of the site.

The LDP also identified Green Network Priorities for the site, and these include:

- Deliver an active travel connection (walking and cycling) through the site to connect Lady Anne Court to the north part of Main Street, providing good access from the development to Halbeath Park and Ride and Hill of Beath.
- Consider the appropriateness of an off-site contribution at the planning application stage to enhance the quality of the Manse Road/Westfield greenspace, immediately south of the site; including enhancing the riparian corridor along the Mowbray Burn and improving the setting of the path that connects to Crossgates town centre.

2.2.4 In terms of the above allocation requirements, the submission includes a Transport Assessment, and two points of vehicular access have been provided. It also includes a flood risk assessment, a noise impact assessment and the development takes account of the presence of the safeguarded pipeline to the north. Active travel connections are also being provided through the site to connect Lady Anne Court to the north part of Main Street and the development aims to provide good access from the development to Halbeath Park and Ride and Hill of Beath. The submitted site plan also shows a landscape edge and amenity buffer between the site and the A92, whilst a contribution will also be made towards the open space area to the south-west of the site. These matters along with the acceptability of the proposal are assessed in detail within later sections of this report of handling.

2.2.5 The site is located within the Crossgates Settlement Boundary as designated with the LDP, would provide housing development on an allocated housing site (CRO002) and would comply with the submission requirements contained within this allocation. The principle of this residential development would, therefore, be acceptable in this instance. The overall acceptability of such a development must, however, also meet other policy criteria and these issues are considered in detail below.

## **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 state that the proposal would result in the loss of prime agricultural land.

2.3.3 The land within the site is designated as non-prime agricultural land (Classes 3.2 and as a Built-up Area) as per the James Hutton Institute. The proposal would, therefore, result in the loss of no prime agricultural land and would comply with the Development Plan in this respect.

## **2.4 Design and Layout/Landscape and 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. The LDP allocation requires that the development should provide a robust, high-quality landscape edge along the side of the site that adjoins the A92. The allocation also requires that the proposal should deliver an active travel connection (walking and cycling) through the site to connect Lady Anne Court to the north part of Main Street, providing good access from the development to Halbeath Park and Ride and Hill of Beath.

2.4.2 Objections state that the proposal would alter the character of the village and would result in overdevelopment of the site, whilst the proposal would be out of keeping with the heights of surrounding development. They also state that the proposed buildings are of low quality, visual amenity will be lost and that the proposal would have a detrimental impact on landscape and would not be in keeping with the traditional style dwellings in the area.

2.4.3 Fife Council's Urban Design Officer (UDO) and other consultees initially raised concerns regarding the proposed site layout and the agent has submitted amended layouts during the assessment of this application to address these concerns. (to be updated).

2.4.4 A Design and Access Statement (DAS) and various drawings have been submitted which include contextual drawings, photographs and visualisations along with sections through the site and elevation drawings which demonstrate how the proposal would sit on the site in relation to the surrounding area and adjacent buildings. The DAS undertakes a review of the Development Plan requirements, the existing site context and constraints and advises that the concept of place-making and creating a successful place has been at the heart of the emerging proposals. The DAS also considers that the site is well located to deliver the policy outcome of local living and 20-minute neighbourhoods, and it considers that the development would be delivered as a healthy, sustainable and resilient place. The DAS advises that the proposal would display an urban grain that would be coherent with the existing settlement pattern of the newer suburbs of the village to the east and west of Main Street, whilst the proposed makeup of two and two-and-a-half storey homes would be in keeping with the local vernacular. The DAS concludes that the proposal would provide a high quality, locally responsive, and design-led residential extension to Crossgates which would meet the requirements contained within the Development Plan to provide a development which would meet the six qualities of a successful place.

2.4.5 In terms of the design and materials of the proposed houses, sixteen different contemporary style housetypes are proposed throughout the site and these are attractively designed with varied detailing. The dwellings within the site would be a mixture of two storeys and two and a half storeys high. A variety of finishing materials would also be utilised throughout the site with a mix of grey coloured brick, grey coloured timber cladding and rendered finishes (Dolomite on White and Glenrarm on Magnolia coloured) to elevations, white coloured UPVC framed windows, and pitched roofs clad in grey coloured flat concrete tiles. The site would include a mix of properties including terraced, semi-detached and detached properties. These finishing materials and style of dwellings are considered appropriate within the context of the surrounding area where neighbouring properties also utilise similar finishing materials. The proposal also details active street frontages, enhanced gables onto public areas and corner properties which would incorporate dual frontages. The application would,

therefore, result in a proposed scheme that would integrate well with and would respect the character and appearance of the existing and proposed neighbouring residential developments, whilst the proposed finishing materials would be visually appropriate within the context of the surrounding area. This would also help to create a place that is a pleasant, welcoming and distinctive place to live.

2.4.6 The agent has submitted cross sections and visualisations which demonstrate that the building heights would sit comfortably within the site and would relate well to the surrounding area. The heights of the proposed buildings would, therefore, be appropriate at this location. The submitted sections, visualisations and site layout drawings also demonstrate that the proposal utilises the topography of the site and the differing housetype heights to ensure that the building heights are varied along streets, whilst some dwellings are pulled closer to the road than others to create a sense of enclosure and varied interesting building lines. This variation to the layout, heights, materials and different housetypes proposed throughout the overall site, would ensure that the development provides a visually interesting and distinctive place. The proposal would be in keeping with the scale, massing and layout of the existing built form adjacent to this location and would be an appropriate form of development which would sit comfortably within the site and would respect and enhance the visual amenity of the surrounding area. A mix of off-street parking and parking courts combined with the varied building lines and house types also helps to create elements of interest within the development. The proposed density of the development would also be acceptable when taken within the context of the surrounding area and the size of the plots.

2.4.7 The proposed hard and soft landscaping along with active travel routes would be of high quality and the proposed areas of open space and landscaped areas would help soften the visual impact of the development and would make it a welcoming place in terms of open green spaces, whilst, the proposed 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 place which would be welcoming for visitors to the site. The proposed open space, parking areas and footpaths within the site are also overlooked by surrounding buildings and the development would include active frontages and dual frontages on corner plots providing informal surveillance and a sense of safety throughout the site which would create a safe and pleasant place to live. The proposed soft landscaping would also contribute to biodiversity and this matter is further assessed under section 2.11.5 (Biodiversity Enhancement) of this report of handling.

2.4.8 A mixture of boundary treatments are proposed throughout the site including approximately 1.8-metre-high timber fencing to rear gardens and 1.8-metre-high facing brick walls, hedging and 1.8-metre-high timber fencing above a low-level facing brick wall with facing brick piers along public boundaries. The area of land between the site and the A92 would also include an acoustic fence which would sit atop a bund of varying height. The bund would measure between approximately one metre to 3 metres high along the extent of the northern boundary between the A92 and the site with a constant 2-metre-high acoustic fence located atop this bund. This is required to ensure that the noise levels within the site are acceptable mitigating the impact of road noise from the A92 and this matter is fully assessed under section 2.5.3 (Noise) of this report of handling. Cross sections showing the proposed bund and fence in relation to the A92 road and the proposed dwellings have been submitted, and these demonstrate that the visual impact and height of the proposed bund and fence would be visually acceptable at this location. The existing tree belt along the northern boundary and the proposed landscaping will also help to screen the bund and fence. The majority of high timber fencing would be located around rear garden ground boundaries which do not face public streets, whilst public facing boundaries would utilise hedgerows, walls or fencing atop low-level walls with brick piers. The proposed boundary treatments within rear gardens and along public facing boundaries would be visually acceptable and in keeping with the surrounding area.

2.4.9 Three vehicular accesses to the site, pedestrian footpaths and an internal loop road are proposed which creates an integration and connection with the existing residential area and the public open space area to the south-west of the site. The proposal also includes an active travel route within the site which would connect Manse Road to the B981 Distributor Road and the applicant has committed to providing an upgrade and/or provision of an active travel route from Manse Road to Lady Anne Court and then from Lady Anne Court to the A92. This would be in compliance with the LDP allocation requirement for active travel as set out in section 2.4.1 above. The proposal, therefore, includes multiple points of pedestrian/cycle accesses which would integrate the development into the existing urban structure and movement routes and the street widths vary throughout the site whilst there are distinctive movement junctions and edges formed by green spaces and overlooked by active building frontages which would ensure that the development is easy to move around and safe and pleasant to be in. The matters relating to connectivity and access into the site are also further assessed under section 2.7 (Road Safety) of this report of handling.

2.4.10 There are proposed dwellings located across from the proposed bund and acoustic fence. Fife Council's Urban Design officer raised concerns regarding this matter as they do not consider that the dwellings should face onto the bund and fence and be in such close vicinity to this area. They suggested that these dwellings could either be turned around so that rear gardens would face onto the bund and fence or be moved further away from this if possible. The matter relating to turning the plots around so that the rear gardens would face the bund was investigated, however, this would then result in difficulties achieving adequate noise levels in the rear gardens due to the vicinity of the A92 distributor road. Sections and visualisation drawings were then submitted with regards to this matter, and these show the proposed dwellings in relation to the proposed acoustic fence and bund. The proposed dwellings would be located between approximately 14 and 21 metres to the south of the edge of the bund and between approximately 18.5 and 30.5 metres to the south of the acoustic fence which sits atop this bund. A road, active travel route and landscaped areas are also located between the houses and the bund. It is considered that the submitted sections and visualisations demonstrate that the proposed layout which includes these dwellings facing towards the bund would be acceptable, in this instance, with the bund and fence having no significant impact on the outlook of these dwellings. High quality soft landscaping will also be proposed along this bund to soften the impact of this. It is considered that whilst the proposed landscaping in the overall site would be acceptable the proposed landscaping of the bund could be further improved and should be of a high quality due to the outlook of the proposed dwellings facing this area and the active travel route which runs parallel to it. A condition requiring the submission of updated landscape details in relation to this matter is, therefore, recommended.

2.4.11 The proposal is also well contained within the site and is surrounded by residential buildings to the south, west and east. It is considered that the proposed dwellings, which would be between two and two and a half storeys high would be viewed within the context of the existing surrounding residential area and would have no further significant impact on the site or surrounding landscape when viewed from the public roads located within Crossgates or when viewed from the A92. There is also an existing tree belt located between the northern boundary of the site and the A92, whilst further planting is proposed along this area which would help further soften the impact of the development. The proposed landscape impact of the proposal would, therefore, be acceptable and there would be no significant detrimental impact on the landscape character of the area.

2.4.12 In conclusion, the proposal would provide an attractive, welcoming, high-quality development through a varied layout and mix of property types and the height, massing, roofline and other detailing is considered to respect the character and appearance of the surrounding built environment. The proposal overall would, therefore, result in a development which would

provide a positive visual contribution to this area, and which would comply with the six qualities of a successful place as set out within the Development Plan. The proposal overall would, therefore, comply with the Development Plan in this respect and would be visually acceptable.

## **2.5 Residential Amenity including noise, daylight/sunlight, privacy levels, construction disturbance and garden ground.**

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, Dormer Extensions and Garden Ground, Fife Council's Minimum Distance between Windows Guidance and Fife Council's Policy for Development and Noise apply. The LDP allocation requires that a noise impact assessment report be submitted which assesses the impact of noise from the A92 and it advises that an amenity buffer will be required.

2.5.2 The majority of neighbouring existing dwellings would be located to the south of the proposal apart from 3 to 19 Church Place which would be located to the east of the proposal and Mains of Beath Farmhouse which would be located to the north and east of plots 170 to 177. The distance between the proposed dwellings and existing dwellings would measure between approximately 18.2 and 38.9 metres with most of the proposal being located more than 20 metres away from existing dwellings. The only dwellings which would be less than 18 metres apart from existing dwellings would be plots 9, 10 and 35. Plots 9 and 10 would be located to the north of 4 John Wood Place at a distance of approximately 12.5 and 13.3 metres respectively, whilst plot 35 would be located approximately 14.6 metres to the west of the building at 3 Church Place.

### **2.5.3 Noise**

2.5.3.1 Objections state that the proposal would result in a detrimental noise impact, and this would have a detrimental impact on mental health.

