

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

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

**6 December 2023**

**2.00 pm – 4.20 pm**

**PRESENT:** Councillors David Barratt (Convener), Lesley Backhouse, Alistair Bain, John Beare, James Calder, Ian Cameron, Altany Craik, Dave Dempsey, Derek Glen, James Leslie, Derek Noble, Gordon Pryde, Sam Steele and Andrew Verrecchia.

**ATTENDING** Derek Simpson, Lead Officer, Brian Forsyth, Planner, Bryan Reid, Lead Professional, Planning Services; Gemma Hardie, Solicitor, Steven Paterson, Solicitor and Emma Whyte, Committee Officer, Legal and Democratic Services.

**131. DECLARATIONS OF INTEREST**

Councillor Barratt declared an interest in Para, 135 - 23/01791/FULL - 8 Fordell Bank, Dalgety Bay, Dunfermline - as he was engaged in discussions with both the applicant and objectors.

**132. MINUTE**

The committee considered the minute of the meeting of West and Central Planning Committee of 8 November 2023.

**Decision**

The committee agreed to approve the minute.

**133. 22/02475/FULL - THE FOUNDRY CHARLESTOWN DUNFERMLINE**

The committee considered a report by the Head of Planning Services relating to an application for mixed-use (sui generis) development (part retrospective) comprising, siting of yurt for delivery of yoga classes; erection of outbuilding/part-use of grounds for delivery of therapy services; and erection of shed for purposes incidental to delivery of the therapy service.

The committee were advised that section 1.1.3 of the report had been amended to 4 to 5 per week instead of in total.

**Decision**

The committee agreed: -

(1) to approve the application subject to:-

(a) a section 75 agreement to secure the provision of required visibility splays; and

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- (b) conditions in line with the operational management plan.
- (2) that authority be delegated to the Head of Planning Services in consultation with the Head of Legal and Democratic Services to negotiate and conclude the section 75 Agreement necessary to secure the planning obligations; and
- (3) that authority be delegated to the Head of Planning in consultation with the Head of Legal and Democratic Services to finalise the terms of the appropriate planning conditions to be imposed.

*Councillor Craik joined during consideration of the above item.*

### **134. 23/01717/FULL - LAND TO THE NORTH OF INCHGARVIE AVENUE ABERDOUR ROAD BURNTISLAND**

The committee considered a report by the Head of Planning Services relating to an application for the erection of a dwellinghouse (Class 9) and garage with associated access and parking.

#### **Decision**

The committee agreed to: -

- (1) approve the application subject to the ten conditions and for the reasons detailed in the report; and
- (2) the addition of the following condition:-

Unless otherwise approved in writing by Fife Council as Planning Authority, the normal working hours for construction activities within the site shall be restricted to Monday to Friday between 8.00am to 6.00pm, 8.00am to 1.00pm on a Saturday and at no time on a Sunday or a Bank Holiday. No commercial vehicles associated with construction work shall enter or leave the site before 8.00am and after 6.00pm Monday to Friday; before 8.00am and after 1.00pm on a Saturday and at any time on a Sunday or a Bank Holiday. Outwith these hours, development at the site shall be limited to maintenance, emergency works, or construction work that is not audible from any noise sensitive property outwith the site.

Reason: In the interests of safeguarding the amenity of adjoining and nearby residents; to ensure construction activities are not undertaken at times that are likely to result in significant noise and vibration disturbance or dust generating nuisance to neighbouring occupiers.

*Councillor Barratt left the meeting prior to consideration of the following item, having earlier declared an interest. In the Convener's absence, the Depute Convener, Councillor Glen, chaired the meeting.*

### **135. 23/01791/FULL - 8 FORDELL BANK DALGETY BAY DUNFERMLINE**

The committee considered a report by the Head of Planning Services relating to an application for a change of use from public open space to form vehicular access and extended garden ground including the erection of boundary fence and gate (retrospective).

**Motion**

Councillor Glen, seconded by Councillor Pryde, moved to approve the application as per officer recommendation subject to a change to the condition to reduce the time to remove the gate within a period of 1 month due to safety reasons.