2.5.3.2 The proposal would be a wholly 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 A92 distributor road runs parallel to the northern boundary of the application site and the LDP allocation requires that a noise impact assessment (NIA) be submitted to assess the impact of road noise from the A92, whilst any mitigation measures required should be set out in this report. The proposed dwellings would be located between approximately 32 and 65 metres to the south of the A92 Road. A NIA has been submitted, and this sets out the background and site context, the assessment methodology used and its findings in relation to the impact of road traffic noise. It also sets out a series of required mitigation measures to ensure that the required internal and external noise levels for each dwelling are achieved. The NIA advises that detailed iterative studies have confirmed that a barrier of variable height (a maximum of 5 metres to apex) will be required to ensure that principal gardens can achieve levels of road traffic noise equivalent to 55dB LAeq,16h or less. The NIA also sets out the composition of the barrier and it states that the future topography of the site in the north-east area means that the source of road traffic noise remains significantly below the future finished floor height of the closest proposed dwelling. As such, there would be no requirement for a complex barrier in this area with a 2-metre-high fence being sufficient. Other acoustic mitigation measures in the form of acoustic barriers along some garden boundaries will also be required.

2.5.3.3 The findings of the NIA demonstrate that with the proposed mitigation measures in place all proposed dwellings would experience noise levels of less than 55dB LAeq, 16h with the majority of dwellings predicted to achieve 50dB LAeq,16 or less in rear garden ground areas.

The NIA findings also show that a proportion of habitable rooms closest to the A92 will require to have appropriately specified mitigation (glazing and background ventilation) incorporated into the design to allow windows to be closed to limit road traffic noise ingress. All other habitable rooms throughout the development will meet the required internal noise levels with windows partially open for ventilation. The NIA concludes that providing that mitigation measures meet the minimum standards set out in the NIA report then the proposal will meet the requirements of Fife Council in accordance with the relevant Scottish Government guidance.

2.5.3.4 Fife Council's Environmental Health Public Protection team (PPT) advise that they agree with the methodology used and the findings of the noise report, whilst they also agree that the proposed mitigation measures would reduce any noise impact from the adjacent road to acceptable levels. They, therefore, have no objections to the proposal.

2.5.3.5 The proposed implementation of a closed window solution for the dwellings nearest the A92 would be acceptable if the proposal meets the 'exceptional circumstance' criteria as contained within Fife Council's Policy for Development and Noise. The proposal would provide for the development of an allocated housing opportunity site, whilst, providing a well-designed development which incorporates the principles set out in Making Fife's Places and Designing Streets and would therefore meet the 'exceptional circumstance' criteria,

2.5.3.6 The submitted NIA has demonstrated that the proposal with the proposed mitigation measures in place would not be significantly impacted upon as a result of road noise. A condition relating to this matter is recommended and this would also require that the recommended mitigation measures are carried out in full before the development is occupied. The proposal subject to conditions would therefore comply with the Development Plan in this respect and would be acceptable in terms of noise impact.

## 2.5.4 Daylight/Sunlight

2.5.4.1 Objections state that the proposal would result in overshadowing at 32A Manse Road and would result in the loss of daylight for existing dwellings in the area.

2.5.4.2 The proposed dwellinghouses would have no significant impact on the sunlight levels experienced by other existing 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 majority of proposed dwellinghouses would also have no significant impact on the daylight levels experienced by other existing residential dwellings due to the distances involved and as the buildings would not directly face existing neighbouring windows. Some plots do, however, directly face neighbouring windows and Fife Council's Planning Customer Guideline on Daylight and Sunlight advises that a 25-degree daylight assessment should be carried out where neighbouring windows would directly face a development. A 25-degree daylight assessment has been carried out for the potentially affected properties which lie adjacent to plots 12 to 14 and 35 to 41 and all of the dwellings including 32A Manse Road would pass this assessment. The proposal would, therefore, have no significant impact on the daylight levels experienced by neighbouring properties. 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.

## 2.5.5 Privacy Levels

2.5.5.1 Objections state that the proposal would result in a loss of privacy for the surrounding area, whilst it would also result in overlooking.

2.5.5.2 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. Fife Council's Minimum Distance Between Windows Guidance advises that the minimum distance between windows should be no less than 18 metres, however, this distance can be reduced where windows are at an angle to each other.

2.5.5.3 The minimum 18 metre window to window distance would be complied with for most of the existing and proposed properties with these distances measuring between approximately 18.2 and 38.9 metres, with the majority of dwellings being located more than 20 metres away from existing dwellings. The only proposed dwellings which would be less than 18 metres apart from existing dwellings would be within plots 9, 10 and 35. Plots 9 and 10 would be located to the north of 4 John Wood Place at approximately 12.2 and 13.3 metres respectively, whilst plot 35 would be located approximately 14.8 metres to the west of the building at 3 Church Place. There would, however, be no significant impact on the privacy levels experienced by 4 John Wood Place, in terms of window-to-window distances, as the proposed dwellings on plots 9 and 10 would face a small single window located on a gable end which serves a non-habitable room. The proposed dwelling on plot 35 would also have no significant impact on the privacy levels of 3 Church Place as the gable end of this proposed property would face the existing dwellings and this would include only one window which would serve an en-suite and would be obscurely glazed. A condition is also recommended requiring that any window serving the en-suite of Plot 35 shall be obscurely glazed for the lifetime of the development, whilst no other windows should be installed on this gable end without the written agreement of this Planning Authority. The proposal subject to conditions would, therefore, have no significant impact on the surrounding area in terms of the resultant window to window distances. All proposed plot layouts have also been designed to ensure that the window-to-window distances between the proposed dwellings would be acceptable in terms of the relevant Fife Council Guidance including Fife Council's Minimum Distance Between Windows and Fife Council's Garden Ground Guidance.

2.5.5.4 The nearest neighbouring residential garden ground areas would be located at 44 Manse Road (approximately 4.7 metres to the east of the gable end of plot 49), 3 Church Place (approximately 5 metres to the east of the gable end of plot 35) and 27 to 29 Church Place (approximately 8.6 metres to the south of the proposed dwelling on plot 12). All other neighbouring residential garden ground boundaries would be located between approximately 9.5 and 18.9 metres away from the proposed dwellings. The proposed dwellings on plots 35 and 49, would have no significant impact on 44 Manse Road or 3 Church Place in terms of overlooking as the proposed windows on these gable ends would be obscurely glazed and a condition is also recommended requiring that any window serving the en-suite of Plot 35 and the hall of plot 49 on these gable ends shall be obscurely glazed for the lifetime of the development, whilst no windows should be installed on these gable ends without the written agreement of this Planning Authority. The proposed dwellings on plots 12 to 14 would also have no further significant impact on the dwellings at plots 27 to 29 Church Place as these existing garden ground areas are already overlooked by neighbouring dwellings.

2.5.5.5 The proposal subject to the conditions mentioned above would, therefore, have no further significant impact on the privacy levels of the surrounding area, in terms of overlooking, due to the distances involved between neighbouring residential properties and the proposed.

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 subject to conditions would, therefore, be acceptable and would comply with the Development Plan and relevant Guidance in this respect.

## 2.5.6 Construction Impacts

2.5.6.1 Objections state that the proposal would result in noise during the construction process and that there would be a detrimental impact on the road due to construction traffic.

2.5.6.2 A construction environmental management plan (CEMP) has been submitted, and this sets out how construction works would be carried out on site taking into account the site context and surrounding neighbours. This includes methods to reduce dust, noise and vibration and the measures which will be implemented to prevent any potential future environmental incidents. The CEMP also sets out that deliveries would be carried from 8 am to 4.30 pm, Monday to Friday, whilst construction working hours would be restricted to Monday to Friday from 8 am to 6 pm and on a Saturday from 8 am to 1 pm with no working on Sundays or Public Holidays.

2.5.6.3 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. The submitted construction environmental management plan is also considered to be acceptable. There would, therefore, be no significant impact on the surrounding area due to any associated construction works. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

## 2.5.7 Light Pollution

2.5.7.1 Objections state that the proposal would result in light pollution including light intrusion from cars onto John Wood Place.

2.5.7.2 It is considered that as the proposal is for a residential development on a site which is surrounded by residential development on three sides and as the proposal would not result in any further significant light pollution when compared to the existing surrounding residential area that there would be no further significant impact on the surrounding area as a result of light pollution from the proposal. The proposal would therefore be acceptable and would comply with the Development Plan in this respect.

2.5.8 The proposal subject to conditions would, therefore, have no significant impact on the surrounding area in terms of daylight/sunlight, privacy, light pollution or construction impacts. The proposal has also been designed to ensure that the proposed plots would be acceptable in terms of these overall residential amenity impacts. The proposal, would, therefore, be acceptable in terms of its overall amenity impacts and would comply with the Development Plan in this respect.



## 2.6 Garden Ground

2.6.1 Policies 14 and 20 of NPF4, Policies 1, 10 and 14 of the LDP and Fife Council's Planning Customer Guidelines on Garden Ground apply. Fife Council's Garden Ground guidance states that all new detached and semi-detached dwellinghouses should be served by a minimum of 100 square metres of private useable garden space, whilst new flats should be set in or have at least 50 square metres of private garden for each flat. This guidance does not set out a recommended minimum size for terraced properties. The guidance also advises that the recommended plot ratio may be relaxed where proposals are of outstandingly high quality, in terms of their overall design, layout and density or where the layout is in keeping with the surrounding area.

2.6.2 Eighty-eight of the proposed dwellinghouses would have garden ground areas which meet or exceed the recommended 100 square metres of garden ground with these dwellings having gardens which measure between approximately 100 and 230 square metres. The other ninety-five dwellinghouses would have gardens measuring between approximately 55 and 99 square metres. The majority of plots which have less than 100 square metres of garden ground area are, associated with terraced (15) or semi-detached dwellings (60) with the terraced dwellings having between 38 and 91 square metres of garden ground area and the semi-detached dwellings having between 55 and 98 square metres of garden ground area. Twenty detached dwellings also do not meet the recommended 100 square metres of garden ground area, however, 12 of these would have between 80 and 100 square metres of garden ground, whilst, the other eight dwellings would have between 57 and 76 square metres. The proposed affordable dwellings within the site would include eight flatted dwellings and two semi-detached dwellings. The proposed flatted dwellings would each have between 41 and 45 square metres of useable garden ground area, whilst, the two semi-detached dwellings would have between approximately 67 and 69 square metres of useable garden ground areas.

2.6.3 In this instance, it is considered that a reduction in the recommended garden ground area standard would be acceptable for these 95 plots as 75 of these dwellings are either semi-detached or terraced properties and this would also offer choice to those buyers who wish to have a smaller garden ground area. All of the dwellings within the site would also have access to the existing open space and play facilities to the south-west of the site along with the open space areas which are proposed within the site. The proposed layout is also in keeping with the prevailing pattern of development at this location where there are a number of dwellings within the area which have varied garden ground sizes including existing dwellings which have less than 100 or 50 square metres of garden ground. The proposed garden ground area provision would, therefore, be acceptable in this instance.

## 2.7 Transportation/Road Safety

2.7.1 Policies 1, 13, 14, 15 and 18 of NPF4, Policies 1, 3 and 14 of the LDP and Making Fife's Places Supplementary Guidance apply. The LDP allocation requires that a Transport Assessment is submitted and that two points of vehicular access are provided. In addition, the allocation requires an active travel connection (walking and cycling) through the site to connect Lady Anne Court to the north part of Main Street, providing good access from the development to Halbeath Park and Ride and Hill of Beath.

2.7.2 Objections state that the proposal would result in detrimental road safety impacts including route 2 not being a safe walking route to school. They also advise that the proposal would result in congestion, would have a detrimental impact on parking within the area and that the current road infrastructure is not suitable for an increase in traffic with the road not being able to cope with the additional volume of traffic. They further consider that the proposed accesses are

inadequate and will not be safe, whilst there is not enough parking for houses and there will be a detrimental impact on road surfaces. An objection also queries why there are three accesses when other developments include cul-de-sac. The Community Council have also queried what the routes will be for construction traffic.

2.7.3 A Transport Assessment (TA) has been submitted in support this application, and this carries out an assessment for 260 dwellings on the site. The TA considers person trips, not car trips and covers access by all modes of transport - walking, cycling, public transport, and private cars, to demonstrate how the site could be developed to encourage the use of sustainable modes of transport and can be designed in accordance with Making Fife's Places Supplementary Guidance. The TA advises that several local amenities are within 800 metres walking distance including the village centre facilities, Crossgates Primary School and bus stops on the B981 and B925. The TA advises this demonstrates the proposal's compliance with the development of 20- minute neighbourhoods as required by Policy 15 of NPF4. The LDP requires that development on the site should deliver an active travel connection (walking and cycling) through the site to connect Lady Anne Court to the north part of Main Street, providing good access from the development to Halbeath Park and Ride and Hill of Beath. The TA advises that it does not consider that this is fully justified and further negotiation regarding these matters should take place during the live planning application process.

2.7.4 The TA has carried out a travel demand estimate for the development, and this demonstrates that the proposal would generate some 282 two-way people trips (152 two-way vehicle trips) in the AM peak and 255 two-way people trips (137 two-way vehicle trips) in the PM peak with 78% of the trips being distributed via the B925 West (Crossgates Roundabout). Most trips would utilise the proposed vehicular access from the B981, but to provide a robust assessment the TA assumes that 5% of the trips would use Manse Road and 5% would use Old Hillview Place. The TA also carried out a traffic impact assessment of the trips generated by the proposal on the following junctions:

- B981 Main Street/B925 Signalised Junction
- B981 Main Street/B925 Springhill Brae/ B981 Inverkeithing Road junction
- Old Hillview Road, B925 Dunfermline Road junction
- Manse Road/B981 Main Street junction
- Site Access 1/ B981 Main Street junction
- Site Access 2/ B981 Main Street junction

2.7.5 The TA tests six scenarios including 2022 AM and PM peak hour; 2026 AM and PM peak hour; and 2026 AM and PM peak hour plus development trips. The TA concludes that all arms of the existing and proposed junctions would operate within practical capacity in all scenarios and considers that the development could adequately be accommodated at these junctions and the local road network with no impact on their capacity or safe operation.

2.7.6 Fife Council's Transportation Development Management team (TDM) initially objected to the proposal as off-site active travel improvements in line with the LDP allocation requirement to deliver an active travel connection (walking and cycling) through the site to connect Lady Anne Court to the north part of Main Street, providing good access from the development to Halbeath Park and Ride and Hill of Beath had not been provided. Further negotiation with the developer during the assessment of the planning application has resulted in the developers agreement to provide the required off-site active travel routes. As a result, TDM advise that that they now agree that the proposal will be accessible by sustainable modes of travel, would integrate well with the existing transport network and would have a negligible impact on the existing road network. TDM, therefore, has no objections to the proposal subject to conditions relating to

road safety matters, the provision of the active travel routes, visibility splays at junctions, wheel cleaning facilities and off-street parking provision.

2.7.7 Transport Scotland was consulted and has no objections to the proposal subject to a condition requiring that no drainage connections shall be made to the trunk road drainage system. A condition is recommended regarding this matter.

2.7.8 The findings of the TA are accepted, in this instance, and it is considered that the proposed site layout has generally been designed in accordance with Making Fife's Places Supplementary Guidance. The proposal would include multiple points of pedestrian/cycle access to the south and east including two accesses onto the B981 Main Street Road, one access onto Manse Road and multiple pedestrian accesses to the south and east which would ensure the integration and connectivity of the development with the surrounding area. These accesses can also provide the required visibility splays which would be controlled through a condition. The movement routes and the street widths vary throughout the site and the proposal includes sufficient off-street parking to accommodate the development. An active travel route would also be provided through the site connecting the B981 with Manse Road, whilst an off-site active travel route between Manse Road, Lady Anne Court and the A92 would also be provided/upgraded all in line with the LDP allocation requirements with this matter being controlled through conditions. The submitted information has, therefore, demonstrated that there would be no significant impact on the surrounding area in terms of road safety and the submitted drawings also 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 an acceptable amount of parking on site. The proposed development subject to conditions would, therefore, provide the required transport measures to minimise and manage future levels of traffic generated by the proposal and would be acceptable in this regard.

## **2.8 Flooding and Drainage**

2.8.1 Policies 1, 2, 18, 20 and 22 of NPF4, Policies 1, 3 and 12 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 Objections state that the proposal would have a detrimental impact on the existing drainage system and water pressure, whilst it would also result in a flood issue at the site and surrounding area.

2.8.3 A flood risk assessment (FRA) and a Drainage Strategy Report (DRA) have been submitted in support of this application. The FRA states that the Mowbray Burn flows adjacent to the southern site boundary in a westerly direction, whilst parts of the site are at risk of surface water flooding. The flood risk from these sources is fully assessed within the FRA and the FRA modelling predicts some limited flooding at the south-western corner of the site. It recommends that all built development should be located outwith the 1 in 200 year plus climate change plus blockage flood extent areas with recommendations for buffer zone and finished floor areas provided within the report. The proposed built development would be located outwith the flood risk extent areas. The FRA also advises that the surface water within the site could be fully managed through the design of an acceptable surface water management scheme.

2.8.4 SEPA was consulted and advises that they agree with the methodology used and the findings of the submitted FRA, therefore, they have no objections to the proposal.

2.8.5 The DRA advises that it should be read in conjunction with the relevant drainage drawings and the submitted FRA. The DRA further advises that the intended discharge location for surface water is to the watercourse at the south of the main site area, at an attenuated flow and after an appropriate SUDS treatment train. Attenuation for the surface water would be provided by a detention basin located at the western part of the site and this would be approximately 1.6 metres deep and would provide approximately 3540 cubic metres of storage. Filter Trenches and road gullies are also proposed throughout the site along with a series of underground drainage pipes. The submission also advises that the proposal would be connected to the public water supply network.

2.8.6 Scottish Water has no objections to the proposal and advise that there is currently sufficient capacity in the Glendevon Water Treatment Works and that there is capacity for a foul only connection at the Dunfermline Waste Water Treatment works. They also advise, however, that there is potential for the proposal to cause a detrimental impact to the network, therefore, mitigation may be required. This matter would be dealt with through the developer's separate application to connect to the Scottish Water network. Fife Council's Flooding, Shoreline and Harbours team have no objections to the surface water management or flooding proposals.

2.8.7 It is considered that the proposal could be connected to the existing public water supply and foul drainage network, and it should be noted that the applicant would also need to submit a formal application to Scottish Water before proceeding with the development. The relevant compliance and independent check SUDS certificates including a SUDS maintenance certificate have also been submitted as required by Fife Council's Design Criteria Guidance on Flooding and Surface Water Management and an acceptable surface water management scheme has been proposed. There would, therefore, 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 public water and drainage system. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.9 Contaminated Land/Land Stability**

2.9.1 Policy 23 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.9.2 Objections state that the proposal is in a coal mining high risk area and building the development could cause land disturbance.

2.9.3 A contaminated land site investigation report has been submitted in support of this application. Fife Council's Land and Air Quality Team (LQ Team) advise that they agree with the findings of the report and have no objections, however, they note that the report recommends that specific requirements have not yet been determined due to post demolition site investigation works being required at the site. The LQ team, therefore, recommend conditions requiring that further site investigation works be carried out to inform an updated remedial action statement. Conditions are recommended regarding these matters. The proposal subject to these conditions would, therefore, have no significant impact on amenity in relation to contaminated land and would comply with the Development Plan in this respect.

2.9.4 The site is located within a coal mining high risk area; therefore, a coal mining risk assessment has been submitted. The assessment confirms that shallow mine works are present below the north-east and south-west parts of the site. The assessment further advises

that mitigation works in the form of artificial stabilisation by drilling and grouting would be required where this affects the development footprint.

2.9.5 The Coal Authority was consulted and advises that they have no objections subject to conditions requiring that no development shall commence until the remediation works identified within the coal mining risk assessment are carried out in full and that verification that these works have been carried out is submitted before the development is occupied. Conditions are recommended regarding these matters. The proposal subject to these conditions would, therefore, be acceptable with regards to unstable land and would comply with the Development Plan in this respect.

## **2.10 Air Quality**

2.10.1 Policy 23 of NPF4, Policies 1 and 10 of the LDP and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.10.2 Objections state that there will be a detrimental air quality impact due to an increase in traffic.

2.10.3 An air quality impact screening assessment report has been submitted, and this concludes that the air quality impacts from the proposal are unlikely to adversely affect local air quality. The LQ Team advise that they agree with the findings of this assessment. The proposal would therefore have no significant detrimental impact on air quality and would comply with the Development Plan in this respect.

## **2.11 Natural Heritage including impact on Trees, Protected Species and Wildlife Habitats and Biodiversity Enhancement**

2.11.1 Policies 1, 3, 4 and 6 of NPF4 and Policies 1 and 13 of the LDP. The LDP allocation requires that the development should provide a robust, high-quality landscape edge along the side of the site that adjoins the A92.

2.11.2. Objections state the proposal would result in a detrimental impact on wildlife.

### **2.11.3 Trees**

2.11.3.1 Several trees are located around and within the site including a tree belt which runs along the northern between the site and the A92 road. An arboricultural impact assessment report (AIA) and landscaping plan have, therefore, been submitted to assess the impact on these trees. The AIA report states that a total of seventy-seven individual trees were recorded within and adjacent to the site, whilst trees within the site are mainly confined to a small strip of trees abutting the B981 at the north-east corner with a handful at the south-west corner. The majority of trees surveyed are outwith and close to the northern boundary of the site and these are growing on the embankment of the A92. The AIA advises that fifteen trees are categorised as high quality ('A'), thirty-four trees were categorised as moderate quality ('B'), twenty-six trees were categorised as low quality ('C') and two trees were categorised as ('U').

2.11.3.2 The AIA advises that the proposed development would result in the loss of a total of five trees due to the development with four of these being categorised as moderate quality (B) and one of these being categorised as high quality (A). Two trees are categorised as being Category U, whereby, they should be removed whether this development process or not. All

other trees within and adjacent to the site would be retained and the AIA recommends tree protection measures in relation to these trees including associated barrier fencing and construction exclusion zones aimed at protecting all retained trees during the site preparation and construction phase. The landscaping proposals include the planting of a number of trees which would equate to a replacement planting ratio of 30:1.

2.11.3.3 Fife Council's Tree Officer (TO) agrees with the findings of the AIA and has no objections to the proposal. He also advises that replacement planting will include a mixture of heavy standard and regular standard trees, which will have an immediate impact on landscape/amenity, as well as helping to build a diverse structured urban woodland, whilst, species choice is diverse conifer and broadleaf of native origin, including fruiting and flowering species, and selection of trees of differing successional niches and climatic and edaphic requirements and tolerances which will create a biodiversity gain and a resilient urban woodland. A condition is recommended requiring that the recommendations and tree protections measures set out within this submission and carried out in full before any construction works commence on site. Fife Council's Natural Heritage Officer (NHO) also advises that he has no objections to the tree species proposed.

2.11.3.4 The submitted layout and tree information show that the proposal would result in the loss of seven trees on site with two of these trees requiring removal regardless of site proposals and due to being categorised as low quality (U). The proposed landscaping information also shows a significant number of compensatory tree re-planting to off-set the loss of these trees including the planting of 15 extra heavy standard trees, 18 heavy standard trees, 5 leader with laterals and numerous structure tree planting. It is considered that due to the significant re-planting of trees on site that there would be no significant environmental impact due to the loss of the existing 5 trees and the proposed re-planting would also represent a positive biodiversity enhancement at this location. The proposal has, therefore, demonstrated that the proposal would have no unacceptable impact on the site in terms of tree loss. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

#### 2.11.4 Protected Species and Wildlife Habitats

2.11.4.1 Objections state that the proposal would result in the loss of habitat and would have a detrimental impact on nature and protected species.

2.11.4.2 A Preliminary Ecological Appraisal Report (PEA) has been submitted in support of this application. The report provides a baseline ecological evaluation of the site along with a desk-based search, a phase 1 habitat survey and a protected species survey of the application site. It also provides recommended mitigation measures where required. The PEA advises that the survey area included the site plus an outer zone of 50 metres from the site. It further advises that the habitats and plant species recorded within the survey area are considered widespread and common throughout the local region and these included modified grassland, natural grassland, mixed scrub, developed land and buildings. The PEA recommends that no further habitat surveys are, therefore, required.