**Amendment**

Councillor Dempsey, seconded by Councillor Cameron, moved to refuse the application in the interest of protecting residential and visual amenity on the grounds that the application proposal by virtue of the consequential loss of an area of public open space would result in a detrimental impact on the visual amenity of the adjoining residential development as well as having a detrimental impact on the function and character of the public open space in the immediate neighbourhood. The application proposed would be considered to be contrary to Policies 14 and 21 of the adopted National Planning Framework 4 2023; Policies 1 and 10 of the adopted FIFEplan Local Development Plan 2017; and the adopted Making Fife's Places Supplementary Planning Guidance 2018.

**Roll Call**

**For the Motion** – 9 votes

Councillors Lesley Backhouse, John Beare, Altany Craik, Derek Glen, James Leslie, Derek Noble, Gordon Pryde, Sam Steele and Andrew Verrecchia.

**For the Amendment** – 4 votes

Councillors Alistair Bain, James Calder, Ian Cameron and Dave Dempsey.

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

**Decision**

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

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

**136. 23/01304/FULL - BANCHORY HOUSE KIRKCALDY**

The committee considered a report by the Head of Planning Services relating to an application for alterations to dwellinghouse including first floor extension, single storey extension, and erection of domestic garage.

**Motion**

Councillor Barratt, seconded by Councillor Noble moved to approve the application and delegate officers the authority to impose relevant conditions.

**Amendment**

Councillor Craik, seconded by Councillor Cameron, moved to refuse the application as per officer recommendation.

**Roll Call**

**For the Motion** - 9 votes

Councillors Lesley Backhouse, Alistair Bain, David Barratt, John Beare, Dave Dempsey, Derek Glen, James Leslie, Derek Noble and Sam Steele.

**For the Amendment** – 5 votes

Councillors James Calder, Ian Cameron, Altany Craik, Gordon Pryde and Andrew Verrecchia.

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

**Decision**

The committee agreed to approve the application with appropriate conditions delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to finalise the grant of planning permission with appropriate conditions in order to ensure that a decision on the application is not unduly delayed.

**137. 23/01305/LBC - BANCHORY HOUSE KIRKCALDY**

The committee considered a report by the Head of Planning Services relating to an application for listed building consent for alterations to dwellinghouse including first floor extension, single storey extensions and installation of bifold doors, and erection of domestic garage.

**Motion**

Councillor Barratt, seconded by Councillor Noble moved to approve the application and delegate officers the authority to impose relevant conditions.

**Amendment**

Councillor Craik, seconded by Councillor Cameron, moved to refuse the application as per officer recommendation.

**Roll Call**

**For the Motion** - 9 votes

Councillors Lesley Backhouse, Alistair Bain, David Barrat, John Beare, Dave Dempsey, Derek Glen, James Leslie, Derek Noble and Sam Steele.

**For the Amendment** – 5 votes

Councillors James Calder, Ian Cameron, Altany Craik, Gordon Pryde and Andrew Verrecchia.

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

**Decision**

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The committee agreed to approve the application with appropriate conditions delegated to the Head of Planning Services, in consultation with the Head of Legal & Democratic Services, to finalise the grant of planning permission with appropriate conditions in order to ensure that a decision on the application is not unduly delayed.

*The meeting adjourned at 3.40pm and reconvened 3.45pm.*

### **138. 23/01447/FULL - 73 - 75 HIGH STREET INVERKEITHING**

The committee considered a report by the Head of Planning Services relating to an application for a change of use of part of shop (Class 1A) to flatted dwelling (Sui Generis) including installation of replacement windows and door and erection of single storey extension.

#### **Decision**

The committee agreed to refuse the application for the following reasons: -

- (1) In the interests of protecting residential and visual amenity and good design; the Application proposal by virtue of its form, design and layout would result in an overdevelopment of the Application Site, having due and proper regard to the scale of the overall Application Proposal together with adverse residential amenity impacts in respect of the amount of useable external space and garden ground provision. It is therefore considered that the Application Proposal would not accord with the six (6) qualities of successful placemaking. The Application Proposal is therefore considered to be contrary to Policy 14 of the adopted National Planning Framework 4, 2023; Policies 1, 10 and 14 of the adopted FIFEPlan Local Development Plan 2017; and the adopted Making Fife's Places Supplementary Planning Guidance 2018, and
- (2) In the interests of road safety; the Application Proposal, having due and proper regard to the provisions of Appendix G contained within the adopted Making Fife's Places Supplementary Planning Guidance 2018 in respect of off-street parking provision and having due and proper regard to the locus of the Application Site within Inverkeithing Town Centre, in relation to the provision of development parking provision standards, the Application Proposal by virtue of the number of off-street parking spaces proposed/required would give rise to significantly adverse road and pedestrian safety concerns including vehicle turning and manoeuvrability resulting in an adverse impact on access visibility onto the surrounding road network. The Application Proposal is therefore considered to be contrary to Policy 13 of the adopted National Planning Framework 4 2023; Policies 1, 3 and 10 of the adopted FIFEPlan Local Development Plan 2017; and the adopted Making Fife's Places Supplementary Planning Guidance and Appendix G 2018.

### **139. 23/02089/FULL - BABCOCK MARINE MACMILLAN BUILDING CASTLE ROAD ROSYTH**

The committee considered a report by the Head of Planning Services relating to an application for installation of 2no. Solar Photovoltaic Arrays (5.64MW)

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combined) (Area A Frame Mounted 5.43MW, Area B Ground Mounted 0.21MW), with associated plant and infrastructure.

The committee were advised of several amendments to the conditions, specifically:-

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

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

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

5. BEFORE ANY WORKS START ON SITE; a Construction Environmental Management Plan ('CEMP') (comprising a Construction Method Statement, a Management Plan, Construction Traffic Management Plan (CTMP), an Environmental Protection Plan and a Scheme of Works to mitigate the effects on sensitive premises/areas from dust, noise and vibration relating to construction activities on site) shall be submitted to, and approved in writing by, Fife Council as Planning Authority. FOR THE AVOIDANCE OF DOUBT, British Standard BS 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" shall be consulted. All construction works shall then be carried out in full accordance with the approved details.

Reason: In the interests of safeguarding amenity

17. The developer shall secure the implementation of a watching brief for badgers, to be carried out by a suitably qualified professional, during site clearance and development work. The retained qualified professional shall be afforded access at all reasonable times to observe work in progress. In the event evidence of badgers and/or their setts are discovered on site, no further site clearance or development works shall be undertaken until a report of findings and recommended mitigation measures has been submitted to and approved in writing by Fife Council as Planning Authority. The approved mitigation measures shall thereafter be carried out in full at the period in the development specified within the report.

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FOR THE AVOIDANCE OF DOUBT, badger setts shall not be removed between 1st July and 30th November, inclusive, each year.

Reason: In the interests of protecting badgers and their setts.

18. No tree works or scrub clearance shall occur on site from 1st April through to 31st October, inclusive, each year unless otherwise agreed in writing with this Planning Authority prior to clearance works commencing. The developer shall secure the implementation of a watching brief for bats, to be carried out by a suitably qualified professional, during site clearance and development work between 1st November and 31st March, inclusive.

In the event that clearance work is proposed between 1st April through to 31st October, inclusive, appropriate bat activity surveys and static detector surveys shall be carried out by a suitably qualified professional prior to works commencing in the proposed clearance area. A report of the investigations (prepared by a suitably qualified professional), which shall specify suitable mitigation measures if required, shall be submitted for the written approval of Fife Council as Planning Authority before any site clearance works take place. The approved mitigation measures shall thereafter be carried out in full at the period in the development specified within the report.

Reason: In the interests of protecting foraging and commuting bats.

21. NO DEVELOPMENT SHALL COMMENCE ON SITE until a Radiological Walkover Survey report has been submitted to and approved in writing by the Planning Authority. The survey methodology shall be submitted to and approved by the Planning Authority in consultation with SEPA prior to the survey taking place. The survey shall be completed in accordance with The Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended). Any radioactive material or radioactive waste arising shall be regulated in accordance with the Environmental Authorisations (Scotland) Regulations 2018. That, where recommended by the Radiological Walkover Survey report, a detailed remediation strategy shall be submitted for the written approval of the Planning Authority. Prior to the energisation of the development, a validation report confirming that all necessary remediation works have been undertaken shall be submitted for the written approval of the Planning Authority.

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

### **Decision**

The committee agreed to approve the application subject to the 22 revised conditions.

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

### **Decision**

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