2.11.4.3 The PEA advises that the existing farmhouse building (Mill of Beath Farmhouse) which is stone built with a slate roof could potentially support bat roosts during the active bat season, whilst, the surrounding tree lines, scrub and grassland habitats may also provide suitable foraging and commuting habitats for bats, therefore, overall, these areas were assessed as having moderate suitability for roosting bats. It also advises that there is a stone wall/building at the rear of a large agricultural building which is located on the north-east part of the site which has features such as gaps within walls which could provide potential moderate suitability to

support roosting bats. This building/wall does not appear to have a roof. The PEA advises that should direct works on these features be required (such as demolition or renovation) or heavy engineering works which may cause disturbance (such as piling or blasting) be planned within 30 metres of these features, then further surveys will be required. No works are proposed to the Mill of Beath Farmhouse or to any buildings within its residential curtilage and this farmhouse and its curtilage do not form part of the proposal and are located outwith the application site boundary.

2.11.4.4 The existing agricultural buildings including the small stone building/wall within the north-east part of the site are, however, to be demolished to make way for the development. Therefore, in relation to the small stone building/wall further bat surveys will be required before it is demolished to establish if bats are present within the walls. The PEA also advises that no features suitable for supporting roosting bats were observed on any of the other large agricultural buildings and structures within the site, therefore, these buildings offer negligible bat roost potential and further bat surveys would not be required. These bat surveys must be carried out within the appropriate survey season which is April to October inclusive. This matter was discussed with Fife Council's Natural Heritage officer and they are of the opinion that there is a very low risk that any bat survey would be an impediment to works commencing on site and it is very unlikely that the small building/wall could support large colonies of bats, therefore, they would be happy for this matter to be conditioned that the bat surveys be carried out before any works commence on this part of the site or within 30 metres of these features. Whilst this matter would normally be dealt with before the application is determined, it is considered that due to the very low risk, it would be reasonable to recommend a condition in this instance. It should also be noted that this part of the site is not fundamental to the development of the overall application site with the rest of the site able to be fully developed without the erection of the 14 dwellings and formation of access road at the north-eastern part of the site. This scenario is, however, considered very unlikely. This part of the site does, however, form part of the overall allocated housing site as designated within the LDP.

2.11.4.5 The PEA also recommends that due to the present of suitable nesting habitat for birds that the site's vegetation is worked upon outside of the bird nesting season which occurs from March to August, inclusive, however, if this is not possible then nesting bird checks should be carried out by a suitably qualified ecologist. A condition is recommended regarding this matter. The PEA further advises that no other protected species were identified within the site, however, suitable habitats for commuting badgers and reptiles were identified, therefore, measures in the form of pre-construction checks for these species should be carried out and conditions are recommended regarding these matters.

2.11.4.6 Fife Council's Natural Heritage Officer (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 was also consulted and have made no comments with regards to the proposal.

2.11.4.7 The findings of the submitted PEA are accepted, and it is considered that 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 July 2025, therefore, a condition is recommended requiring that an updated survey, as required by the PEA, is submitted to this Planning Authority if works do not commence on site before this time. The proposal subject to conditions would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.11.5 Biodiversity Enhancement

2.11.5.1 A Biodiversity Enhancement Plan (BEP) has also been submitted alongside the PEA. The BEP states that the PEA advises that the main ecological value of the site includes the scattered trees, scrub, and areas of long grassland within the site provide suitable nesting habitat for breeding birds. The BEP states that existing trees and vegetation will be retained to the north and the east both outwith and within the site boundary, whilst in the north of the site structure tree and shrub planting with wildflower meadow grassland are proposed. The BEP also states that the following habitats and features will be retained or created as part of the proposal and it also sets out the benefits to each of these habitats and features. The proposal will, therefore, include the following biodiversity enhancement measures:

- Indigenous hedgerow planting;
- Formal hedgerow planting;
- Woodland, scattered trees and native and ornamental shrub beds;
- Street and feature trees;
- Native wildflower meadow grassland;
- Native bulb planting;
- Native and ornamental shrub planting including climbers;
- Close mown amenity grassland;
- Homes for nature including bird boxes, bat boxes, bee/insect boxes and hedgehog boxes;
- Biodiverse Sustainable Drainage System (SuDS);
- Wildlife kerbs

2.11.5.2 A landscaping plan has also been submitted which reflects the recommendations contained within the BEP and this sets out the planting of a number of native species including trees, shrubs, hedges, wildflower meadows, shrub planting and native bulb planting around the site. It also identified the locations for the proposed homes for nature and includes the provision of bird boxes, bat boxes, bee/insect boxes and hedgehog boxes around the site. The proposed planting of trees, shrubs and hedges would represent a re-planting ratio of approximately 30:1. The submission also includes future management and maintenance details for the proposed landscaping.

2.11.5.3 Fife Council's NHO has no objections to the proposed biodiversity enhancement measures subject to these measures being carried out in full. They also advise that the maintenance regime in relation to the wildflower mowing regime needs to be re-visited to ensure that this is carried out appropriately so that the wildflower meadows have a chance to fully establish, whilst some non-native species of hedging, shrubs and grasses is proposed which should be replaced with native species. Conditions requiring the submission of an updated landscaping plan and maintenance regime to reflect these comments are recommended. A condition is also recommended in relation to the timing of the delivery of the proposed landscaping.

2.11.5.4 The submitted information demonstrates that the proposal would include significant planting of native species of trees, shrubs, hedges and wildflowers and would also include a number of other biodiversity enhancement measures as set out in section 2.11.5.1 above. A condition is also recommended with regards to the provision and timing of the biodiversity enhancement measures as set out in the PEA. 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.



## **2.12 Low Carbon, Sustainability and Tackling the Climate and Nature Crises**

2.12.1 Policies 1, 2, 12 and 19 of NPF4, Policies 1 and 11 of FIFEplan and Fife Council's Low Carbon Fife Supplementary Guidance apply.

2.12.2 Fife Council's Low Carbon Sustainability Checklist and a Sustainability Statement which includes an Energy Statement have been submitted in support of this application. The Statement advises that the developer has set their own targets for achieving net zero in homes by 2030 and in their operations by 2040. It advises that the site is located within a sustainable location and that the proposal will incorporate low carbon and renewable technologies which it anticipates will be in the form of heat air source heat pumps or PV panels, whilst heat recovery technology will be considered and its viability assessed as part of the detailed design stage. The statement further advises that the potential to provide a heat network has been considered when selecting the proposed heating solutions, however the site does not meet the applicable criteria set by the District Heating Process Map. The statement also advises that Standard Assessment Procedure (SAP) calculations will be carried out in order to meet the required building performance targets, and these calculations will demonstrate that through the proposed combination of a fabric first approach and use of PV panels the proposal will deliver a CO<sub>2</sub> saving above the Building Standards requirements. The allocation of PV panels will be designed to achieve the requirement noted in FIFEPlan where at least 20% of the current carbon emissions reduction set by Scottish Building Standards will be met through low and zero-carbon generating technologies. The statement also sets out the developments approach to embodied carbon and it states that the proposal will take measures to reduce the embodied carbon of the new buildings and infrastructure by replacing, where possible, material with high carbon footprints and all timber and timber-based produce used will be certified legal and sustainable timber in line with the IUK Government Timber Procurement Policy. The statement concludes that the proposal has taken a holistic approach to sustainable development, whilst the proposal is policy compliant at the national level through the Scottish National Planning Policy and 'local living' and delivers high-quality placemaking with the potential to reduce emissions and improve resident health and wellbeing.

2.12.3 It is considered that 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 Crossgates Village which would enable occupants to easily access local services from the proposed site with a number of services located within a 20-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.

## **2.13 Community and Economic Benefit**

2.13.1 Policy 16 and 25 of NPF apply.

2.13.2 Objections state that the proposal does not create job opportunities and does not better the community.

2.13.3 A statement of community benefit (SCB) has been submitted in support of this application. The SCB advises that the proposal will seek to implement the requirements stipulated in the LDP to ensure the proposal will be integrated with the existing community, complementing and enhancing the existing built environment, creating new opportunities for residents in Crossgates to access areas of open space for recreation while also enhancing the biodiversity interest of the area and seeking to resolve known constraints with water supply infrastructure. The SCB further advises that as part of these proposals, the development seeks to provide community benefits in 3 key areas; environmental benefits, economic benefits and social benefits. The SCB states that by locating the proposal within the existing settlement boundary of Crossgates, the proposal will ensure that Crossgates grows in a sustainable and well-planned manner as envisioned by the LDP and as supported by the compact urban growth principles of NPF4. It also advises that the residents of the proposal would be well located to become a key and integral part of the community as well as access the same opportunities, services and amenities as existing residents of Crossgates. The statement further advises that the proposal would benefit the area by delivering new housing on an allocated site. It also sets out the economic benefits of the proposal which it advises would bring about direct and indirect economic benefits to Crossgates and the surrounding area. It states that approximately £30,942,430 will be directly invested to support the construction of the proposal providing approximately £4,130,000 GVA contribution to the local economy per year of construction. The SCB also advises that the proposal would benefit the area by providing ten affordable dwellings on site along with on-site and offsite active travel improvements. It further considers that public open space which could be used by residents of the both the site and surrounding area would be delivered. It states that the proposal will economically benefit the community by increasing demand for and spending within businesses and associated services within the local area, whilst residents of the proposed development will also provide Fife Council with over £207,000 in Council Tax revenue per annum which will be reinvested into local services by the Council. The SCB concludes that if the proposal is approved it will provide significant economic, environmental and social benefits which will be felt not only for the residents of the proposed new homes but also by the existing community of Crossgates and the wider area.

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

## **2.14 Hazardous Safeguarding Zone**

2.14.1 Policy 23 of NPF and Policies 1 and 5 of the LDP apply. The LDP allocation requires that development takes account of the presence of the safeguarded hazard pipeline route to the north.

2.14.2 Objections state that they are concerns as the proposal is next to Grangemouth Pipelines.

2.14.3 The far northern part of the site is located within a Major Hazard Pipeline Consultation zone (Mossmorran to Grangemouth Ethane Pipeline). The Health and Safety Executive (HSE) was therefore, consulted on this application and has no objections to the proposal. INEOS O & P UK who are the operator of the Pipeline also advise that they have no objections to the proposal. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.15 Affordable Housing**

2.15.1 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 Crossgates is 5% of the total number of houses proposed within a housing development.

2.15.2 Objections state that the proposal does not include enough affordable housing in the scheme.

2.15.3 The proposal would provide 10 affordable dwellings on the southern part of the site, and these would include 8 x 2 bed flatted dwellings and 2 x 3 bed two storey dwellings. Fife Council's Affordable Housing team has no objections to the proposal as it would provide the required 5% 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. The proposal subject to this planning obligation would, therefore, be acceptable and would comply with the Development Plan in this respect.

## **2.16 Infrastructure and Planning Obligations including Education, STIMs and Open Space and Play Areas**

2.16.1 Policies 14, 18, 20 and 21 of NPF4, Policies 1, 3 and 4 of the LDP, Making Fife's Places Supplementary Guidance, Fife Council's Planning Obligations Framework Guidance and Circular 3/2012: Planning Obligations and Good Neighbour Agreements apply. The LDP allocation advises that development should consider the appropriateness of an off-site contribution to enhance the quality of the Manse Road/Westfield greenspace, immediately south of the site.

### **2.16.2 Education**

2.16.2.1 Objections state that the proposal would have a detrimental impact on schools and nurseries.

2.16.2.2 Fife Council's Education Services (ES) advise that the development is within the catchment area of Crossgates Primary School; St Bride's Roman Catholic Primary School; Beath High School, St Columba's Roman Catholic High School and the Cowdenbeath local nursery area. They further advise that the proposal would cause no capacity risk at any of the aforementioned schools, apart from at Beath High School where a capacity risk could be created as a result to the proposal, however, this is dependent on the proposed phasing of the site. ES advise that they have no objections to the proposal based on the current proposed phasing of the site. Conditions are also recommended regarding this matter to ensure that the development is carried out in line with the required phasing. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

### **2.16.3 Strategic Transportation Intervention Measures**

2.16.3.1 TDM advise that the proposal is required to contribute towards the strategic transportation intervention measures identified in the LDP and Making Fife's Places Supplementary Guidance. These measures are required to mitigate the cumulative adverse impacts of the trips generated by the LDP allocations. TDM further advise that the site is located within the Dunfermline Intermediate Zone as set out in Fife Council's Planning

Obligation Framework and is required to contribute £2,428 per dwelling excluding affordable housing. This would equate to total contribution of £434,468 (181 dwellings x £2428). The developer has agreed to this contribution, and this would be secured through a Section 75 planning obligation. The proposal subject to a planning obligation would, therefore, be acceptable and would comply with the Development Plan in this respect.

#### 2.16.4 Open Space and Play Areas

2.16.4.1 Objections state that no new play park is shown on the plans and the existing one at bottom of Manse Road is not adequate, whilst there is not enough proposed open space.

2.16.4.2 Fife Council's Parks team has no objections subject to a financial contribution being made towards the existing play area at Manse Road for general amenity improvements.

2.16.4.3 This development, as per the open space criteria set out in Making Fife's Places, is required to provide approximately 11,460 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 7534 square metres in total. The site is also located to the north-east of an existing open space/play area which is located adjacent to the south-west boundary of the site and a large open space area is also located to the east of the site across the B981 road. Connections will be provided to the Manse Road open space/play areas, and it is considered that these areas are within a safe walking distance of some of the proposed dwellings (approximately 62 dwellings). There is currently a shortfall of approximately 3926 square metres of open space on site, however, it is considered that this on-site provision can be relaxed due to several of the dwellings being within a safe walking distance of the existing open space play areas to the south-west. The proposal must, however, contribute £1200 per dwelling towards the upgrading of these open space areas and this would equate to a total of £74,400 (62 dwellings x £1200). The developer has agreed to this contribution and this matter would be dealt with through a Section 75 planning obligation. Whilst objections state that a play park should be provided on site, as this proposal is for less than 200 units it does not have to provide play park equipment on site as set out in Table 1 on page 15 of Making Fife's Places. The, aforementioned, £1200 per dwelling will however, go towards the upgrade of the existing Manse Road open space/play area to the south-west of the site. The proposal subject to a planning obligation would, therefore, provide an acceptable amount of useable open space on site and would comply with the Development Plan in this respect.

#### 2.16.5 Other Infrastructure Considerations

2.16.5.1 Objections state that there will be a detrimental impact on healthcare infrastructure such as dentist and doctor's surgery as not enough capacity.

2.16.5.2 The impact on healthcare infrastructure is currently 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 which 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 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.

2.16.5.3 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 retail uses within the area. All other infrastructure that the development would be expected to contribute towards is set out above.

## 2.17 Public Art

2.17.1 Policies 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.

2.17.2 A Public Art Strategy (PAS) has been submitted in support of this application. The PAS advises that the focus of this art strategy is twofold; to outline the most potentially impactful locations for public art and to showcase a range of options and locally appropriate precedents for art features. The PAS sets out the historical context of the area and advises that Crossgates has a long relationship with industry, through both coal mining and weaving and in more recent years this has been supplanted by other large-scale industries such as the Mossmorran Chemical Plant to the east. The PAS considers it is important to acknowledge the historic significance of the historic industrial production within and around the area. It sets out a list of art features which could best be implemented at this location, and these include interpretive signage, seating with interpretive signage, feature stone walling and play features. It also sets out potential locations for the public art including a central seating area to the north-east of the site and at entrances.

2.17.3 No specific details relating to public art provision have been submitted, however, it is considered that this matter can be dealt with through a condition. A condition is, therefore, 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 open market dwellinghouse which would equate to a total of £54,300 (181 dwellings x £300) 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 and the developer should also consult the relevant Community Council with regards to the design of the public art provision. The proposal subject to this condition would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.18 Waste Management

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

2.18.2 A site plan has been submitted in support of this application and the submission also sets out how waste would be dealt with in the site. It advises that to reduce carbon emissions during the operation phase, dwellings will include private gardens with space within the curtilage

or on the plot for recycling and waste facilities and designated paved areas will be formed creating convenient locations for storing bins and recycling boxes encouraging residents to recycle waste.

2.18.3 There is sufficient space within the curtilage of the proposed site and the curtilage of each dwelling to accommodate the required bin storage facilities. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 2.19 Archaeological Impact

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

2.19.2 Fife Council's Archaeological officer advises that he has no objections to the proposal as the site is not of high archaeological value. The proposal would, therefore, be acceptable and would comply with the Development Plan in this respect.

## 3.0 Consultation Summary

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Scottish Environment Protection Agency	No objections
NatureScot	No comments
Scottish Water	No objections
TDM, Planning Services	No objections subject to conditions and contribution being made towards strategic transportation intervention measures.
Urban Design, Planning Services	Concerns raised with regards to northern dwellings and their relationship to the proposed acoustic bund and fence.
Structural Services - Flooding, Shoreline and Harbours	No objections
Natural Heritage, Planning Services	No objections to biodiversity measures, however, has raised concerns regarding the use of non-native grass species and non-native hedge species in the landscaping scheme.
Trees, Planning Services	No objections
Housing And Neighbourhood Services	No objections
Community Council	No response
Transport Scotland	No objections subject to a condition.
Mining Remediation Authority	No objections subject to conditions
NHS Fife	No response

Health And Safety Executive	No objections
Land And Air Quality, Protective Services	No objections
Education (Directorate)	No objections
Transportation And Environmental Services - Operations Team	No response
Parks Development and Countryside	No objections subject to a planning contribution being made to upgrading the existing play area at Manse Road.

## 4.0 Representation Summary

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4.1 A total of 102 objections have been received including 5 objection letters which provide no reasons for their objection. An objection has also been received from the Crossgates and Mossgreen Community Council. The concerns raised include:

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue	Addressed in Paragraph
- Loss of greenspace.	2.2
- More bungalows required on site.	2.2
- Loss of agricultural land	2.3
- Visual amenity lost.	2.4
- Will alter character of village	2.4
- Buildings are of low quality	2.4
- Overdevelopment of site	2.4
- Out of keeping with heights of surrounding development.	2.4
- Detrimental to landscape and not in keeping with traditional style houses.	2.4
- Noise impact	2.5.3
- Impact on mental health due to noise, construction period and increase in traffic.	2.5.3 and 2.5.6
- Overshadowing at 32A manse Road	2.5.3
- Overlooking	2.5.5
- Light intrusion from cars onto John Wood Place, A 6-foot wall should be built on boundary.	2.5.7

- Disturbance due to construction vehicles and noise during construction period	2.5.6
- Loss of daylight	2.5.4
- Road safety impacts	2.7
- Detrimental impact on existing parking in area.	2.7
- Proposed access is inadequate and will not be safe.	2.7
- Will cause congestion on roads.	2.7
- Manse road cannot cope with additional volume of traffic	2.7
- Why three accesses when other development are cul-de-sacs	2.7
- Emergency vehicles such as fire engines will not be able to pass on the road due to parked cars.	2.7
- Not enough parking for houses.	2.7
- Impact on road surfaces	2.7
- Route 2 is not a safe walking route to school.	2.7
- Impact on water pressure	2.8
- Detrimental impact on existing drainage system. Existing sewage issue.	2.8
- Flood issue	2.8
- site is in a coal mining high risk area.	2.9
- Building 210 houses could cause land disturbances and damage to existing dwellings.	2.9
- Air quality impact due to increase in traffic	2.10
- Detrimental impact on wildlife	2.11
- Does not create job opportunities and does not better the community	2.13
- Concerned about safety of proposal as its next to Grangemouth pipelines	2.14
- Not enough affordable dwellings proposed and 11 is way too low.	2.15
- Process not transparent and there is a level of digital exclusion	1.4
- No new play park on plans and the existing one at bottom of Manse Road is not adequate.	2.16.4
- Not enough open space or play park provision.	2.16.4
- Detrimental impact on school, nurseries and healthcare infrastructure such as dentist and doctor's surgery as not enough capacity.	2.16
- Not enough local amenities in village to cope with 221 families.	2.16



## 4.2.2 Other Concerns Expressed

Issue	Comment
- Loss of view	Not a material planning consideration.
- This type of housing will devalue the overall market	Not a material planning consideration.

## 5.0 Conclusions

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5.1 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. 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

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It is accordingly recommended that the application be approved following the conclusion of a legal agreement to secure:

- A. 5% 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 10 units out of the total 191 units.
- B. £434,468 towards strategic transport intervention measures within the Dunfermline Intermediate Zone as set out Fife Council's Planning Obligation Framework
- C. £74,400 towards the Manse Road open space/play park area to the south-west.
- D. 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
- E. 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. SHOULD WORKS NOT COMMENCE ON SITE BEFORE 29TH JULY 2025, then 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 BEFORE ANY WORKS COMMENCE ON SITE. All works shall be carried out in full accordance with the approved PEA (Plan Reference: 097) or any subsequent approved details and all approved biodiversity enhancement measures shall be provided on site in accordance with the biodiversity measures and landscaping phasing plan; 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: As a precautionary measure to ensure the protection of protected species.

2. BEFORE ANY WORKS COMMENCE ON SITE; detailed drawings of the Active Travel Routes (ATR), including a programme for their implementation, shall be submitted to and approved in writing by Fife Council as Planning Authority. Thereafter, the approved details shall be constructed in accordance with the current Fife Council Transportation Development Guidelines and open for public use as per the timings set out within the approved implementation programme. These works shall include the following:

- The ATR through the proposed development as shown on the hereby approved, proposed site plan (Plan Reference: 003D). This aspect of the ATR should be provided before the occupation of the 50th dwelling unless otherwise agreed in writing with Fife Council as Planning Authority.

- The ATR (shown as Location 1 on the relevant approved drawing) between Manse Road and Lady Anne Court on land that is either owned or maintained by Fife Council - the existing path that follows the contours, which passes the play area, being widened to 3 metres, with the two existing steps being removed.

- The ATR (shown as Location 2 on the relevant approved drawing) between Lady Anne Court and the A92, incorporating the following:

- Widen the existing western Lady Anne Court footway into the Fife Council maintained land. One lighting column to be relocated.

- Widen the existing northern B925 footway into the Fife Council maintained land or widen the existing northern footway into the B925 carriageway (between Lady Anne Court and the 30mph signs). The latter would avoid the need to relocate lighting columns and the bus shelter. Changes to the road markings would be required to reduce the right-turn lane widths.

- Provide a 3 metres wide active travel route between the 30mph signs and the dropped kerb crossing on the A92 off-slip through the Fife Council maintained land. The ATR through the open space, skirting past the coal wagons, may require additional lighting columns, but the existing lighting columns on the roundabout would remain. One street lighting column; one 30mph/NSL speed limit; and two welcome signs would have to be relocated.

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

3. BEFORE ANY WORKS COMMENCE ON SITE; an updated scheme of landscaping including a landscaping plan indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs, and hedges to be planted, and the extent and profile of any areas of earth mounding, shall be submitted to and approved in writing by this Planning Authority. These landscape details shall ensure that the proposal only includes native species, and these details shall also include an updated landscape maintenance scheme which sets out an appropriate wildflower maintenance regime as per the recommendations contained within Fife Council's Natural Heritage Officer's consultation response dated 26th March 2024. The details should also show a high-quality landscape edge along the edges and areas adjacent to the bund and acoustic fence.

The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is sooner.

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

4. NO DEVELOPMENT SHALL COMMENCE ON SITE until post demolition site investigation works have taken place and a revised Phase II Investigation Report has been submitted by the developer to and approved in writing by Fife Council as Planning Authority. Where remedial action is recommended in the revised 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 Fife Council as 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](http://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.

5. BEFORE ANY WORKS COMMENCE 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 compliance with Policy 11 of the Adopted FIFEplan (2017) and Policies 1 and 2 of National Planning Framework 4 (2023).

6. BEFORE ANY WORKS COMMENCE 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 £54,300. The Developer shall also consult the relevant Community Council during the design

of the required public art provision and a collaborative approach with the community shall be incorporated into the design process. Evidence that this consultation has taken place shall also be submitted with these details. 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 ONE HUNDREDTH DWELLINGHOUSE.

Reason: In the interests of successful placemaking.

7. The construction of the development shall be carried out fully in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment Report and Tree Protection Plan (Plan References: 081, 082A, 083A, 084A, 085A, 086A and 087A). 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: In the interests of safeguarding trees.

8. BEFORE ANY DEMOLITION WORKS OR SIGNIFICANT ENGINEERING WORKS WHICH MAY CAUSE DISTURBANCE WITHIN 30 METRES OF THE IDENTIFIED BAT ROOST FEATURES TAKE PLACE; two bat activity surveys shall be submitted to and approved in writing by Fife Council as Planning Authority. These bat activity surveys shall be carried out as per the guidance contained within the Bat Conservation Trust Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition) or any subsequent revision and as per the recommendations contained within the approved Preliminary Ecological Appraisal (Plan Reference: 097) or any subsequent revision. Any recommended mitigation measures contained within the bat surveys shall be carried out in full BEFORE ANY WORKS COMMENCE ON SITE UNLESS OTHERWISE AGREED IN WRITING WITH THIS PLANNING AUTHORITY.

Reason: In the interests of species protection.

9. BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE; a pre-construction survey for badgers shall be carried out by a qualified ecologist within the site and on land within 100 metres of the site. Any checks shall be undertaken fully in accordance with "Scottish Badgers Surveying for Badgers Good Practice Guidelines (2018)" or any subsequent revision. Should any evidence of badgers be discovered then full details of this check and any required mitigation measures shall be submitted to and approved in writing by Fife Council as Planning Authority BEFORE ANY CONSTRUCTION WORKS COMMENCE ON SITE.

Reason: In the interests of species protection.

### **CONDITIONS:**

10. 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.

11. The noise mitigation measures as specified within the submitted noise impact assessment report (Plan Reference: 064B) and as set out on the submitted boundary treatments and external finishes site plan (Plan Reference -163B) shall be carried out in full BEFORE EACH ASSOCIATED IMPACTED DWELLINGHOUSE IS OCCUPIED, and shall, thereafter, be retained and maintained as such for the lifetime of the development unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of safeguarding residential amenity; to ensure that acceptable noise levels are achieved internally and externally within each dwellinghouse and its associated garden ground area.

12. The windows on the east facing gable ends of plots 35 and 49 as shown on the proposed site plan (Plan Reference: 03E) shall be obscurely glazed and shall be retained as such for the lifetime of the development. No other windows shall be installed on these gable ends at the first-floor level unless otherwise agreed in writing with Fife Council as Planning Authority.

Reason: In the interests of safeguarding residential amenity and the privacy levels of the surrounding area.

13. All works roads and associated works serving the proposal shall be constructed in accordance with the current Fife Council Transportation Development Guidelines. These works shall include the following:

- Provision shall be made for the erection of street lighting columns behind the carriageway kerb within a 1m x 1m prospectively adoptable hardstanding.
- Ramps to raised tables shall be formed clear of driveways.
- Retaining walls shall not be formed abutting carriageway or footway kerbs. Retaining walls shall not support any part of a prospectively adoptable road.
- The 6 layby parking spaces on the Manse Road frontage of the site shall be completed to basecourse level and available for public use prior to the construction of any of the dwellings fronting Manse Road (plots 48 - 51 and 55 - 66).
- Provide carriageways and footways to basecourse level, including operating roads lighting, on all roads and footways leading to and fronting occupied properties.

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

14. BEFORE THE OCCUPATION OF THE FIRST DWELLING; 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, and the junction with Manse Road, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained throughout 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.

15. BEFORE THE OCCUPATION OF THE FIRST DWELLING; visibility splays 2.4 metres x 43 metres shall be provided and maintained clear of all obstructions exceeding 600mm in height above the adjoining road channel level at the two junctions with Main Street, in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained throughout 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. BEFORE THE 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 etc

17. BEFORE THE OCCUPATION OF EACH DWELLING; the off-street parking provision for that associated dwelling 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. The sole means of vehicular access to and from the site for all construction traffic, including site staff traffic, shall be via the proposed vehicular accesses from Main Street. FOR THE AVOIDANCE OF DOUBT; no construction traffic, including site staff traffic, shall be through the existing housing development via Manse Road, except for works directly relating to the construction of any of the dwellings fronting Manse Road (plots 48 to 51 and 55 to 66).

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

19. 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 4. 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.

20. NO DEVELOPMENT (OTHER THAN THE DEMOLITION OF BUILDINGS) SHALL COMMENCE ON SITE; until the remediation works to address land instability arising from coal mining legacy, as identified in the Coal Mining Risk Assessment dated August 2022 (Plan Reference: 101) and the Site Investigation Report dated August 2022 (Plan Reference: 098) have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

Reason: To avoid unacceptable risks to human health and the environment.

21. A signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall then be submitted to and approved in writing by Fife Council as Planning Authority BEFORE THE DEVELOPMENT IS OCCUPIED. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To avoid unacceptable risks to human health and the environment.

22. 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.

23. 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.

24. The phasing of the development shall be carried out as per the approved phasing details shown below unless otherwise agreed in writing with Fife Council as Planning Authority in consultation with Fife Council's Education Services:

2027 - 36 units

2028 - 36 units

2029 - 36 units

2030 - 36 units

2031 - 36 units

2032 - 11 units

Reason: In the interests of ensuring that the development will have no significant detrimental impact on local school capacity and the capacity at Beath High School.

25. FOR THE AVOIDANCE OF DOUBT; there shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing trunk road drainage network is not affected and as requested by Transport Scotland.

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

### **National Guidance and Legislation**

PAN (Planning Advice Note) 1/2011

Circular 3/2012: Planning Obligations and Good Neighbour Agreements

### **Development Plan**

National Planning Framework 4 (2023)

Adopted FIFEplan (2017)



Affordable Housing Supplementary Guidance (2018)  
Low Carbon Fife Supplementary Guidance (2019)  
Making Fife's Places Supplementary Guidance (2018)

**Planning Policy Guidance, Customer Guidelines and Other Guidance**

Planning Obligations Framework Guidance (2017)  
Policy for Development and Noise (2021)  
Planning Customer Guidelines on Daylight and Sunlight (2018)  
Planning Customer Guidelines on Dormer Extensions (2016)  
Planning Customer Guidelines on Garden Ground (2016)  
Minimum Distance between Windows Guidance (2011)  
Fife Council's Design Criteria Guidance on Flooding and Surface Water Management requirements (2022)

Report prepared by Scott Simpson, Chartered Planner and Case Officer  
Report reviewed and agreed by Mary Stewart, Service Manager and Committee Lead

Committee Date: 26 March 2025

Agenda Item No. 5

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**Application for Full Planning Permission****Ref: 24/02980/FULL****Site Address:** Pilmuir Works Pilmuir Street Dunfermline**Proposal:** Erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1, 2, sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access (Section 42 application to amend Condition 21 of 20/00916/FULL relating to car parking)**Applicant:** Kingdom Housing Association, Saltire Centre Pentland Court**Date Registered:** 19 December 2024**Case Officer:** Jamie Penman**Wards Affected:** W5R02: Dunfermline North

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**Reasons for Referral to Committee**

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

**Summary Recommendation**

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The application is recommended for: Conditional Approval

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## 1.0 Background

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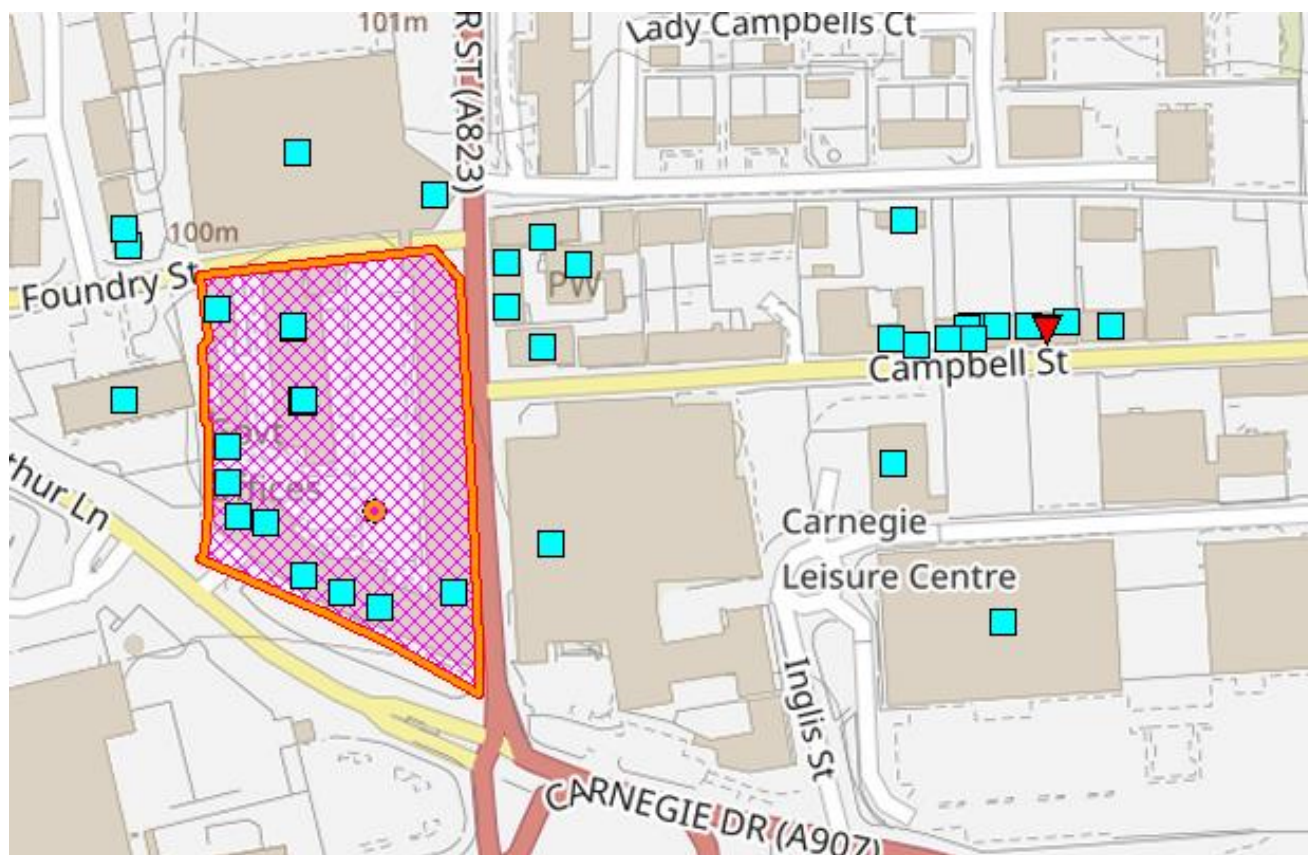
### 1.1 The Site

1.1.1 This application under S42 of the Planning Act relates to previously approved planning permission 20/00916/FULL for Category A listed Pilmuir Works. The application site is located within the north of Dunfermline City Centre. It is bound by Foundry Street and the Category B listed St Margaret's Works to the north, Pilmuir Street to the east, Cousin's Lane to the west and a strip of hardstanding and Winterthur Lane to the south. Pilmuir Works comprises a collection of former industrial buildings which formed a linen damask factory and warehouse complex dating back to the 1800's. The site has recently been redeveloped to create a mixed-use development comprising 157 residential units and other commercial floorspace.

1.1.2 20/00916/FULL was approved subject to conditions. Condition 21 of that consent required an off-site car park to be provided on Campbell Street. The car park was to contain 42 car parking spaces, with a minimum of 2 electric vehicle charging points. The off-street car park has been provided, albeit without the required 2 electric vehicle charging points. The applicant has noted, however, that since the car park has been available for use, although there is a sign stating that the car park is private and only for use by Kingdom Housing residents, it is commonly being used by non-residents. As such, a separate application has been submitted (24/01943/FULL) to erect gates at the entrance of the car park in order to restrict general access. Due to space restrictions, the erection of the gates would develop 5 out of the 42 required spaces. As such, the applicant was advised that in order to implement any future planning permission for gates, a section 42 application would have to be submitted to amend Condition 21.

1.1.3 Condition 21 of planning permission 20/00916/FULL was the result of an amendment to Condition 26 of the original planning permission 17/03292/FULL, which required 61 spaces to be provided within the Campbell Street Car Park. Following the approval of 17/03292/FULL, the applicant was only able to purchase part of the site, which resulted in it only being possible to provide 42 spaces.

### 1.1.2 Location Plan



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## 1.2 The Proposed Development

1.2.1 This application, made in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997, relates to previously approved application 20/00916/FULL. That application approved the erection of new buildings and conversion, part demolition, extension

and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1, 2, sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access. More specifically, that application was a Section 42 application to modify conditions 24, 25, 26 and 27 of the original planning consent (17/03292/FULL).

1.2.2 This further Section 42 application is applying to remove Condition 21 of 20/00916/FULL. Condition 21 states the following:

Prior to occupation of the 112th flatted dwelling, the 42 No car parking spaces within the offsite car park on Campbell Street shall be provided in accordance with the current Fife Council Parking Standards and be retained for the lifetime of the development. A minimum of 2 electric car charging points shall be provided within the total of 42 No. car parking spaces.

### **1.3 Relevant Planning History**

1.3.1 Planning history associated with this application site includes:

06/04113/WLBC - Listed building consent for proposed demolition of existing weaving shed and alterations to form temporary car park - Withdrawn - 07/08/08

07/00151/WFULL - Conversion of existing building to form 3No. retail units (Class 1 )(totalling 10,000 sqft), 1No. restaurant (Class 3)(5,500 sqft), 1No. Gym/Retail unit (2,200 sqft)(Class 1/Class 11), creche (Class 10), museum (Class 10), 1No Office (Class2/4) and 45 flatted dwellings and 12 terraced residential units and the erection of 1 No block of 12 flatted dwellings and associated car parking, infrastructure and landscaping - Approved - 11/06/10

07/00153/WLBC - Listed Building Consent for the removal of the weaving sheds, conversion, including internal and external alterations to the existing building to form 3 No retail units, 1 restaurant, 1 No and 54 flatted dwellings including associated car parking and land scaping - Approved - 11/08/10

11/01419/FULL - Erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings, to form: Class 1 Retail units, Class 3 Restaurant/Cafe, Class 10 Non-Residential Institution, and residential units with associated service areas, parking, landscaping and formation of new road access and alteration to existing road access – Approved subject to Legal Agreement - 07/08/14

11/01425/LBC - Listed building consent for conversion, part demolition, extension and refurbishment of existing buildings - Approved - 18/04/12

17/02210/PAN - Proposal of application notice for erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings to form residential units with associated infrastructure, parking, landscaping and alteration to existing road access – PAN Agreed - 01/08/17

17/03021/LBC - Internal and external alterations to Engine Shed - Approved - 11/04/18

17/03292/FULL - Erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1, 2, sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access. – Approved subject to Legal Agreement - 13/03/19

17/03293/LBC - Listed building consent for partial demolition of buildings. Extension and internal and external alterations to existing buildings to form residential units and ancillary commercial units. - Approved - 06/07/18

17/03671/LBC - Listed building consent for partial demolition and associated works - Withdrawn - 26/06/18

17/03292/NMV1 - Erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1, 2, sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access (Non-Material Variation to approved 17/03292/FULL) - Approved - 12/10/20

19/01876/OBL - Discharge of Planning Obligation 07/00151/WFULL - Approved - 15/08/19

19/01879/OBL - Discharge of Planning Obligation (11/01419/FULL) - Approved - 15/08/19

19/03165/OBL - Modification of planning obligation (17/03292/FULL) relating to affordable housing contributions - Approved - 23/12/19

19/03543/ADV - Display of various temporary non illuminated signs, including 4no. aluminium signs and 1no. PVC banner - Approved - 08/04/20

19/03544/LBC - Listed building consent for partial dismantling of boundary wall (in retrospect) and rebuilding of the wall. - Approved - 07/02/20

20/00241/LBC - Listed building consent for installation of signage - Approved - 08/04/20

20/00916/FULL - Erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1, 2, sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access (Section 42 application to modify conditions 24, 25, 26 and 27 relating to car parking and cycle parking of planning permission reference 17/03292/FULL) - Approved - 31/08/20

17/03292/NMV2 - Erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1, 2, sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access (Non-Material Variation to 17/03292/FULL) - Withdrawn - 23/02/21

20/02867/FULL - Alterations to the fenestration of the proposed first floor window units, the omission of 2 shopfronts and the retention of existing windows, altering an existing window to form a door opening, and the reduction in width of the pedestrian gate/pend (Amendments to application 17/03292/FULL) - Withdrawn - 23/02/21

20/03062/LBC - Listed building consent for alterations to proposed shopfronts, retention of existing windows & amendments to window fenestration, change of materials, installation of rooflights, retention of a stone shaft, alterations to existing boundary wall and internal alterations to layout (amendments to 17/03293/LBC) - Approved - 31/03/22

21/00769/FULL - Alterations to window fenestration, windows, shopfronts, materials and installation of rooflights, re-building of wall and changes to internal layouts (amendment to planning permission reference 17/03292/FULL) (part retrospective) - Approved - 31/03/22

23/01855/FULL - Change of use of commercial unit to Class 11 (Gymnasium) including alterations to frontage and installation of external vents (retrospective) – Pending Consideration

23/02350/LBC - Listed building consent for external and internal works to include alterations to frontage including installation of vents and erection of internal partitions and ducting (to form new layout) – Also under Consideration at this Committee

1.3.2 Other planning history relating to this application includes:

23/03530/FULL Erection of security fence and gates – Refused – 26/03/2024

24/01943/FULL Erection of security fence, gates and bollards – Pending Decision

## **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 This application 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.

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 18: Infrastructure first

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

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

Policy 1: Development Principles

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

Policy 3: Infrastructure and Services

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

### **Supplementary Guidance**

Supplementary Guidance: Making Fife's Places (2018)

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

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Section 42 Procedure
- Transportation/Road Safety
- Review of Conditions

## **2.2 Section 42 Procedure**

2.2.1 Section 42(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that for such an application, the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and - (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly; (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

2.1.2 Planning Circular 3/2013: Development Management Procedures adds that planning authorities will wish to note, amongst other things:

- The effect of granting permission for a Section 42 application is such that a new and separate permission exists for the development with different (or no) conditions attached. The previous planning permission remains unaltered by, and is not varied by, the decision on the section 42 application; and
- The need to attach to the new permission any of the conditions from the previous permission which it is intended should apply to the new planning permission.
- The need to secure any section 75 legal obligation (or other agreement) to the new permission, where it is intended this should still apply.

## **2.3 Transportation/Road Safety**

2.3.1 NPF4 Policy 18 (Infrastructure First) and FIFEplan Policy 3 (Infrastructure and Services) apply and support developments which provide adequate infrastructure to mitigate their impact, including but not limited to parking. Further detailed technical guidance relating to this including parking requirements are contained within Appendix G (Transportation Development Guidelines) of Making Fife's Places Supplementary Guidance (2018).

2.3.2 Concerns have been raised in submitted third-party objections noting that the requirement to provide electric vehicle charging points should not be removed.

2.3.3 As noted in Section 1.0, this Section 42 application to remove Condition 21 of 20/00916/FULL is required as a result of planning application 24/01943/FULL, which proposes to erect gates along the access to the Campbell Street car park. The applicant has advised that whilst there are signs advising that the car park is private and only for use by Kingdom Housing residents, non-residents are also using the car park. The gates have therefore been proposed in order to restrict general access to the car park, however, due to design constraints, to erect the gates would result in the loss of 5 parking spaces. This would reduce the total number of spaces within the car park to 37.



2.3.4 Whilst this would be the second reduction of the number of spaces within this car park (originally 61), Fife Council's Transportation Development Management Team has advised that they have no objections to the proposal.

2.3.5 The application site is located within the inner core of Dunfermline and is therefore located close to sustainable public transport links, along with a number of services that would facilitate day-to-day living and reduce reliance on the private car. The car park is private, yet it is being used by non-residents, resulting in an increase in on-street parking by those authorised to use the car park. It is therefore considered that whilst the approval of this application would result in 5 less parking spaces being available, it would allow for gates to be erected which would prevent unauthorised access. This would result in a reduced likelihood of residents of the development having to park on-street and in turn, have a positive impact on road safety.

2.3.6 Whilst the application originally proposed the removal of Condition 21, it is instead recommended that it be retained but reworded to require 37 spaces to be provided and retained in perpetuity. It is also noted that the 2 electric vehicle charging points have not been provided, as required by condition. The condition has also therefore been reworded to ensure that these are provided. The proposed revised condition reads:

*37 car parking spaces within the off-site car park on Campbell Street shall be retained for the lifetime of the development. A minimum of 2 electric car charging points shall also be provided (inclusive of the 37 spaces) within 3 months of this decision and once implemented, be retained for the lifetime of the development.*

## 2.4 Review of Conditions

2.4.1 As planning permission 20/00916/FULL has largely been completed, conditions attached to that permission have been discharged. As such, a review of all conditions has been undertaken and updated where required.

## 3.0 Consultation Summary

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TDM, Planning Services

No objections.

## 4.0 Representation Summary

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4.1 14 third-party objections have been submitted. Concerns raised have been summarised below.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue

Addressed in  
Paragraph



- a. The requirement to provide electric vehicle chargers should not be removed.

2.3

#### 4.2.3 Other Concerns Expressed

Issue	Comment
a. No new takeaways should be permitted.	Not relevant to this application.



## 5.0 Conclusions

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This full planning application has been made in accordance with Section 42 of the Town and Country Planning (Scotland) Act 1997 to remove Condition 21 of 20/00916/FULL. Although 42 spaces are currently provided within the car park and whilst the amendment of the condition would result in a reduction in spaces being available, approval would allow for gates to be erected in order to restrict unauthorised access to the car park. This in turn would likely result in a reduction of on-street parking, thereby having a positive impact on road safety. The application site is located within a sustainable location, which would reduce reliance on the private car. It is also noted that there are public car parks (permitted) within the surrounding area, which can also be used. The proposal is therefore acceptable and in compliance with the development plan.

## 6.0 Recommendation

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

### **CONDITIONS:**

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

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

2. Unless otherwise agreed in writing with Fife Council, there shall be no deliveries to or dispatches from the commercial premises outside the hours of 07.00 and 18.00 Monday to Friday and 08.00 and 15.00 on Saturdays. No deliveries shall take place on Sundays or Bank Holidays.

Reason: In the interests of amenity.

3. No sound reproduction or amplified equipment (including loudspeakers, etc) which is audible at the site boundary shall be installed or operated on the site without prior permission of Fife Council.

Reason: In the interests of amenity.

4. 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.

Reason: In the interests of amenity.

5. Visibility splays 2.4 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 vehicular access and Winterthur Lane in accordance with the current Fife Council Transportation Development Guidelines. The visibility splays shall be retained through the lifetime of the development. For the avoidance of doubt, the 'y' distance of 60 metres can be measured along the centreline of Winterthur Lane in the eastern direction.

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.

6. Prior to occupation of the 1st flatted dwelling, 49 of the 82 car parking spaces within the application site shall be provided. The remaining 33 car parking spaces shall be provided prior to the occupation of the 113th flatted dwelling. All car parking spaces shall be provided in accordance with the current Fife Council Parking Standards. The parking spaces shall be for communal use and be retained through the lifetime of the development. A minimum of 2 electric car charging points shall be provided within the total of 82 car parking spaces.

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

7. Prior to occupation of the 20th flatted dwelling, the 4 No Car Club car parking spaces within the application site shall be provided and the Car Club shall be in operation. The Car Club and car club 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.

8. 37 car parking spaces within the off-site car park on Campbell Street shall be retained for the lifetime of the development. A minimum of 2 electric car charging points shall also be provided (inclusive of the 37 spaces) within 3 months of this decision and once implemented, be retained for the lifetime of the development.

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

9. Prior to occupation of the 37th flatted dwelling, 70 of the 115 cycle parking spaces within the application site shall be provided within the cycle stores adjacent to Cousin's Lane and within the block of flats on Winterthur Lane. The remaining 45 cycle parking spaces shall be provided within the cycle stores to the rear of the Engine Shed on Cousin's Lane, to the north west corner of the Pilmuir Street flats, and to the rear of the buildings situated on the corner of Foundry Street and Cousin's Lane prior to the occupation of the 113th flatted dwelling. The cycle parking spaces shall be retained throughout the lifetime of the development.

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

10. The requirements and recommendations of the Ecological Survey Report dated 6 June 2018 shall be implemented in full and for the lifetime of the development.

Reason: In the interests of biodiversity and habitat protection; to ensure the development does not have an unacceptable impact on natural heritage assets.

11. Prior to the construction of the bicycle stores to the rear of the Engine Shed on Cousin's Lane and to the rear of the building situated on the corner of Foundry Street and Cousin's Lane (as shown on drawing no. 00-0001 S2 Rev P15 Site Plan Level 00) details of these bicycle stores (including but not limited to, elevations and materials) shall be submitted for the approval of Fife Council and built in accordance with the approved details. The cycle parking spaces shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and design.

## **7.0 Background Papers**

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

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

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

[Planning Guidance](#)

Report prepared by Jamie Penman, Chartered Planner and Case Officer

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

**Committee Date: 26 March 2025**

**Agenda Item No. 6**

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**Application for Full Planning Permission**

**Ref: 24/01943/FULL**

**Site Address:** 73A - 73B Campbell Street, Dunfermline, Fife.

**Proposal:** Erection of security fence, gates and bollards.

**Applicant:** Kingdom Housing Association, Saltire Centre Pentland Court

**Date Registered:** 28 August 2024

**Case Officer:** Jamie Penman

**Wards Affected:** W5R02: Dunfermline North

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**Reasons for Referral to Committee**

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

**Summary Recommendation**

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The application is recommended for: Conditional Approval

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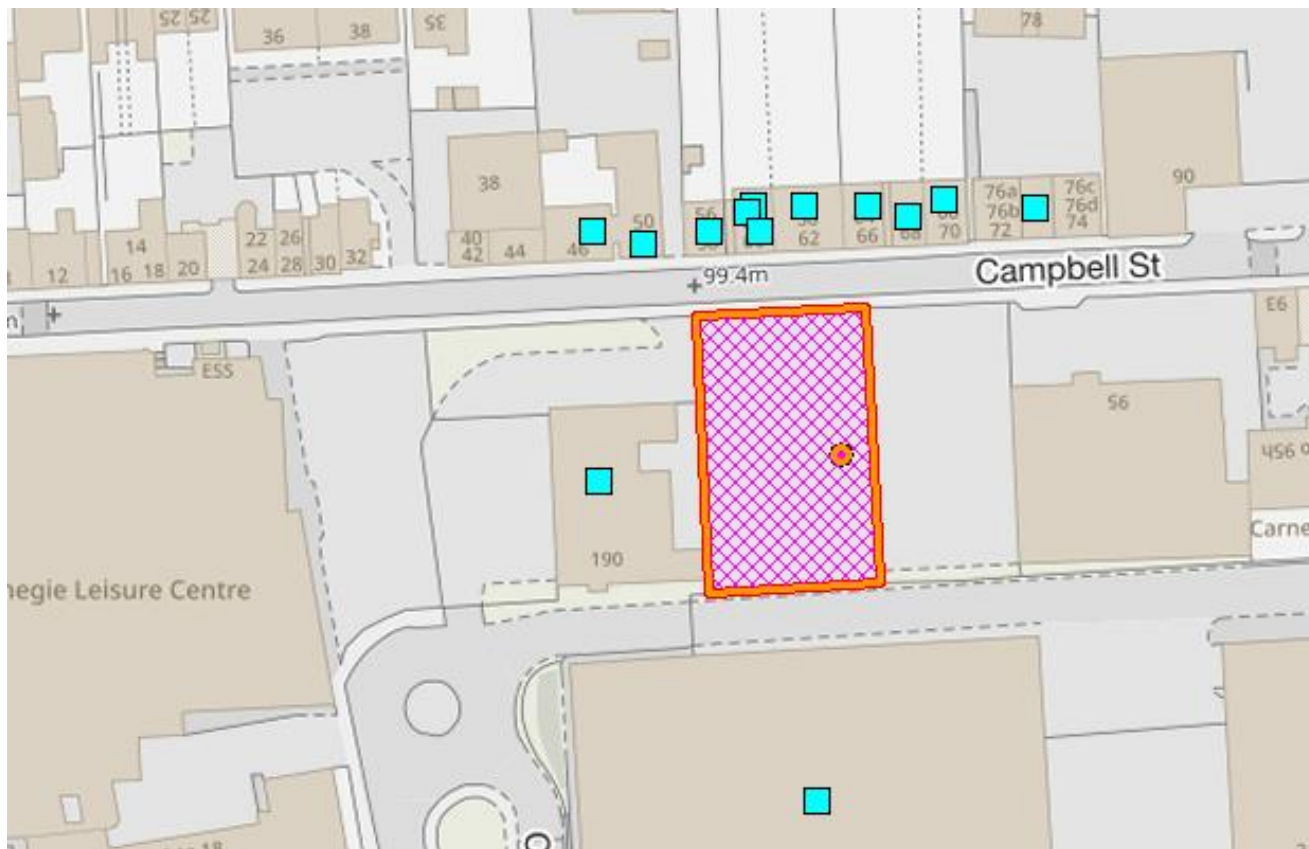
## **1.0 Background**

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### **1.1 The Site**

1.1.1 The application site is located within the northern area of Dunfermline City Centre, along the south side of Campbell Street and is within an area with a mixture of uses. The site is located to the rear of the commercial units on Carnegie Drive and between a vehicle service centre and a currently unoccupied commercial property. The car park is accessed via Campbell Street and there are residential properties located opposite the site. The site consists of a private car park for up to 43 vehicles, for the residents of the Pilmuir Works development to the west. In accordance with the FIFEplan Town Centre Framework, the application site is located within the Wider Central Area of Dunfermline City Centre. Furthermore, the application site is not located within a Conservation Area.

## 1.1.2 Location Plan



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## 1.2 The Proposed Development

1.2.1 This application is for full planning permission for the erection of a black, 1.8 metre high, approximately 26 metre long, v-mesh fence with 2 manually operated sliding gates to enclose the northern boundary of the car park. 9 concrete bollards measuring 0.9 high and 0.3 metres wide are also proposed immediately outside the fence to deter parking in this area. The works are proposed in order to secure the use of the site for residents only. Due to the site being close to the city centre, the car park is being used by non-residents.

1.2.2 The applicant has advised that other parking control options were considered, such as cameras and permits. However, these were ultimately discounted due to costs, given that this would have to be managed by a private company with costs having to be passed onto tenants. There were also concerns around enforceability of these controls, given that non-payment of fines would have to be pursued through court action.

1.2.3 The applicant also advised that electric gates were considered, however, this was discounted due to high costs, which would have to be passed onto tenants.

## 1.3 Relevant Planning History

1.3.1 Planning history associated with this site includes:

23/03530/FULL - Erection of security fence and gates, Refused March 2024.

1.3.2 Other planning history associated with this proposal includes:

17/03292/FULL - Erection of new buildings and conversion, part demolition, extension and refurbishment of existing buildings to form residential units and ancillary commercial floorspace (Classes 1, 2, sui generis take away and sui generis licensed premises and Class 10) with associated infrastructure, parking, landscaping, and access. Approved March 2019.

20/00916/FULL - Section 42 application to modify conditions 24, 25, 26 and 27 relating to car parking and cycle parking of planning permission reference 17/03292/FULL). Approved August 2020.

24/02980/FULL - Section 42 application to amend Condition 21 of 20/00916/FULL relating to car parking. Also 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 This application 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.

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 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 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 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 23: Health and safety

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

## **Adopted FIFEplan (2017)**

### **Policy 1: Development Principles**

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

### **Policy 3: Infrastructure and Services**

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

### **Policy 10: Amenity**

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

### **Policy 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 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.

## **2.0 Assessment**

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### **2.1 Relevant Matters**

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

- Principle of Development
- Design and Layout/Visual Impact
- Residential Amenity Impact
- Transportation/Road Safety

### **2.2 Principle of Development**

2.2.1 National Planning Framework 4 (NPF4) Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and FIFEplan (2017) Policy 1 (Development Principles) apply. These policies support development on brownfield land within defined settlement boundaries.

2.2.2 The application site is located within an established built-up area where there is a mixture of commercial and residential uses. The proposal is for the erection of fencing, gates and bollards along the northern boundary of the car park. As such, there is a presumption in favour of development and the principle of development can be accepted.

## **2.3 Design and Layout / 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 Concerns have been raised in submitted third-party objections regarding potential negative visual impact that may result from the proposal.

2.3.3 The proposed fencing, gates and bollards along the Campbell Street boundary of the car park would be in keeping with, and would have no detrimental visual impact on, the surrounding area. The neighbouring properties on the south side of the street are also fenced, with each having a different style of fencing. The addition of the proposed type of fencing would not, therefore, detract from the visual appearance of the surrounding area. The proposal would therefore comply with national and local policy and guidance in respect of design and visual amenity.

## **2.4 Residential Amenity**

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 relate to, but not limited to, privacy, overshadowing, noise and odour impacts. 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.

2.4.2 Concerns have been raised in submitted third-party objections regarding potential noise impacts that might arise from the proposal.

2.4.3 The closest residential properties to the application site are located on the opposite side of Campbell Street, approximately 10m to the north. The proposed fencing and gates along the northern boundary of the established parking area would have no impact on overshadowing or privacy within the surrounding area. The principal concern raised in submitted objections relates to potential noise impacts of the gates being operated. No significant concerns are raised in this regard, due to the mixed-use nature of the surrounding area and given the low level of noise that operation of the gates would likely generate. Whilst there would be an increase in noise levels, instances would be intermittent throughout the day and would not be deemed significant enough to warrant refusal of the application.

2.4.4 The proposal is therefore considered acceptable on balance and would therefore comply with the development plan.



## 2.5 Transportation/Road Safety

2.5.1 NPF4 Policy 18 (Infrastructure First) and FIFEplan Policy 3 (Infrastructure and Services) apply and support developments which provide adequate infrastructure to mitigate their impact, including but not limited to road safety. Further detailed technical guidance relating to this including parking requirements and visibility splays 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 regarding potential road safety impacts that may arise as a result of the development.

2.5.3 The car park currently contains 42 spaces, and the application proposal would result in the removal of 5 of these spaces. A separate Section 42 application (24/02980/FULL) has been submitted to amend a condition which relates to 42 spaces being retained within the car park. That application proposes to amend the wording of the condition, to allow 37 spaces to be provided. That application is also before Committee and has been recommended for approval.

2.5.4 The application site is a private car park which is for exclusive use by residents of the recently completed Pilmuir Works development. The applicant notes however that the car park is regularly being used by non-residents. This results in residents having to park elsewhere and potentially increasing on-street parking within the surrounding area. Fencing and gates are therefore proposed so that general access can be restricted. The proposal has been designed so that at least one vehicle can park clear of Campbell Street whilst opening the gates, which would ensure through traffic is not regularly blocked.

2.5.5 Fife Council's Transportation Development Management Team has been consulted on the proposal and offered no objections to the proposal, or the resultant loss of 5 parking spaces, given that the proposal would stop the misuse of the car park.

2.5.6 The proposal would raise no significant road safety concerns and as such, comply with the development plan in this respect.

## 3.0 Consultation Summary

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TDM, Planning Services

No objections.

## 4.0 Representation Summary

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4.1 12 third-party objections have been submitted. Concerns raised have been summarised below.

### 4.2 Material Planning Considerations

#### 4.2.1 Objection Comments:

Issue

Addressed in  
Paragraph

a. Campbell Street is already busy and operation of gates will cause further congestion.	2.5
b. Parked cars on both sides of Campbell Street causes existing traffic issues.	2.5
c. Operation of gates will require cars to park on street or pavement thereby causing safety issues for drivers and pedestrians.	2.5
d. Parking on the street is insufficient and this proposal will worsen the situation.	2.5
e. Existing car garage activities causes congestion on Campbell Street.	2.5
f. Gate/fence and bollards are unsightly.	2.3
g. Proposal will worsen air quality in the surrounding area.	No significant impacts would be anticipated.

#### 4.2.3 Other Concerns Expressed

Issue	Comment
a. Proposal would break local council and road traffic rules.	Not material.
b. Poor lighting of the car park raises safety concerns.	Not material.
c. Entrance/Exit from car park is wrong way round.	Not material.
d. Gates will not be properly maintain thereby having a negative visual impact on the surrounding area.	Not material.
e. A silent electric gate should be considered.	Not material.
f. Permit/paid on-street parking should be considered.	Not material.
g. Previous application rejected by court of session.	Not material.
h. Reopening of Inglis Lane and installing one-way system should be considered.	Not material.

## 5.0 Conclusions

The application proposal would raise no significant visual amenity or road safety concerns. Whilst the operation of the proposed gates may increase noise levels within the surrounding area, any impact is not likely to be significantly detrimental, given the mixed-use nature of the application site. Whilst the erection of the gates would result in the loss of 5 existing spaces, the proposal would prevent the misuse of the car park and the likelihood of on-street parking, by Pilmuir Works residents. The application therefore complies with the development plan and is recommended for approval.

## 6.0 Recommendation

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

## CONDITIONS:

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

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

## 7.0 Background Papers

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

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

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

[Planning Guidance](#)

Report prepared by Jamie Penman, Chartered Planner and Case Officer

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